

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
854**

PRISON INDUSTRIAL PROGRAM

Supersedes: 08/13/10; (Temporary, 03/11/13); (Temporary, 05/07/13);
(Temporary, 12/02/13); 12/17/13; (Temporary, 04/24/17)
Effective Date: 05/16/17

AUTHORITY

NRS 209.131; 209.141; 209.151; 209.189; 209.192; 209.459; 209.461; 209.4615;
209.462; 209.463; 209.471; 209.4815; 209.4817; 209.4818.

PURPOSE

To establish guidelines directing the operation and administration of the Nevada Department of Corrections (NDOC) Prison Industry Program in accordance with federal and state requirements and to identify roles and responsibilities for the administration and implementation of the program.

RESPONSIBILITY

The Deputy Director for Industrial Programs (DD/IP) is responsible for the administration and enforcement of all policies, procedures and regulations of industrial and agricultural programs for working offenders involved in Prison Industry (PI) programs.

The Warden shall be responsible for the daily administration and oversight of PI programs within their institution or facility.

This regulation applies to all Department employees and inmates in institutions or facilities housing PI programs.

The Administrative Services Officer (ASO) within the Prison Industrial Program shall serve as the Business Manager for the Program and shall ensure compliance with all Administrative, Purchasing, Accounting, MIS, and Fiscal AR's of the Department of Corrections and PI.

854.01 PRISON INDUSTRIES

1. Prior to implementation of a significant change to the PI program, the Warden of the institution involved in PI program(s) will be consulted. The Wardens will identify safety and security issues.

- A. The Warden will obtain prior approval of the DD/IP for any request for expenditure of Prison Industry funds.
 - B. The Prison Industries Supervisor II or designee shall participate in staff meetings with the Warden and other institution staff.
2. Staff training will be provided to all full-time PI employees and will include both technical and industrial practices, and correctional policies and procedures.
 - A. Security, industry and product training will be conducted annually.
 - B. The DD/IP and the ASO for PI will receive additional training to cover administrative and management theory and practice, with emphasis on industrial applications, labor law, employee-management relations, the interaction of elements of the criminal justice system, and fiscal management.
 3. Discrimination based on an inmate's race, religion, national origin, sex, disability or political views for working inmates in the Prison Industries program is prohibited.
 - A. PI staff will make decisions regarding the inmates in PI and their separation based upon work performance and behavior.
 - B. A classification committee will evaluate an inmate's security risk and eligibility for industries work assignments.
 - C. Refer to the Department's AR 525 for classification of PI inmates.
 4. Internal administrative and operating procedures for PI will follow the format of the Department's AR 105.

854.02 COMPLIANCE WITH NEVADA REVISED STATUTES - WORKING AND EMPLOYMENT OF OFFENDERS

1. The DD/PI is responsible for compliance with all applicable NRS.
2. New Prison Industry Businesses - A through D below are inclusive, not exclusive of each other.
 - A. Working with other Nevada Departments and Agencies, the DD/PI will appraise or examine any effect on the number of jobs available to the residents of Nevada, based on current data and information available.
 - B. The DD/PI shall, in conjunction with the Director, and after consulting with organizations representing local businesses, post the proposed program on the NDOC website, and present and review the proposed program to the Nevada Legislatures

Interim Finance Committee's (IFC) Committee on Industrial Program (CIP) at its public meeting, which has, by NRS, representation from Nevada labor organizations.

C. The Director will then present the CIP's recommendations to the Nevada Board of State Prison Commissioners (BOP) for approval at its public hearing.

D. Any resulting contract is to be brought before the Nevada Board of Examiners (BOE) for approval at its public meeting and shall be reviewed by the Deputy Attorney General (DAG) prior to submission.

3. Prison Industries Operations

A. The Director and DD/PI shall to the greatest extent possible, approximate the normal conditions of training and work in the community.

B. The Director and DD/PI shall require as a condition of offender work that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from working an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

C. Every program for working offenders established by the Director must:

- 1) Work the maximum number of offenders possible;
- 2) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;
- 3) Have an insignificant effect on the number of jobs available to the residents of this State; and
- 4) Provide occupational training for offenders.

D. Offender(s) may not engage in vocational training, employment or a business that requires or permits the offender to:

- 1) Participate in telemarketing activities or conduct opinion polls by telephone or electronically; or
- 2) Acquire, review, use or have control over or access to any personal information concerning any individual who is not incarcerated.

E. The Director may, with the approval of the Board:

- 1) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

- 2) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

F. The provisions of this chapter do not create a right on behalf of the offender to work with a state run PI operation or to receive the federal or state minimum wage for any work and does not establish a basis for any cause of action against the State or its officers or employees for working or employment of an offender or for payment of the federal or state minimum wage to an offender. Private employers of inmate workers will pay inmate workers at least the Federal minimum wage.

G. An offender shall obtain the approval of the Director or designee before the offender:

- 1) Engages in any work or employment, including, but not limited to, employment by a private employer or self-employment;

- 2) Enters into a contract; or

- 3) Participates in a business activity.

H. The Director has discretion to approve or disapprove offender work, employment, contractual activity or business activity and may withdraw approval at any time.

I. An offender who is employed by a private employer shall:

- 1) Deposit his or her income from such employment in the offender's individual account in the Prisoners' Personal Property Fund;

- 2) Upon request, provide the Director or designee with a copy of all the offender's federal income tax returns, reports and withholding forms when they become available to the offender; and

- 3) Upon request, provide the Director or designee with a record of any of the offender's bank accounts, including, but not limited to, a checking account, savings account, investment account or account with a brokerage firm, upon a request from the Director.

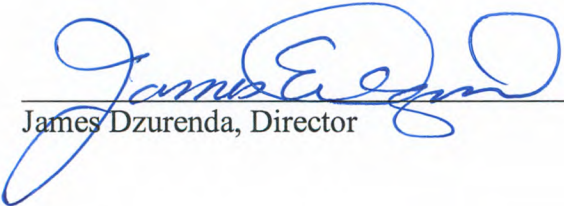
APPLICABILITY

1. This regulation does not require an Operational Procedure.
2. This regulation does not require an audit.

REFERENCES

ACA Standards for Adult Correctional Institutions 4-4277, 4-4451, 4-4452, 4-4453, 4-4456 through 4-4463

ACA Standards for Correctional Industries 1.1.7, 1.1.9, 1.1.11, 1.1.12, and 1.1.13.



James Dzurenda, Director

5/25/17
Date