INMATE WORKER PROGRAM

POLICY.

It is the policy of the Deschutes County Adult Jail (DCAJ) and Work Center (WC) to have an inmate worker program to provide inmates with the opportunity to work so inmates may learn job skills, develop work habits, and have less idle time. In addition, this policy will allow DCAJ and WC to reduce labor costs.

PURPOSE.

The purpose of this policy is to establish procedures for the inmate worker program. The procedures in this policy do not give inmates any rights or liberty interests they do not already have by law.

OREGON JAIL STANDARDS:

- A-107 Compliance with ADA
- E-112 Tool & Material Control
- E-303 Basis for Conducting Searches
- H-205 Use of Inmates in Jail Maintenance
- I-401 Inmate Work Programs
- I-402 Pretrial Detainees
- I-403 Convicted Inmates
- I-404 Compensation for Inmates
- I-405 Work Credit
- I-406 Worker Safety
- I-407 Supervision

REFERENCES:

- ORS 169.120, Credit for Work
- ORS 169.170, Assignment of County Prisoners to Public Work
- ORS 169.190, Transfer of Prisoners to Another County For Public Work
- ORS 169.210, Contracts for Private Employment of Prisoners; Agencies having Power to Work Prisoners
- ORS 169.320, Control over Prisoners; Work by Prisoners
DEFINITIONS.

Deschutes County Work Center (WC). A minimum security corrections facility near DCAJ which houses sentenced inmates. Inmates at WC may participate in the inmate worker program, work crew program, and/or available treatment programs.

Inmate Work Crew. A group of sentenced inmates assigned to a work detail for a public entity or community service project, under direct supervision of a corrections deputy.

Programs Deputy. A corrections deputy assigned programs related duties. The programs deputy(s) assists in scheduling and coordinating programs, including the inmate worker program.

Programs Supervisor. The supervisor who is responsible for programs at DCAJ or WC. They also supervise the Programs Deputy, Programs Specialist and Classification Specialists.

PROCEDURES.

SECTION A: RESTRICTIONS ON OR REQUIREMENTS FOR WORK

A-1. Inmates do not have a right to work in inmate worker positions. Assignment to an inmate worker position is a privilege revocable at any time. All inmates will participate in routine, daily cleaning of personal and shared living areas of the facility where they are incarcerated, which is not considered inmate worker duty.

A-2. Pretrial detainees and inmates serving Parole and Probation sanctions may hold inmate worker positions only on a voluntary basis, without any form of compensation. However, regardless of whether or not they volunteer for worker positions, both will participate in general housekeeping duties such as cleaning their individual living areas.

A-3. Corrections staff may assign convicted inmates to facility and public work projects, programs, general sanitation and housekeeping duties involuntarily.

SECTION B: INMATE WORKER PROGRAM

B-1. Inmate worker program assignments may include the following:
   b. Sanitation workers (janitorial and cleaning of either facility).
   c. Laundry workers.
   d. Clothing repair/sewing.
   e. Grounds maintenance (outside).
   f. Car wash detail.
   g. Work crews or other discretionary work projects as authorized by command staff.
   h. Equipment work (assisting the equipment/automotive shop).
i. Maintenance work, such as painting or deep cleaning.

B-2. The programs supervisor may recommend new inmate worker positions. Corrections staff that see the potential usefulness of an inmate worker in a specific area should contact the programs supervisor.

B-3. Eligible inmate workers may receive work credit as compensation for work performed. Inmates enrolled in programs other than the inmate worker program will learn life skills that will benefit themselves and the community. Inmates enrolled in programs other than the inmate worker program will also be required to perform routine work assignments, so they may earn inmate worker credit also. The inmates will be reviewed at least twice monthly and proper work time credit will be subtracted from their sentences per ORS 169.120. This will be recorded in the Jail Management System (JMS) under the Calculate Release by Charge screen. In addition, the inmate will sign the Work Credit Adjustment Form No. 614, acknowledging the adjustment. Inmate workers may receive extra privileges, such as extra recreation yard and/or expanded commissary privileges. The County will not provide monetary compensation for an inmate worker or enter into any contract with an inmate for monetary compensation.

