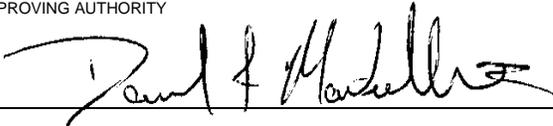


 Corrections and Community Supervision DIRECTIVE	TITLE Inmate Labor Projects		NO. 3055
			DATE 8/20/2015
SUPERSEDES DIR #3055 Dtd. 7/30/2014	DISTRIBUTION A	PAGES PAGE 1 OF 7	DATE LAST REVISED
REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

I. **DESCRIPTION:** To set forth standard procedures and guidelines for ascertaining whether inmate labor can be utilized on proposed work projects that are located inside of and outside of the Department's facilities.

II. **REFERENCES**

- Directive #3053, "Alterations/Construction Request"
- Correction Law Sections 72, 177, & 186
- Public Buildings Law Section 19
- State Finance Law Section 127(3)

III. **POLICY STATEMENT:** One of the primary goals of the Department's inmate training and education programs is to ensure that inmates are well prepared to compete for and obtain productive employment upon release. These programs also prevent inmate idleness and allow the Department to improve its own facilities as inmates are trained. As part of these rehabilitative programs, the Department uses the services of qualified inmates to perform maintenance, construction, or renovation at Department facilities. Inmates may also perform work for governmental and not-for-profit organizations that would otherwise be unable to accomplish the tasks which the inmates perform.

The Department will make every effort to use inmate labor and training programs in a manner that will not conflict with the civilian work force's efforts to obtain jobs. In particular, work projects that are located outside of the Department's facilities to be performed for governmental organizations, which would otherwise be subject to the law regarding prevailing wage, must fall within the specified \$25,000 labor costs guideline in order for inmate labor to be utilized. Outside work projects to be performed for not-for-profit organizations, although not subject to the law regarding prevailing wage, must satisfy the guideline regarding the lack of available funding in order for inmate labor to be utilized.

IV. **DEFINITIONS**

- A. **Not-For-Profit Organization:** An organization that is formed for a purpose other than profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- B. **Governmental Organization:** A State, Federal, County, or local (Town or Village) entity or political subdivision thereof.
- C. **Prevailing Wage Rate:** The wage rate determined by the State Department of Labor for the particular trade that would be utilized on a public work project hiring civilian workers in the county where the project is located.

- D. “Major” Construction or Renovations: Shall mean any project requiring the Office of General Services or a licensed professional engineer or architect to prepare plans and specifications and where the labor costs, computed on the basis of the prevailing rate for the appropriate trades, does exceed \$100,000 per project within a three month period.

V. INMATE WORK PROJECTS PERFORMED FOR NOT-FOR-PROFIT ORGANIZATIONS

- A. Before any inmate work project may be performed for the benefit of a not-for-profit organization, the requesting organization must be made aware of the Department’s Guidelines for Inmate Work Crews (Attachment A) and fill out and sign a Formal Request Form (Attachment B) which contains the express representation that the organization does not have the funding nor the manpower to undertake the requested work.
- B. The facility Superintendent will review all requests for inmate work crew assistance and will ensure that the requesting organization receives a copy of the Inmate Work Crew Guidelines and submits the formal request form. Upon receipt of a filled out formal request, the Superintendent will assign a supervisor the responsibility for contacting the organization and scheduling a site visit and evaluation of the requested work project.
- C. Upon completion of the site visit and evaluation, the supervisor will complete the Site Visit Report (Attachment C) and return it to the Superintendent. The Superintendent will review the report and either approve or disapprove the requested work project. The Superintendent may disapprove the project on the basis of security concerns, community concerns, or for any other good cause.
- D. If the Superintendent approves the requested work project, he or she will forward a copy of the Formal Request Form and the site survey form to the Inmate Labor Coordinator. Thereafter, the coordinator will send an e-mail to the Superintendent either approving or disapproving the requested work project.
- E. The Superintendent will number and log all approved work projects in the order of receipt. The Superintendent may, in his or her discretion, change the scheduled assignment of inmate work crews on the basis of nature, need, and urgency of submitted requests.

VI. INMATE WORK PROJECTS PERFORMED FOR GOVERNMENTAL ORGANIZATIONS

- A. Before any inmate work project may be performed for the benefit of a governmental organization, it must first be determined that the proposed project would not otherwise require plans and specifications and would not exceed \$25,000 in labor costs over a three month period if the project were to be performed by workers subject to prevailing wage. In addition, the requesting organization must be made aware of the Department’s Guidelines for Inmate Work Crews (Attachment A) and fill out and sign a Formal Request Form which contains the express representation that the organization does not have the funding or the manpower to undertake the requested work.

