IDAPA 06 – BOARD OF CORRECTION

06.01.02 – Rules of Idaho Correctional Industries

Who does this rule apply to?
These rules apply to the people in physical custody of the Board of Correction and participating in Idaho Correctional Industries program and to private agricultural employers in contract with Idaho Correctional Industries.

What is the purpose of this rule?
The purpose of these rules is to provide factors to be considered by Idaho Correctional Industries when entering into a contract with private agricultural employers for inmate labor and disperse inmate earnings in all training programs.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

State Prisons and County Jails -
State Board of Correction:

- Section 20-212, Idaho Code – Rules – Authority of the Board
- Title 20, Chapter 4, et seq., Idaho Code – Idaho Correctional Industries Act

Who do I contact for more information on this rule?

Idaho Department of Correction
1299 N. Orchard Street, Suite 110
Boise, ID 83706-2266
Phone: (208) 658-2000
Fax: (208) 327-7455
Email: jamismit@idoc.idaho.gov
Web: https://www.idoc.idaho.gov

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000. LEGAL AUTHORITY.
Pursuant to Sections 20-212 and 20-408, Idaho Code, the Board of Correction is authorized to promulgate and adopt rules necessary for Idaho Correctional Industries to exercise its powers and perform its duties. (6-19-19)

001. TITLE AND SCOPE.

01. Title. These rules are titled as IDAPA 06.01.02, "Rules of Idaho Correctional Industries," IDAPA 06, Title 01, Chapter 02. (6-19-19)

02. Scope. These rules are established to provide factors to be considered by Idaho Correctional Industries when entering into a contract with private agricultural employers for inmate labor and disperse inmate earnings in all training programs. (6-19-19)

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 may 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 may 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 Idaho Correctional Industries are subject to, and in compliance with, the Idaho Public Records Act. (6-19-19)

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)

03. ICI. Idaho Correctional Industries. (6-19-19)

012. CONTRACTS WITH PRIVATE AGRICULTURAL EMPLOYERS.
ICI 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, ICI will request a prevailing wage determination letter from the 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, ICI will conduct a work site evaluation with assistance from IDOC 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 ICI 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 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. ICI Betterment Account. The moneys received for inmate labor and sale of goods will be deposited into the ICI Betterment Account and dispersed pursuant to Sections 20-214 and 20-416, Idaho Code. ICI will disperse a portion of the funds deposited from the agricultural inmate labor program to the Idaho Victim's Compensation Fund. (6-19-19)

a. IDOC will invoice ICI for disbursement of funds to cover IDOC's costs of the agricultural inmate labor program. The funds dispersed to IDOC must be used to offset the costs of incarceration, supplement education opportunities to inmates, and provide resources for reentry to the community. (6-19-19)

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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