

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.265c Work camp; construction, maintenance, and operation; purpose; assignment of prisoners; displacement of employed persons or workers on strike or locked out; agreement of bargaining unit; citizens advisory committee; escape; reimbursement of department; collecting and dispersing wages; amount of wages; rules.

Sec. 65c. (1) As used in this section, "work camp" means a correctional facility that houses prisoners who are made available for work as provided in subsection (3).

(2) The department may construct, maintain, and operate work camps for the purpose of housing prisoners who are under its jurisdiction.

(3) Prisoners assigned to work camps may be provided an opportunity to do any of the following, as long as the department has reasonable cause to believe the prisoner will honor the trust placed in him or her by such an assignment:

(a) Perform meaningful work at paid employment in the community.

(b) Provide labor on public works projects.

(c) Perform meaningful work on projects that serve the public interest or a charitable purpose and are operated by organizations that are exempt from taxation under section 501(c)(3) of the internal revenue code. Work performed by prisoners under this subdivision must not result in a competitive disadvantage to a for profit enterprise.

(4) Prisoners made available for work under subsection (3)(c) must not be assigned to work on projects in a manner that results in the displacement of employed persons in the community or the replacement of workers on strike or locked out of work. If a collective bargaining agreement is in effect at a place of employment that is the site of a proposed work project under subsection (3)(c), that bargaining unit must agree to the assignment of prisoners at the place of employment before the assignment is made.

(5) The warden at a correctional facility that makes prisoners available for work under subsection (3)(c) shall appoint a 7-member citizens advisory committee for the purpose of obtaining public input on proposals for assigning prisoners to work on those projects. The committee must include broad representation from the community in which the proposed work project is to be located, including representatives of business, community service, and religious organizations and the president of the local AFL-CIO central labor council, or his or her designee. Before prisoners are assigned to a proposed work project, the proposed assignment must be reviewed by the citizens advisory committee.

(6) The willful failure of a prisoner to report to or return from an assignment to paid employment in the community or on a public work project within the time prescribed, or to remain within the prescribed limits of such an assignment, is considered an escape from lawful custody as provided in section 193(3) of the Michigan penal code, 1931 PA 328, MCL 750.193.

(7) Prisoners employed at paid employment in the community shall reimburse the department for food, clothing, and daily travel expenses to and from work for days worked.

(8) The wages of prisoners employed at paid employment in the community must be collected by the work camp responsible for the prisoner's care.

(9) A work camp collecting wages of a prisoner under subsection (8) shall disperse wages collected in the following priority order:

(a) Reimbursement to the department under subsection (7).

(b) Support of the prisoner's dependents who are receiving public assistance up to the maximum of the public assistance benefit but not exceeding 50% of the prisoner's net earnings.

(c) For prisoners without dependents receiving public assistance, 50% of the prisoner's net earnings must be placed, at the prisoner's option, in either the prisoner's personal noninstitutional savings account or in escrow by the department for use by the prisoner upon release.

(d) The balance, if any, to the prisoner's institutional account.

(10) An employer who employs a prisoner under this section for work to which 1965 PA 166, MCL 408.551 to 408.558, applies shall pay the prisoner the prevailing wage as provided in that act.

(11) An employer who employs a prisoner under this section for work that is not under 1965 PA 166, MCL 408.551 to 408.558, shall pay the prisoner not less than the wage the employer pays to other employees with similar skills and experience.

(12) The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish criteria by which the department shall determine eligibility for participation in the programs of paid employment in the community established by this section.

History: Add. 1981, Act 119, Imd. Eff. July 19, 1981;—Am. 1993, Act 34, Imd. Eff. May 3, 1993;—Am. 2018, Act 295, Eff. Sept. 27, 2018.

Popular name: Department of Corrections Act