B-4. Working in an inmate worker position is a privilege earned by good conduct. Inmates must meet the following conditions for consideration for inmate worker status:

   a. Be eligible for Supervision Level I or II.
   b. Sentenced inmates will have priority. Pre-sentenced inmates who volunteer must have B felony or lower charges, all non-violent.
   c. Demonstrate responsible and cooperative behavior while in DCAJ or WC.
   d. Demonstrate appropriate behavior, i.e. no formal disciplinary action for 21 days and/or no written warnings for a period of 7 days.
   e. Treatment program candidates will be assessed by programs staff to determine eligibility.
   f. Inmates will complete a Programs Application Form No. 623 to be eligible for the inmate worker program.

B-5. Maximum, or high-risk inmates, are not eligible.

B-6. Any corrections deputy may recommend an inmate for inmate worker status based on their performance and behavior while in DCAJ or WC custody. Judges and probation/parole officers may make recommendations for an inmate to attend available treatment programs.

B-7. Health care staff must complete a health assessment on inmates for any inmate worker assignment. Health care staff will forward a copy of the medical clearance to the programs deputy. The inmate will not be assigned to worker duties without this clearance. Medical staff should communicate this information to programs staff utilizing the Inmate Worker Medical Authorization Form No. 628.
B-8. The programs supervisor or designee:
   a. Will interview inmates to evaluate their skills, goals, and limitations before selecting
      the inmate as an inmate worker. The programs supervisor will place an inmate in a
      position that will best meet his or her abilities and needs, and the needs of the facility.
   b. Will not discriminate because of sex, race, religion, disability or national origin when
      selecting inmate workers. Disabled inmates may request reasonable accommodations
      to assist them in performing the essential functions of a position, in compliance with
      the Americans with Disabilities Act. Corrections staff will not be required to create
      an inmate worker position for a disabled inmate if the position was not already in
      existence.
   c. Will maintain a list of all inmates approved to be inmate workers. The list will
      contain the names, job assignment, and work schedule for the inmates. The programs
      supervisor will, whenever possible, designate some inmates as alternates to enable
      shift supervisors to fill vacancies in positions at times when the programs supervisor
      is not available.
   d. Will manage and track inmate work assignments, health appraisals, work evaluations
      and inmate worker agreements.
   e. Will approve inmate worker time and coordinate all termination and reassignment
      actions. The decision to remove an inmate worker from worker status is at the
      discretion of the programs supervisor, his designee or any shift supervisor. If a
      deputy wishes to remove an inmate from worker status for cause, he must first receive
      approval from a supervisor. Whenever an inmate is removed from the work program,
      a written Incident Report in JMS needs to be forwarded to the programs supervisor
      immediately. The programs supervisor, or his designee, must generate an accurate
      time computation when an inmate’s work status is started, terminated or changed. It
      may be necessary for a shift supervisor to complete this in the absence of the
      programs supervisor, in extremely urgent or time-sensitive cases. (Note: Failure to
      complete the updated time calculation may result in inaccurate release dates.)
   Reasons to terminate an inmate from worker status or reassign the inmate are as
   follows:
   1. Rule violation.
   2. Change to a higher supervision level.
   3. Having an injury or illness that would result in substantial time off (more than
      three consecutive days unless approved by jail medical staff).
   4. Refusal to work or behavioral problems while working.
   5. Inability to perform required job duties.
   6. Inability to work required work schedule because of programs or other activities.
   7. Behavioral problems during recommended activities or refusal to participate
      recommend activities.
   8. Termination from recommended program activities due to behavioral problems.
   9. Refusal to submit to a search.
   10. For the safety, security, good order, or operational requirements of the facilities.
   11. Noncompliance or other actions disruptive to the treatment program.
SECTION C: ORIENTATION AND TRAINING

C-1. The programs supervisor or designee will give all inmates an initial orientation before beginning their work duties. The orientation will include an explanation of the Inmate Worker Agreement Form No. 604, expected behaviors and consequences, and relevant rules and procedures. Inmate workers must demonstrate an understanding of and sign the Inmate Worker Agreement Form No. 604 before beginning their work assignments.

