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**IDAPA 06
TITLE 01
CHAPTER 02**

06.01.02 - RULES OF CORRECTIONAL INDUSTRIES

000. LEGAL AUTHORITY.

Pursuant to Sections 20-212, 20-408 and 20-413A, Idaho Code, the Board of Correction is authorized to promulgate and adopt rules necessary for Correctional Industries to enter into contracts with private agricultural employers for inmate labor. (7-4-14)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 06.01.02, "Rules of Correctional Industries," IDAPA 06, Title 01, Chapter 02. (7-4-14)

02. Scope. These rules are established to provide factors to be considered by Correctional Industries when entering into a contract with private agricultural employers for inmate labor to prevent non-inmate labor displacement, ensure inmate safety, identify security risks and needs, and disperse inmate earnings. (7-4-14)

002. WRITTEN INTERPRETATIONS.

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein, so there are no written interpretations of these rules. (7-4-14)

003. ADMINISTRATIVE APPEALS.

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein, so there are no provisions for administrative appeal. (7-4-14)

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference in this chapter. (7-4-14)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Street Addresses and Business Hours. (7-4-14)

a. The Board of Correction administrative office is located at 1299 N. Orchard St., Suite 110, Boise, ID 83706-2266. Business hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. (7-4-14)

b. Correctional Industries administrative office is located at 1301 N. Orchard St., Suite 110, Boise, ID 83706. Business hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. (7-4-14)

02. Mailing Addresses. (7-4-14)

a. Mail regarding the Board of Correction rules shall be directed to the Board of Correction, Office of the Director, 1299 N. Orchard St., Suite 110, Boise, ID 83706-2266. (7-4-14)

b. Mail regarding Correctional Industries shall be sent to Correctional Industries, 1301 N. Orchard St., Suite 110, Boise, ID 83706. (7-4-14)

03. Telephone Numbers. (7-4-14)

a. The telephone number of the Board of Correction is (208) 658-2000. (7-4-14)

b. The telephone number for Correctional Industries is (208) 577-5555. (7-4-14)

04. Facsimile Numbers. (7-4-14)

- a. The fax number for the Board of Correction is (208) 327-7404. (7-4-14)
- b. The fax number for Correctional Industries is (208) 577-5569. (7-4-14)
- 05. Internet Websites Addresses.** (7-4-14)
- a. The Internet website for the Board is http://www.idoc.idaho.gov/content/about_us/leadership/board_of_correction. (7-4-14)
- b. The Internet website for Correctional Industries is <http://ci.idaho.gov/>. (7-4-14)
- 006. PUBLIC RECORDS ACT COMPLIANCE.**
The rules of Correctional Industries are subject to, and in compliance with, the Idaho Public Records Act. The rules are maintained by Correctional Industries, and shall be open to the public for inspection and copying at all reasonable times. (7-4-14)
- 007. -- 009. (RESERVED)**
- 010. DEFINITIONS.**
- 01. Inmate.** An individual in the physical custody of the Board. (7-4-14)
- 02. Private Agricultural Employer.** A person as defined in 44-1601(2), Idaho Code. (11-6-15)
- 03. Work Site.** Any place where inmates may be found when assigned to a work project. (7-4-14)
- 011. ABBREVIATIONS.**
- 01. IDOC.** Idaho Department of Correction. (7-4-14)
- 02. IDOL.** Idaho Department of Labor. (7-4-14)
- 012. CONTRACTS WITH PRIVATE AGRICULTURAL EMPLOYERS.**
Correctional Industries will make all reasonable efforts to ensure non-inmate workers are not displaced when entering into a contract with a private agricultural employer for inmate labor. (11-6-15)
- 01. Wage Determination.** On an annual basis, Correctional Industries will request a prevailing wage determination letter from the Idaho Department of Labor (IDOL) for the prevailing wage of the region for Standard Occupational Classification codes related to the agricultural work to be performed. (11-6-15)
- 02. Prior to Contract.** Prior to entering into any contract with a private agricultural employer for inmate labor, Correctional Industries will conduct a work site evaluation with assistance from Idaho Department of Correction staff to identify inmate safety and security risks and needs. (11-6-15)
- 03. Contract Requirements.** Contracts with a private agricultural employer must include the following: (11-6-15)
- a. At a minimum, the hourly rate per inmate paid to Correctional Industries by the private agricultural employer for inmate labor must be set at the prevailing wage provided by IDOL for that region, or state minimum wage, whichever is higher. The hourly rate per inmate must also account for any other costs the private agricultural employer would be required by law to pay for non-inmate workers even if not required by law to pay for inmate workers, for example workers compensation insurance premiums. (11-6-15)
- b. The security and safety provisions identified during the work site evaluation and the responsibilities of each party. Security and supervision of the inmates will be provided at the work site by Idaho Department of Correction (IDOC) correctional officers. (7-4-14)

c. A statement certifying that the private agricultural employer was unable to employ a sufficient number of non-inmate workers to complete the job as described in the contract. (7-4-14)

013. DISBURSEMENT OF FUNDS.

01. Correctional Industries Betterment Account. The moneys received from the private agricultural employer for inmate labor will be deposited into the Correctional Industries Betterment Account pursuant to Section 20-416, Idaho Code. The funds deposited will be dispersed between Correctional Industries and the IDOC to cover costs of the agricultural inmate labor program and contribute to the Idaho Victim's Compensation Fund. (11-6-15)

a. The funds dispersed to Correctional Industries will also be used in accordance with Section 20-416, Idaho Code. (7-4-14)

b. The funds dispersed to IDOC must also be used to offset the costs of incarceration, supplement education opportunities to inmates, and provide resources for reentry to the community. (10-7-16)

02. Inmate Trust Account. Inmates will be compensated for their work in accordance with Section 20-412, Idaho Code. Inmate earnings must be deposited into the inmate's trust account. Upon deposit, deductions for court-ordered financial obligations, including child support and restitution, will be made by IDOC. Any other deductions by IDOC will be made according to IDOC policy. (11-6-15)

014. -- 999. (RESERVED)

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