- B. If the inmate work project to be performed could be done by a union worker (masonry, carpentry, painting, etc.), the request is subject to notification of the NYS Building & Trades Council (NYSB&TC). The requesting agency (State, Town, Village, etc.) must agree to hire a journeyman to be present and paid the prevailing wage rate for the County wherein the job is located. A NYSB&TC Form (Attachment D) must be filled out and included with the formal request and site visit report. The Director of Facilities Planning & Development will then notify the NYSB&TC of the pending job with a "cc" to the Superintendent of the requesting facility. The NYSB&TC will be expected to contact the requesting agency regarding the availability of a union worker to be sent to the site before the inmates can perform the work.
- C. The facility Superintendent will review all requests for inmate work crew assistance and will ensure that the requesting organization receives a copy of the Inmate Work Crew Guidelines and submits the Formal Request Form. Upon receipt of a filled out Formal Request, the Superintendent will assign a supervisor the responsibility for contacting the organization and scheduling a site visit and evaluation of the requested work project.
- D. Upon completion of the site visit and evaluation, the supervisor will complete the Site Visit Report (Attachment C) and return it to the Superintendent. The Superintendent will review the report and either approve or disapprove the requested work project. The Superintendent may disapprove the project on the basis of security concerns, community concerns, or for any other good cause shown.
- E. If the Superintendent approves the requested work project, he or she will forward a copy of the Formal Request Form and the site survey form to the Inmate Labor Coordinator. The coordinator will review the documentation to ascertain if the work project falls below the threshold \$25,000 prevailing wage labor costs over a three month period. Thereafter the coordinator will send an e-mail either approving or disapproving the requested work project.
- F. The Superintendent will number and log all approved work projects in the order of receipt. The Superintendent may, at his or her discretion, change the scheduled assignment of inmate work crews on the basis of nature, need, and urgency of submitted requests.

VII. INMATE LABOR PROJECTS PERFORMED FOR DEPARTMENT FACILITIES

- A. Inmate labor projects performed for the Department of Corrections and Community Supervision's correctional facilities shall conform to procedures specified in Directive #3053.

VIII. GUIDELINES & REPORTS

- A. All community services crews, outside crews, and other inmate crews used for projects at the facility or in the community shall utilize the Work Crew Safety Program Manual for each project. The Work Crew Safety Program Manual is issued by the Deputy Commissioner for Correctional Facilities. Local adaptations to, exceptions to, or departures from the provisions of this Manual shall only be made with written permission of the Deputy Commissioner for Correctional Facilities.
- B. The Superintendent of each facility shall be responsible for the Community Services Monthly Report. Reports are to be sent utilizing EFORM CSMR to the Deputy Commissioner for Correctional Facilities (999EXCDDJ) no later than C.O.B. on the 15th of each month. If a facility does not do these type of projects, they must submit a monthly report indicating there was none.

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
INMATE WORK CREW GUIDELINES

All governmental and not-for-profit organizations requesting the assistance of a Department of Corrections and Community Supervision facility inmate work crew must be aware of and agree to comply with the guidelines set forth below as a precondition to the assignment of a work crew.

1. No favors are to be performed for nor is anything to be given to any inmate at any time from anyone where Department inmates are assigned to a work project. This includes food, beverages, and gifts, etc.
2. No contraband may be located on the premises where the work is to be performed. This includes weapons, drugs, alcoholic beverages, sharp knives, or other articles which, if possessed by an inmate or introduced into a correctional facility, could compromise facility safety or security.
3. Civilian personnel who may be present at the work site shall not interact with any inmates. Inmates comprising the work crew shall at all times be under the supervision of and receive instructions from an assigned work crew Correction Officer. Contact with general public is strictly prohibited.
4. Inmates may only work in areas where the assigned work crew Correction Officer can continually observe the activities of the inmates in his or her charge.
5. If an inmate becomes ill or injured, the work crew Correction Officer will immediately return the entire work crew to the facility.
6. Motor vehicles at the job site, when unattended, should be locked. No unattended vehicle should be left running or left with the keys in the ignition.
7. The assigned work crew Correction Officer shall provide all directions to the inmates in the performance of their duties.
8. No Correction Officer staff overtime may be used to complete a work project.
9. Where the worksite is sometimes used as a place of worship, e.g., a church, mosque, or synagogue, no religious ceremonies can be conducted at the site at the time the inmate work crew is present, nor can any work be performed by the inmate work crew upon any intrinsically or symbolically religious items, e.g., statues, altars, tabernacles, etc.
10. No pictures/photos/videos of staff or inmates will be permitted.

