
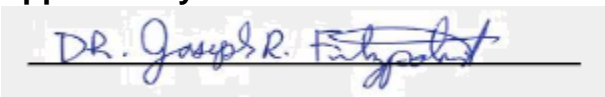


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<b>POLICY NUMBER: 25.1</b>		
<b>CHAPTER 25: WORK OPPORTUNITIES AND INDUSTRIES</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b> <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
<b>EFFECTIVE DATE:</b> August 26, 2005	<b>LATEST REVISION:</b> June 6, 2016	<b>CHECK ONLY IF</b> APA [ ]

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

All Departmental Adult Facilities

**III. POLICY**

It is the policy of the Department of Corrections to establish work opportunities for eligible prisoners at each of its adult facilities that afford prisoners the opportunity to learn job skills and develop good work habits and attitudes that they can apply to jobs following their release. Where possible, adult facilities shall provide opportunities and services that encourage prisoners to make restitution to their victim(s) and/or the community.

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## VI. PROCEDURES

### Procedure A: Prisoner Work Plan

1. The facilities shall use advice and assistance from labor, business and industrial organizations to assist in providing prisoners skills relevant to the job market.
2. Each facility Chief Administrative Officer, or designee, shall designate a staff member (Workforce Coordinator) to develop a written plan for work, industry or vocational training program assignments for general population and protective custody prisoners at the facility. All assignments set out in the plan must be approved by the Commissioner, or designee, prior to implementation.
3. The facility work plan shall include:
  - a. a list of all work, industry or vocational training program assignments;
  - b. total number of positions for each assignment;
  - c. whether the positions are full or part-time;
  - d. assignments available for prisoners with limitations or disabilities;
  - e. assignments available for protective custody prisoners;
  - f. assignments that receive monetary compensation (including rate of pay/pay grade);
  - g. assignments that require clearance by designated security staff;
  - h. assignments that require prerequisites/specialized skills;
  - i. assignments that require specific safety training (e.g., use of tools, handling of hazardous materials, etc.) or safety equipment (e.g., protective equipment, safety guards, etc.);
  - j. assignments that incorporate soft skills training (e.g., resume writing, job search, job interviewing, etc.)
  - k. assignments that require a particular custody level.
4. The facility work plan shall be submitted to the Commissioner, or designee, for review at least annually, and revised as needed.
5. In developing assignments, priority shall be given to those assignments required to meet institutional needs (e.g., kitchen, laundry, maintenance, etc.).
6. Each work supervisor shall develop a written description for all assignments for his or her work crew.
7. On the first day of assignment to the work, industry or vocational training program area, the work supervisor shall provide the prisoner with orientation to the assignment, to include the rules, regulations and expectations for the assignment. The work supervisor shall also provide training with respect to the use of any required protective equipment, safety guards, etc., the handling of hazardous materials, and the proper use of tools and/or equipment. A form

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documenting this orientation and training shall be signed by the prisoner and the work supervisor. The form shall be maintained by the work supervisor.

8. Prisoners are not permitted to perform any work of a personal nature for anyone unless such work is part of an approved work program (e.g., auto body repair, furniture upholstery) without prior written authorization from the Chief Administrative Officer, or designee.
9. Inasmuch as possible, the prisoner work day should approximate the workday in the community. A prisoner work assignment shall not exceed ten (10) hours in a 24 hour period, unless approved by the Chief Administrative Officer, or designee.
10. Each work, industry, and vocational training program shall be inspected weekly by qualified facility staff, and monthly by the facility Safety Officer, according to the facility's inspection schedule.
11. Each facility's work, industry and vocational training programs shall be inspected by state or local health and safety officials at least annually to ensure that the programs meet minimum applicable health and safety standards.

**Procedure B: Eligibility Requirements**

1. All work, industry or vocational training program assignments are granted at the discretion of the Department of Corrections and are considered a privilege, not a right.
2. A general population prisoner is eligible for a work, industry or vocational training program assignment. A protective custody prisoner is eligible for a work, industry or vocational training program assignment except to the extent that such an assignment must be limited consistent with reasonable precautions designed to protect prisoner safety, security or orderly management of the facility.
3. The prisoner shall be directed to the Workforce Coordinator or the Correctional Caseworker/Correctional Care and Treatment Worker for information on work, industry or vocational training program assignments available within the facility.
4. The prisoner's Correctional Caseworker/Correctional Care and Treatment Worker shall meet with each prisoner on his or her caseload and discuss the benefits of a work, industry or vocational training program or education program assignment.
5. Depending on the work, industry or vocational training program, prisoners may be allowed to submit applications.
6. A work or industry supervisor may personally interview prisoners prior to assignment to the crew or industry program when positions require special skills or are paid positions.
7. A vocational training instructor may personally interview prisoners prior to assignment to the program.

