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POLICY NUMBER: 25.3		
CHAPTER 25: WORK OPPORTUNITIES AND INDUSTRIES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS	PROFESSIONAL STANDARDS: See Section VII
	Approved by: <u><i>Martin Magnusson</i></u> Signature of Commissioner	
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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 Adult Departmental Facilities

III. POLICY

The Maine Department of Corrections recognizes the need to establish meaningful work programs for its prisoners. In an effort to reduce the financial burden of correctional programming to the general public, the Department shall strive to provide a work setting within the confines of each facility which parallels private industry. The industries program in each facility shall provide prisoners a realistic work experience in a business like environment which stresses the same types of performance standards and rewards used for workers in the community. These industries programs shall provide meaningful work programs, in conjunction with individual case planning, to move prisoners toward self sufficiency. These programs shall be sensitive to private enterprise, and, as appropriate, be developed and revised with the advice and assistance of labor, business, and industrial organizations with a view to training prisoners in skills relevant to the job market.

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V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Prison Industries Enhancement Certification Program

1. Departmental facilities shall maintain the Department’s Prison Industries Enhancement Certification Program (PIECP) certification, pursuant to applicable federal law, unless directed otherwise by the Commissioner of Corrections.

Procedure B: Administration, Organization and Management

1. The Department’s overall responsibility in regards to Industries shall include the following:
 - a. prisoner participation in the Industries Program shall be subject to eligibility requirements, including non-participation in accordance with the policy on Discipline;
 - b. prisoner participation shall be encouraged by measures for regression prevention and barriers for progression in other departmental programs;
 - c. prisoner participation shall be contingent upon Safety Training, which shall be required at all facilities;
 - d. prisoner participation shall be in compliance with individual case plans and Industries shall be a part of each eligible individual’s full case plan;
 - e. prisoners shall be subject to uniform wage deductions for both PIE and non-PIE work assignments;
 - f. the Department of Corrections shall develop individual cost centers for all programs, both PIE and non-PIE;
 - g. the Department of Corrections shall support Industries Programs Department wide and promote marketing efforts;

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- h. the Department of Corrections is committed to effective quality control for all industries products;
 - i. the Department's Industries Programs shall provide employment for eligible prisoners and encourage them to develop favorable attitudes and useful skills;
 - j. Industries programs shall be developed in conjunction with training and/or education programs;
 - k. the Department of Corrections shall be sensitive to private enterprise when marketing, promoting and initiating industries programs.
2. The Chief Administrative Officer at each facility shall administratively oversee all industries programs, to include:
- a. analysis of all programs with emphasis on:
 - departmental/institutional needs
 - prisoner benefits
 - profitability
 - b. maintaining the Department's PIE certification
 - c. marketing products
 - d. establishing partnerships with private enterprise
 - e. working with Business/Labor and Community Organizations
 - f. review and analyze financial statements, profit loss statements, inventory and work in progress
 - g. communicating and marketing industries programs to the Legislature, the Business Community, potential customers, and the public.
3. The Industries Manager, or other designated staff, at each facility is responsible for administration of Correctional Industries day to day operations in accordance with policies of the Department of Corrections. To this end, he/she shall:
- a. establish and maintain procurement controls designed to assure effective and timely delivery of necessary raw materials, commercial items, and equipment of a quality standard which shall assure a high grade finished product;
 - b. establish and maintain production controls designed to assure delivery of quality products at a minimum cost;
 - c. establish and maintain inventory, accounting, and cost control records as required by policies established by the Department;

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- d. establish and maintain controls to assure a minimum expenditure of Correctional Industry funds, in accordance with good and accepted management practices;
- e. establish and maintain procedures governing the control and use of all tools and equipment;
- f. ensure all shops are equipped with appropriate containers for combustible refuse, which are emptied and cleaned daily;
- g. communicate with the Chief Administrative Officer on matters affecting industries;
- h. select, train, assign, direct, supervise and evaluate Industries staff in the performance of their assignments;
- i. develop program goals; and
- j. assure the number of prisoners assigned to industries meets the realistic workload needs of each industries shop.

Procedure C: Monitoring of Programs - Creation of New Industries Programs

- 1. Facility Industries Managers, or other designated staff, shall follow up on any contacts regarding potential new programs. Industries Managers, or other designated staff, shall report any contacts from outside organizations to the Chief Administrative Officer. When determined appropriate, Industries Managers, or other designated staff, shall investigate and develop a proposal, to include a business plan, and report to the Chief Administrative Officer and the Commissioner regarding any proposed program initiatives.