C-2. Inmates must successfully complete training specific to their work assignments before beginning their work duties. The programs supervisor or designee will facilitate the training of the inmates. Inmates will be trained to report injuries and concerns for unsafe work environments. Inmates will not train other inmates.

C-3. Inmates may complete training on more than one job assignment, before work duties begin, if it is determined that an inmate may be used in more than one assignment.

C-4. Inmate worker training and on-the-job experience will replicate current job market demand whenever possible. After completion of orientation and initial training, inmate workers will sign one of the following, dependent upon assignment: Food Handler Education Form No. 635, Inmate Worker Health and Safety Orientation Form No. 636, Sanitation Orientation and Training Form No. 637, or Laundry Worker Orientation and Training Form No. 638.

C-5. Inmate workers may be provided with additional routine safety training to include:
   a. Sanitation
   b. Safety Procedures
   c. CPR

SECTION D: SUPERVISION

D-1. Depending on an inmate workers’ assignment, staff will supervise them to make sure they are handling work instruments properly, performing their job satisfactorily, and correcting them when necessary. Those supervising inmate workers must not leave the workers alone for extended periods for both safety and security reasons. They must check on inmates routinely and randomly whenever inmate workers are not under constant supervision. Supervision may include direct or indirect supervision by the programs supervisor, programs deputy, specific work supervisors, DCAJ and WC deputies, corrections shift supervisors, contract food-service employees, maintenance personnel or automotive/equipment personnel.

D-2. Corrections deputies will conduct hourly checks on inmates assigned to the kitchen and laundry. This will be in addition to video surveillance. The deputies will conduct random checks of the inmate work stations and log in JMS.
D-2. Corrections deputies must not compromise safety or security in the supervision of a work crew of any size. The number of deputies an inmate work crew will need depends on where the work is taking place; the type of work being performed; the type of tools, materials, and equipment accessible to the inmates; and the complexity of the work being performed. Male and female inmates may be on the same work crews.

D-3. While working within DCAJ or WC, corrections staff will not allow an inmate worker of one sex to go into a living area of the opposite sex or be in the proximity of inmates of the opposite sex, except to serve meals, pick up trays or other work activity as approved and constantly supervised by corrections deputies.

D-4. One inmate may not supervise another inmate or have any authority over him.

D-5. Corrections staff will provide a safe and healthy work environment for inmate workers that complies with federal, state, and local work health and safety laws, codes and standards. Staff must not be deliberately indifferent to the health and safety of working inmates. The County does not provide workers’ compensation coverage for inmates.

D-6. The programs supervisor, programs deputy or work crew deputy will give a general health and safety orientation to inmates before they begin their work assignments. Work supervisors for specific work assignments will explain the health and safety requirements of the position upon an inmate’s initial assignment and as changes occur.

D-7. The programs supervisor, programs deputy or a specific work supervisor will post information about the safe operation of equipment or use of chemicals in appropriate areas.

D-8. All inmate workers will successfully complete the health and safety aspects of training, specific to their work assignment, before beginning work duties.

D-9. The programs supervisor will review quarterly the health and safety requirements of their specific inmate worker training plan.

D-10. The deputy supervising any inmate injured to any degree, on the job, will seek the appropriate medical care and follow up. The inmate will not be billed for the medical treatment. The deputy must complete an incident report in JMS before the end of their shift. This report should be forwarded to the programs supervisor and the Safety Committee for review. The deputy will also complete an Inmate Injury/Accident Report and forward this report through the chain of command to the Sheriff.