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8. Except as set out below, the facility's Classification Committee/Unit Team, in consultation with the facility's Workforce Coordinator, shall make the determination as to eligibility and shall either approve or deny the assignment, considering the prisoner's custody level, qualifications, recommendation from the supervisor or instructor, etc.
9. In the case of a prisoner on a facility watch list, the Classification Committee/Unit Team shall contact the Inner Perimeter Security (IPS) Commander or correctional investigator prior to making a decision. The IPS Commander or correctional investigator may deny the assignment. If the assignment is denied, the Classification Committee/Unit Team shall not request the details of the reasons but shall inform the facility Chief Administrative Officer, or designee, so that the Chief Administrative Officer, or designee, can contact the facility security staff to obtain the details and make a decision whether to confirm the denial of the assignment.
10. In addition, the Classification Committee/Unit Team shall be responsible to consult with appropriate security staff members, including, but not limited to, the IPS Commander and correctional investigator, if any, regarding whether there exists any confidential security information about the prisoner that might affect the prisoner's work, industry or vocational training program assignment. If such information exists, the Classification Committee/Unit Team shall not request the details but shall inform the facility Chief Administrative Officer, or designee, so that the Chief Administrative Officer, or designee, can contact the facility security staff to obtain the details and make a decision whether to approve or deny the assignment.
11. If the assignment is approved, the facility Workforce Coordinator shall assign the prisoner or, if applicable, shall place the prisoner's name on a waiting list. If assigned, designated staff shall schedule the prisoner by placing the prisoner's name, assignment and start date on the CORIS Daily Movement Report on the day prior to the actual start date. Designated staff shall notify the prisoner of the start date or the placement of the prisoner's name on a waiting list.
12. If the assignment is denied, the Workforce Coordinator or the Classification Committee/Unit Team shall notify the prisoner of the denial.

**Procedure C: Prisoner Work, Industry or Vocational Training Program Security**

1. The level of security, supervision and observation of prisoners shall be based on prisoner custody level and security requirements of the facility where they reside.
2. Minimum custody prisoners, except those housed at Maine State Prison, may work outside the secure perimeter with intermittent visual observation, unless the prisoner has been convicted or formally charged as an adult for a sex offense or an escape offense or has been found guilty of a Class A or B disciplinary offense within the last ninety (90) days or has a pending charge for such an offense.
3. Medium custody prisoners shall only be permitted to work inside the secure perimeter under direct supervision by the work supervisor or other facility staff at

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all times except as follows.

4. Medium custody prisoners who are four (4) years or less from their current release date who are housed at the Maine Correctional Center or Mountain View may be permitted outside the secure perimeter for work assignments on facility property under direct correctional staff supervision at all times, unless the prisoner has been convicted or formally charged as an adult for a sex offense or an escape offense or has been found guilty of a Class A or B disciplinary offense within the last ninety (90) days or has a pending charge for such an offense.
5. Medium custody prisoners who are three (3) years or less from their current release date who are housed at the Maine Correctional Center may be permitted outside the secure perimeter and off facility property for work assignments under direct supervision or intermittent visual observation, at intervals not exceeding 15 minutes, by correctional staff, unless the prisoner has been convicted or formally charged as an adult for a sex offense or an escape offense or has been found guilty of a Class A or B disciplinary offense within the last ninety (90) days or has a pending charge for such an offense.
6. Close custody prisoners shall only be permitted to work inside the secure perimeter and shall be under direct supervision by the work supervisor or other facility staff at all times.
7. If a prisoner who has been convicted or formally charged as an adult for a sex offense, if male, has completed the intensive phase of a Department residential sex offender treatment program or, if female, has successfully participated in a Department sex offender treatment program for at least two (2) years, the facility Chief Administrative Officer, or designee, shall make a recommendation to the Department's Director of Classification, who shall determine whether to make an exception to the above restrictions.
8. If a prisoner has been convicted or formally charged for an escape offense, the facility Chief Administrative Officer, or designee, may make a recommendation to the Department's Director of Classification, who shall determine whether to make an exception to the above restrictions.
9. Each prisoner is required to wear his or her MDOC identification card at all times to, from, and while at the work, industry or vocational training program assignment, unless the Chief Administrative Officer, or designee, waives this requirement in writing for safety reasons.
10. A prisoner may be subject to a search upon leaving his or her assignment or at any other time, as provided by facility post orders for the particular assignment.
11. Work supervisors are responsible and accountable to maintain accurate and up-to-date rosters of all prisoners assigned as well as have knowledge of where their assigned prisoners are at all times during their assignment. Work supervisors are responsible and accountable to maintain accurate and up-to-date inventories and control of all tools and hazardous materials utilized on all assignments.