Procedure D: Facility Level Program Responsibility

- 1. Quality Control

Facility Industries Managers, or other designated staff, shall assure products manufactured in Industries are comparable to those manufactured by private sector vendors. Shop supervisors shall strive to produce products that are of high quality and produced in a timely manner.

- a. Shop supervisors shall develop, implement and monitor training and production programs to assure prisoner workers develop the skills necessary to produce the highest quality goods. All Industry shop training programs shall be reviewed with Industries Managers, or other designated staff, at each facility prior to implementation to assure the training meets measurable goals. Shop supervisors shall review their shop training programs and practices yearly and submit a report to the Industries Manager, or other designated staff, with documentation that the training program is meeting expectations and, if not, recommendations for modifying the program to more appropriately meet the training needs of

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the industry shall be provided to the Industries Manager, or other designated staff.

- b. Shop supervisors shall develop and implement quality control practices designed to maximize use of raw materials and assure minimal waste during production. These plans shall outline the process which shall ensure that quality is maintained throughout the production process and shall include the responsibilities of prisoner workers in the maintenance of quality production.
- c. Shop supervisors shall present these plans at the onset of production to the facility's Industries Manager, or other designated staff, for review and approval.
- d. Shop supervisors shall meet monthly with the Industries Manager, or other designated staff, and present production schedules and plans designed to maximize production in order to meet orders and expected demands for goods and/or services. The production schedule and/or plan shall include and identify recommendations that will assure quality standards are met.
- e. Shop supervisors shall meet with the Industries Manager, or other designated staff, and present quality standards for each product being manufactured in their shop. This information shall include written specifications and drawings for each item regularly produced. The Industries Manager, or other designated staff, shall create a program manual for each industry containing the quality standards, written specifications and drawings for each item regularly manufactured. This manual shall also include the cost to produce each item and shall be updated when price changes are apparent.
- f. Industries Managers, or other designated staff, at each facility shall submit annual reports to the Chief Administrative Officer which shall include documentation of their efforts to meet quality control standards in production. The report shall include information on the number of products manufactured, the number of items shipped, returned and reworked to meet quality standards and then reshipped. The report shall also contain cost information as it relates to each item or group of items reworked to meet quality standards, as well as the number of items reduced in price or discarded due to not meeting quality standards.

2. Customer Relations/Services.

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The Department of Corrections recognizes the importance of maintaining positive relations with customers for repeat orders and positive market place reputation. In order to promote this, each facility shall:

- a. Create and implement a formalized process for receiving orders from customers that acknowledges receipt, confirms quantity and price and confirms the description of the order or service being performed.
- b. Create and implement a job tracking system for all customer orders. The system shall be one that documents the status of all orders upon request and allows the shop supervisor to promptly notify customers when their orders are likely to miss scheduled delivery dates. Shop supervisors shall make every effort to correct the situation and shall notify the Industries Manager, or other designated staff, of the problem.
- c. Create and maintain a customer complaint log. Shop supervisors shall notify the Industries Manager, or other designated staff, of each complaint. All complaints shall be investigated by the Shop supervisor and the results of the investigation shall be reported to the Industries Manager, or other designated staff. The Industries Manager, or other designated staff, shall take appropriate corrective action. Copies of all complaints shall be maintained in each industries shop in a permanent file. Shop supervisors shall make recommendations intended to address complaints in order to prevent similar occurrences in the future.
- d. As requested, the Industries Manager, or other designated staff, shall compile all complaints and provide a report to the Chief Administrative Officer for review. Included in the report shall be the steps taken to professionally manage the complaint and the steps taken to prevent similar occurrences in the future.

3. Inventory Control

Accurate inventory procedures are essential for appropriate financial accounting for Correctional Industries. The Department's Chief Financial Officer shall cause a comprehensive annual inventory to be carried out and a running inventory maintained and reflected in appropriate accounting documents for each individual industry shop.

Procedure E: Safety, Security, and Working Environment

1. The Chief Administrative Officer of each facility shall ensure that all operating units meet applicable minimum federal, state, and local work, health and safety standards. There shall be documentation that the work programs are inspected

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at least annually by federal, state or local health and safety officials. The programs shall also be inspected weekly by qualified Departmental staff and monthly by the facility's designated Safety Officer.

2. Industries Managers, or other designated staff, shall assure compliance with all applicable security policies and procedures.
3. Written safety rules shall be established by the Industries Manager, or other designated staff, for each operating unit, reviewed and approved by Chief Administrative Officer and distributed to all staff and prisoners assigned to the program. These rules shall specifically mandate the safe use of equipment, clothing, materials and supplies, to include documentation of training in the use of industrial machinery. Each facility shall have an accident record system which includes a written analysis of each accident.