SECTION E: WORK REQUIREMENTS

E-1. Inmate workers will follow all DCAJ and WC rules. In addition, supervisors of inmate workers will develop specific rules of conduct for the inmate worker positions in their areas. Supervisors, or assigned staff, will brief inmate workers on the rules upon their initial assignment to the duties. The following is a list of general rules of conduct:
a. Inmate workers will not use their work assignment to their own advantage, to gain favors, or to pressure other inmates.
b. Inmate workers will perform their work assignments to the best of their abilities without complaint or argument. If they cannot perform, they must report to corrections staff.
c. Inmate workers will not talk to other inmates, outside of inmates housing area, unless it is in the performance of their assigned work duties.
d. Inmate workers must submit to searches of their person or property whenever a deputy requests.
e. Inmate workers will follow the rules of DCAJ and WC.
f. Inmate workers will follow instructions and maintain a proper working relationship with corrections staff and food-service staff.
g. Inmate workers will be respectful of the rights and needs of other inmate workers.
h. Inmate workers will maintain a clean and sanitary personal appearance and maintain a clean dorm area.
i. Inmate workers will be showered and ready to work at the designated time.
j. Inmate workers will eat what is served to the general inmate population.

E-2. The programs supervisor will work with facility and project supervisors (such as for government agencies with which we have contracted work crews) in setting the schedules of inmate workers. Inmate workers will not determine their own schedules. Corrections deputies will check worker schedules so they know who to allow out to work and when. The WC supervisor or his designee will set the schedules of inmate workers according to needs and post schedules for the WC.

E-3. An inmate’s workday should approximate the workday in the community; however, they may not have regularly scheduled days off. Corrections deputies will send inmate workers to their work assignments according to the work schedule unless the programs deputy, programs supervisor or shift supervisor approves otherwise. Inmate workers will work their entire shift. A work crew supervisor, programs deputy, programs supervisor, other approved work supervisor, or a corrections nurse may request time off for an inmate if there is a valid reason.

E-4. Inmate workers may not refuse to work, unless clear justification exists to support their refusal. Inmate workers refusing to work will be promptly removed from the inmate worker program and may face disciplinary action for poor work performance. See DCAJ Policy CD-6-3, Rules and Discipline.

E-5. Medical staff must evaluate any inmate who is unable to report to work or who left work due to an illness or injury prior to returning to work. If the inmate was on duty, the inmate must report to the medical department before returning to the dorm, if possible.

E-6. Inmate workers may not have social visits or conduct personal business during work shifts. When feasible, corrections staff will let inmate workers leave work for an attorney visit, court, recommended program, or other legal, medical, or reason in the interest of
The inmate must return to work promptly after the event. The staff member supervising the inmate worker may call the appropriate work dorm and request a replacement if the inmate will be absent for an extended period.

**E-7.** Corrections staff will have inmate workers wear distinctive clothing that is clearly labeled with the facility name or, “Inmate Worker.” The Work Center supervisor will maintain a collection of work related clothing (i.e. jackets, gloves and boots). Inmates working on work crews may also be assigned a bright vest and cap labeled as, “Inmate Worker.”

**SECTION F: FACILITY SECURITY AND INMATE WORKERS**

**F-1.** Inmates will only use tools and materials under the direction and supervision of corrections (or other authorized) staff.

**F-2.** Corrections deputies will subject inmate workers to routine and random pat down and unclothed searches.

**F-3.** Corrections staff must not place inmate workers in positions that would provide them with knowledge of facility security systems or equipment.

**F-4.** Only the following people may escort inmate workers outside the security perimeter:

a. Corrections deputies, shift supervisors or corrections lieutenants/captain.
b. Work Center supervisor or programs deputy.
c. Maintenance or equipment/automotive personnel (on campus only).
d. Other Sheriff’s Office personnel, as approved by the Corrections Commander.

**FORMS USED:**

- Inmate Worker Agreement Form No. 604
- Inmate Work Credit Adjustment Form No. 614
- Inmate Programs Application Form No. 623
- Inmate Worker Medical Authorization Form No. 628
- Inmate Worker Injury/Accident Report
- Food Handler Education Form No. 635
- Inmate Worker Health and Safety Orientation Form No. 636
- Sanitation Orientation and Training Form No. 637
- Laundry Orientation and Training Form No. 638