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12. Post Orders shall include specific instructions for supervision of prisoners if they are required to handle hazardous materials in the course of their assignments.

**Procedure D: General Work, Industry or Vocational Training Program Rules of Conduct**

1. Work supervisors and vocational teachers shall ensure that prisoners conduct themselves at the highest level of level of conduct expected in a community employment setting, e.g., timeliness, courteous language, teamwork, positive effort, and quality workmanship.
2. Prisoners shall not be permitted to carry any personal articles, books, food, hygiene items, etc. to their assignments or away from their assignments, with the exception of work/program related items, as approved by the work supervisor. The prisoner, upon his or her return to the housing unit, must present any such item to the housing unit officer for review.
3. A prisoner who cannot report to work due to illness shall notify his or her work supervisor or on duty security staff of the illness. The prisoner shall be restricted to his or her cell/room, except for meals and medication, until cleared by medical staff. The prisoner shall not receive monetary compensation or good time or deductions for any time away from the work assignment.
4. Prisoners are not permitted any telephone calls while at the work, industry or vocational training program.
5. No prisoner or group of prisoners shall be given control or authority over another prisoner.
6. In addition to termination from the assignment, a prisoner who refuses to work, fails to work as instructed, or leaves work without permission shall be subject to disciplinary action.

**Procedure E: Termination of Work, Industry or Vocational Training Program Assignments**

1. A prisoner may be terminated from a work, industry or vocational training program assignment by administrative action (as opposed to disciplinary action) for performance related behavior (e.g., poor performance, work habits, or attitude, unexcused absences, etc.) on the assignment.
2. If the work supervisor requests to have a prisoner terminated from the assignment for performance related behavior, he or she must send a written request to the Workforce Coordinator or the Classification Committee/Unit Team detailing the reasons for the termination request.
3. The Workforce Coordinator or the work supervisor, pending review of the request by the Classification Committee/Unit Team, may suspend the prisoner from the assignment. The Correctional Caseworker/Correctional Care and Treatment Worker shall schedule a review with the Classification Committee/Unit Team.

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This review shall be held within five (5) working days of the request. The Classification Committee/Unit Team shall inform the prisoner of its decision following the review.

4. A prisoner may be terminated from a work, industry or vocational training program assignment by the Classification Committee/Unit Team because of behavior while on the assignment or pertaining to the assignment which leads to a disciplinary proceeding, regardless of whether the prisoner is found guilty of committing a rule violation.
5. A prisoner may be terminated from a work, industry or vocational training program assignment by the Classification Committee/Unit Team if the prisoner is placed on disciplinary segregation or administrative segregation status or is placed in the Prison's Administrative Control Unit or any other housing unit as a result of which the prisoner is precluded from the work, industry or vocational training program assignment.
6. A prisoner may be terminated from a work, industry or vocational training program assignment by the facility Inner Perimeter Security Team (IPS) Commander or correctional investigator if the prisoner is on a facility watch list, is having his or her phone calls and/or mail monitored, or is under investigation by IPS or the correctional investigator. If the IPS Commander or correctional investigator terminates a prisoner from an assignment, he or she shall contact the facility's Workforce Coordinator or the Classification Committee/Unit Team, who shall inform the prisoner of the decision.
7. A prisoner may be terminated from a work, industry or vocational training program assignment by the Classification Committee/Unit Team for any other reason of safety, security, or orderly management of the facility. If a prisoner is terminated from an assignment for this reason, the Classification Committee/Unit Team shall inform the IPS Commander and correctional investigator, if any, of the specific grounds for the decision.
8. A prisoner who is terminated from a work, industry or vocational training program assignment for one of the above reasons shall not be eligible to apply for another work, industry or vocational training program assignment for at least thirty (30) days after termination and shall be placed at the bottom of any waiting list(s) for paying work assignments. The Classification Committee/Unit Team may assign the prisoner to a non-paying work assignment immediately.
9. A prisoner may be terminated from a work, industry or vocational training program assignment for reasons other than those set out above (e.g., at court, in the hospital, in the infirmary, inability to perform the work due to an injury, elimination of a job position, keep separate considerations, facility's need for prisoner to be in another work assignment due to special skills, etc.). The prisoner may be immediately eligible to apply for another work, industry or vocational training program assignment, including paying work assignments.