FORMAL REQUEST FOR THE ASSISTANCE OF A DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION FACILITY INMATE WORK CREW

Job Log # _____

To: Superintendent _____ FACILITY: _____

From: Organization Name _____ Address _____

The above listed organization is a Not-For-Profit/Governmental Organization (circle appropriate category) which is requesting the assistance of a facility inmate work crew for the following project:

Project Name _____

Location (including County) _____

Travel Directions _____

Description of Project _____

Specialized Skills Needed (i.e., painting, carpentry, masonry) _____

**JOURNEYMAN REQUIRED (Governmental Agencies): _____ (see notation below)

Equipment/Material Needed: _____

Will Organization Supply Needed Equipment or Materials? Yes _____ No _____

Bathroom Facilities available? Yes _____ No _____ Shelter Available? Yes _____ No _____

Will crew have occasion to be on or cut across private property (other than project property)? Yes _____ No _____

Will crew have occasion to be working in water? Yes _____ No _____

If yes, explain: _____

Are any of the following in the immediate vicinity of the projects? Child Care, Day Care, School, etc. Yes ___ No ___

Firearms/weapons Yes ___ No ___

(If yes, please explain) _____ Alcohol Yes ___ No ___

Estimated Number of Days to complete Project: _____ Requested Date(s): _____

Remarks: _____

The above-listed organization represents that the assistance of an inmate work crew is being requested of the Department of Corrections and Community Supervision since this organization is not able to have the project performed by civilian workers. This organization does not have the requisite funding to employ civilian workers and does not have available staff on hand to undertake the project. Furthermore, this organization has been made aware of and agrees to fully comply with the Inmate Work Crew Guidelines of the Department of Corrections and Community Supervision in the assignment of any inmate work crew.

Where the worksite is sometimes used as a place of worship, the above-listed organization represents that no religious ceremonies will be conducted at the site at the time the inmate work crew is present and that the organization understands that the inmate work crew will not perform any work upon any intrinsically or symbolically religious items.

**For Governmental jobs – the requesting agency, i.e., State, Town, Village, etc., must agree to hire a Journeyman to be present and paid the prevailing wage rate for the County which the job is located for Union related labor jobs, i.e., painting, carpentry, masonry, etc.

Signature of Organization Authorized Representative: _____ Date: _____

Please Print Name: _____ Telephone # of Contact: _____

And Address _____

SITE VISIT REPORT

Assigned Supervisor _____ Date of Site Visit _____

Requesting Organization _____

Organization Contact Person _____ Phone # _____

Directions to Site: _____

Nearest Law Enforcement Agency _____ Phone # _____

Nearest Fire Squad/Company _____ Phone # _____

Nearest Ambulance Company _____ Phone # _____

Scope of Work: _____

Specialized Skills

Needed: _____

Specialized Equipment

Needed: _____

Journeyman needed? Yes ___ No ___ (If yes, please provide the proper form. If more than one trade is involved, please assign percentages including which trade will receive the work (e.g., carpentry 60%, painting 40%)).

Bathroom Facilities Available? Yes ___ No ___ Shelter Available? Yes ___ No ___

No. of Inmates on Crew ___ Work Day = ___ hours. Days required ___

ESTIMATION OF MAN HOURS NEEDED TO COMPLETE REQUESTED JOB _____

Date of Site Visit: _____

Site Evaluation and Recommendations by Assigned Supervisor: _____

Signature of Assigned Supervisor: _____

Approved/Disapproved (circle one)

Signature of Superintendent _____

Job Log # _____ Date: _____

NEW YORK STATE
Building & Construction Trades Council

New York State Department of Corrections and Community Supervision

Municipality _____
 County _____
 Contact Person _____
 Address _____
 Phone (_____) _____

Correctional Facility _____
 Contact Person _____
 Address _____
 Phone (_____) _____

Please describe in detail the nature of the work to be performed. If more than one trade is involved, please assign percentages indicating which trade will receive more of the work (e.g., carpentry 60%, painting 40%).

Anticipated number of inmates who will be working on the project: _____

Anticipated duration of the project: _____

For Office Use:	
BTC	_____
Contact	_____
Date	_____