Procedure F: Industries Personnel - Employment Practices and Training

1. Industries Program personnel shall be hired and trained in accordance with established State Bureau of Human Resources policies and procedures and Department of Corrections' established policies. All personnel shall be familiar with the Department of Corrections' policies on employment practices and training.
2. The Department of Corrections shall encourage ongoing training for all Industries staff by assisting with Departmental resources.
 - a. training priorities shall be set by the Chief Administrative Officer and the Staff Development Specialist.
 - b. resources of the Bureau of Human Resources, the Department of Corrections, and other state agencies shall be utilized whenever possible in securing necessary training.
3. Job descriptions for all industries personnel shall be established in accordance with State personnel regulations, which shall prescribe duties and responsibilities associated with the Correctional Industries program.

Procedure G: Shop Practices

1. Wages/Incentives

Industries prisoner workers are to be paid based on the following; Fifty (50) percent of the work force may earn between one thousand (\$1,000.00) and twenty-five hundred (\$2,500.00) dollars annually. Twenty-five (25) percent of the work force may earn between twenty-five hundred (\$2,500.00) and four thousand (\$4,000.00) dollars annually. The remaining twenty-five (25) percent

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of the work force may earn between four thousand (\$4,000.00) and five thousand (\$5,000.00) dollars annually. The only exception to this shall be that three (3) positions at each facility may be paid up to six thousand (\$6,000.00) dollars annually based on extraordinary circumstances or the responsibility of the positions. Advancement from one level to another shall be approved by the Industries Manager, or other designated staff, and based on skills development, job performance, attitude, and institutional behavior.

- a. No pay shall be allowed for less than a half hours work.
- b. Any change in assignment and/or pay status shall be effective on the day of the change.
- c. Any prisoner who is approved for and actually changes his/her authorized assignment shall be compensated at the rate determined for their new assignment and paid out of the appropriate cost accounting center.
- d. Each shop supervisor shall certify on the first day of the week the number of hours each worker actually worked or trained during the previous week. This certification shall include all authorized leave for the week as described under number 3, Absences.
- e. Shop supervisors shall submit the certification of time to the facilities Industries Manager, or other designated staff, for submission to designated accounting staff. The Industries Manager, or other designated staff, must submit the certification for all industries workers at the facility so that prisoner wages are posted by the Business Office to their accounts accordingly.

2. Wage Deductions:

As established through enacted State Law and Departmental Policy, all prisoner wages shall be subject to deductions for restitution, child support, etc. At the end of the calendar year, each prisoner shall be provided with an IRS Form 1099 for income tax filing purposes.

Additional deductions shall be made to wages of those prisoners employed in certified PIECP programs, including room and board, taxes, and other federally mandated deductions.

3. Absences:

Industries Managers, or other designated staff, or their designees, may authorize absences within their shops to the extent allowable while at the same time ensuring workload demands are met. Prisoner workers are responsible for forwarding requests for authorized absences to their supervisor as far in advance, as possible. Shop supervisors shall make necessary work schedule adjustments in order to achieve production goals. Prisoners shall be aware that there are no paid absences.

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4. Applications:

Each facility shall use the same application form in the hiring of prisoner workers. It shall be the responsibility of the prisoner to fill out the application(s) and their responses on the application(s) must be truthful and complete. Applications shall be available in each housing area, the library and each Industries Shop. Industries Managers, or other designated staff, shall assure that this process is consistent with Unit Management hiring practices and the prisoner has been determined eligible for the industries program by the classification committee.

- a. Shop supervisors shall maintain all applications .
- b. Shop supervisors shall review applications for suitability for employment, and, of those applicants found suitable, interview candidates for possible hire.
- c. Shop supervisors shall evaluate each application based on the job description and recommend to the Industries Manager, or other designated staff, the best qualified applicants.
- d. The Industries Manager, or other designated staff, shall meet with Unit Managers and their teams to review expected vacancies, recommended applicants from the unit, and determine suitability for each individual's employment as it relates to his/her case plan.
- e. Shop supervisors, after reviewing applications, receiving input from the Industries Manager, or other designated staff, and Unit Managers, interviewing all appropriate candidates, and having made a decision on hiring, shall forward a job change request form to the work force coordinator and/or Classification Committee for final review and job change.

Procedure H: Sale of Industries Products

In accordance with state law, all items produced for sale shall be distinctly labeled or branded with the words "Manufactured at a Maine State Correctional Facility," prior to arrival at any Departmental retail outlet.

Industries produced items shall not be sold outside the State of Maine, except as allowed by PIECP programs certified by the U.S. Department of Justice under 18 U.S.C. Section 1761.