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## Procedure F: Appeals

1. A prisoner may appeal a denial of or termination from a work, industry or vocational training program assignment to the Chief Administrative Officer, or designee.
2. Prisoners shall forward any appeal (Attachment A) directly to the facility Chief Administrative Officer, or designee, within five (5) working days of a termination or notification of a denial.
3. An appeal shall not delay the implementation of the decision.
4. The facility Chief Administrative Officer, or designee, shall make a decision on an appeal within five (5) working days after receiving a timely prisoner appeal.
5. Upon review of the appeal, the facility Chief Administrative Officer, or designee, as applicable, may:
  - a. approve the decision;
  - b. reverse the decision; or
  - c. modify the decision.
6. The Chief Administrative Officer, or designee, is the final authority for these appeals.
7. A copy of the appeal(s) and the decision(s) on the appeal (s) shall be placed in the prisoner's Case Management Record.

## VII. PROFESSIONAL STANDARDS

### ACA:

**ACI - 4-4448** The institution maintains a written plan for full-time work and/or program assignments for all inmates in the general population.

**Interpretation January 2002.** This standard is applicable to all facilities. For reception and diagnostic centers, the standard only applies as follows:

1. To reception and diagnostic centers with an average offender length of stay of 90 days or longer.
2. To reception and diagnostic centers with a cadre of offenders who are expected to serve more than 90 days of confinement within the facility or for those sentenced offenders awaiting transfer to another facility whose stay exceeds 90 days.

**ACI - 4-4449** Written policy, procedure, and practice can require all eligible inmates to work unless assigned to an approved education or training program. Inmates have the option of refusing to participate in any rehabilitation or treatment program except adult basic education and programs required by statute or ordered by the sentencing court or paroling authority.

**Interpretation January 2002.** See 4-4448

**ACI - 4-4450** The inmate work plan provides for employment for inmates with disabilities.  
**Interpretation January 2002.** See 4-4448

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- ACI - 4-4451** The institution provides a variety of work assignments that afford inmates an opportunity to learn job skills and develop good work habits and attitudes that they can apply to jobs after they are released.  
Interpretation January 2002. See 4-4448
- ACI - 4-4452** The facility provides opportunities for inmate employment in either correctional industries, facility maintenance, operations, public works or community projects.  
Interpretation January 2002. See 4-4448
- ACI - 4-4453** Written policy, procedure, and practice provide that the staff operating inmate work programs use the advice and assistance of labor, business, and industrial organizations to assist in providing skills relevant to the job market.  
Interpretation January 2002. See 4-4448
- ACI - 4-4454** Written policy, procedure, and practice provide that the inmate workday approximates the workday in the community.  
Interpretation January 2002. See 4-4448
- ACI - 4-4455** (MANDATORY) Written policy, procedure, and practice provide that all institutional work, industry, and vocational education programs meet minimum applicable federal, state, or local work, health, and safety standards. There is documentation that the programs are inspected by federal, state, or local health and safety officials at least annually. The programs also are inspected weekly by qualified departmental staff and monthly by a safety officer.  
Interpretation January 2002. See 4-4448
- ACI - 4-4461** Written policy, procedure, and practice require that inmates are compensated for work performed. Incentives such as monetary compensation, special housing, extra privileges, and good time credits should be distributed according to written guidelines.  
Interpretation January 2002. See 4-4448
- 4-ACRS-6D-02** The facility provides services and opportunities that encourage offenders to make restitution to the victims of their crime(s) and/or to the community.

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