



**House  
Legislative  
Analysis  
Section**

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## **JOBS FOR WORK CAMP INMATES**

House Bill 4496 with committee  
amendment  
First Analysis (3-24-93)

Sponsor: Rep. Kirk A. Profit  
Committee: Corrections

### ***THE APPARENT PROBLEM:***

The Department of Corrections law allows a state prisoner housed in a work camp, which is a minimum security facility, to be given permission to leave the grounds for either of two work-related reasons. A prisoner may be allowed to perform meaningful work at paid employment in the community, meaning that the prisoner is given a work pass to go to a job that pays at least prevailing wage. Prisoners may also be allowed to provide labor on "public works projects." An informal memorandum opinion issued by the attorney general's office has defined this to mean public governmental projects. An example of prisoners involved in this type of work are inmates from the Michigan Parole Camp in Jackson who have worked at Michigan State University's horticultural farm on the edge of campus. A work camp inmate receives a wage of \$5 per day for this type of labor. The wages are collected by the work camp and disbursed according to priority: first, the Department of Corrections is reimbursed for the inmate's food, clothing, and daily travel expenses; second, up to 50 percent of the prisoner's net earnings is used to reimburse the state for family members who receive public assistance. If the prisoner has no dependents, up to 50 percent of his or her net earnings is placed in a non-institutional savings account, or escrow account, to be used by the prisoner upon release from prison. The law does not allow state prisoners to provide labor for community service projects undertaken by nonprofit organizations, although interest in using prisoner labor is occasionally expressed by such organizations. In perhaps the most recent instance, a Muskegon County nonprofit corporation is seeking to use prisoner labor at a recycling program to be operated on a site adjacent to the Muskegon Temporary Facility. Legislation has been proposed to allow this to happen.

### ***THE CONTENT OF THE BILL:***

Work Projects. Currently, the Department of Corrections act provides that prisoners in work camps may work "on public works projects or at paid employment in the community." House Bill 4496 would amend the act to specify that these prisoners could be assigned to do any of the following:

- a) Perform meaningful work at paid employment in the community.
- b) Provide labor on public works projects.
- c) Perform meaningful work on recycling projects which were operated by tax-exempt organizations and which served the public interest or a charitable purpose.
- d) Perform meaningful work for programs that were operated by religious organizations that were exempt from taxation under the Internal Revenue Code.

However, the bill would prohibit the use of prisoners on projects if it resulted in the displacement of workers in the community, or the replacement of workers on strike or locked out of work. In addition, a bargaining unit would have to agree to the assignment of prisoners at a place of employment that was covered by a collective bargaining agreement.

Citizens Advisory Committee. The warden at each work camp would be required to appoint a seven-member citizens advisory committee in a community in which a project was to be located to obtain public input and to review proposals on assigning prisoners to recycling projects. The committee would be broadly representative of business, community service, and religious organizations, and would include the president of the local AFL-CIO central labor council.

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**Legislative Report.** The Department of Corrections would submit an annual report on prisoners' work projects to the House and Senate appropriations subcommittees on corrections. The report would include the number of projects, the number of prisoners placed on each, the type of work performed, and any problems raised by an advisory committee regarding a work project.

MCL 791.265c

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have no fiscal implications for the state. (3-22-93)

### ***ARGUMENTS:***

#### ***For:***

The bill would serve several purposes: it would allow communities to benefit from projects, such as the proposed recycling project in Muskegon, that might otherwise suffer from a lack of affordable labor; it would allow prisoners to learn work habits and skills and develop work records that should help them to find employment upon release; and, by giving prisoners an opportunity to hold real life jobs, it should be very helpful in their rehabilitation. In addition, through reducing idleness among work camp prisoners, it would help camp security and management. Further, the additional work opportunities for prisoners would generate additional funds for administration of the work camp program, thus helping to ease the prison system's demands on the general fund.

#### ***Against:***

Although it appears that prisoner labor is to be provided under the bill under the same financial arrangements that apply when prisoner work crews are provided for public works projects, the bill is not explicit on this. Some clarification may be necessary to ensure that the bill's intent is preserved.

#### ***Response:***

While the financial arrangements between the DOC and an employed prisoner released on a work pass are detailed in statute, the financial arrangements for public work projects are a matter of policy. Typically, the pay for such projects is \$5 per day, split evenly between the department and the prisoner. The DOC would treat work projects for

nonprofit organizations the same as public work projects with respect to pay for prisoner work.

### ***POSITIONS:***

A representative of the Department of Corrections testified before the House Corrections Committee in support of the bill. (3-18-93)

The Michigan Council on Crime and Delinquency has no position on the bill. (3-19-93)

The Michigan State AFL-CIO has no position on the bill. (3-18-93)

The Michigan Corrections Organization/SEIU Local 526M has no position on the bill. (3-18-93)