Items received by a Departmental retail outlet from facilities other than the parent facility shall be purchased at a price agreed to by the Industries Manager, or other designated staff, or designee (Retail Store Manager, or other designated staff), and the sending facility's Industries Manager, or other designated staff. The selling

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price shall be determined by the Industries Manager, or other designated staff, at the receiving facility.

Procedure I: Budget and Accounting

1. The Department of Corrections recognizes the importance of responsible fiscal management for all aspects of the Correctional Industries accounts. Such responsibility shall be vested in the Chief Financial Officers of each individual facility where an industries program is located. In order to carry out these mandates for fiscal management of Correctional Industries, the Chief Financial Officers, or their designee(s), shall:
 - a. assure compliance with all state and Department of Corrections fiscal policies and standards, including implementation of policy changes and audit findings;
 - b. maintain an auditable system and serve as liaison with auditing personnel;
 - c. direct all industries shops in compilation and maintenance of financial records;
 - d. respond to all requests regarding Correctional Industries fiscal procedures, accounts, and budgets in cooperation with the Industries Manager;
 - e. prepare a separate chart of accounts, establish reporting periods and requirements, and determine the method of cost accounting for each industry shop;
 - f. prepare annual budget requests for Correctional Industries in conjunction with the Industries Manager;
 - g. submit a profit and loss statement monthly to the Industries Manager and the Chief Administrative Officer;
 - h. work with Industries Managers to develop formula pricing based on actual cost to produce and profit percentages;
 - i. maintain accounts receivable and accounts payable records;
 - j. monitor inventory reports;
 - k. maintain the appropriate documentation and fiscal accountability when funds are owed or transferred between Correctional Industries shops and other Department of Corrections entities. This applies to fund transfers as well as in-kind or barter transfers. In the case of the latter, fair market value of each good or service shall be duly documented; and
 - l. prepare prisoner payrolls in accordance with established rates and schedules.

Procedure J: Long Range Planning For Industries Programs

1. Annually, the Chief Administrative Officer shall present a report to the Commissioner of Corrections regarding the status of each individual industries

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program. This report shall include pros and cons associated with each program and a recommendation regarding continuing, enhancing, or replacing the program.

VII. PROFESSIONAL STANDARDS

ACA:

ACI - 4-4196 (MANDATORY) Written policy, procedure, and practice govern the control, inventory and use of tools, culinary and medical/dental instruments and supplies (syringes, needles and other sharps).

ACI - 4-4214 (MANDATORY) Institution facilities are equipped with noncombustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout living quarters in the institution. Special containers are provided for flammable liquids and for rags used with flammable liquids. All receptacles and containers are emptied and cleaned daily.

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. 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 - 4-4452 Revised January 1998. The facility provides opportunities for inmate employment in either correctional industries, facility maintenance, operations, public works or community projects.

Interpretation January 2002. See 4-4451

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 4-4451

ACI - 4-4454 Written policy, procedure, and practice provide that the inmate workday approximates the workday in the community.

Interpretation January 2002. See 4-4451

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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 4-4451

ACI - 4-4456 Where an industries program exists, there will be a statute and/or written policy and procedure that authorizes the establishment of an industries program and delineates the areas of authority, responsibility, and accountability for the program.

Interpretation January 2002. See 4-4451

ACI - 4-4457 Written policy, procedure, and practice provide that the security and program determinations necessary for any individual to be eligible for industries work are made by the classification committee.

Interpretation January 2002. See 4-4451

ACI - 4-4458 Written policy, procedure, and practice provide that the number of inmates assigned to industries operations meet the realistic workload needs of each industries operating unit.

Interpretation January 2002. See 4-4451

ACI - 4-4459 Each industries operating unit has a written quality control procedure that provides for raw material, in-process, and final product inspection.

Interpretation January 2002. See 4-4451

ACI - 4-4460 A cost accounting system for each operating industries unit is designed, implemented, and maintained in accordance with generally accepted accounting principles.

Interpretation January 2002. See 4-4451

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 4-4451

ACI - 4-4462 Private industries on the institution grounds employing inmates in positions normally filled by private citizens pay inmates the prevailing wage rate for the position occupied.

Interpretation January 2002. See 4-4451

4-ACRS-1C-16 (MANDATORY) Handle and store all flammable materials safely.

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- (a) Where smoking is permitted, provide noncombustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout the living quarters.
- (b) Provide special containers for flammable liquids and for rags used with flammable liquids.
- (c) Empty and clean all receptacles and containers daily.

4-ACRS-2D-01 (MANDATORY) A control plan(s) for keys, tools, and utensils addresses access, use and storage.

4-ACRS-2D-02 (MANDATORY) Tools and utensils are used in accordance with the prescribed system.

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