



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
P. O. Box 301501
Montgomery, AL 36130-1501
(334) 353-3883



JOHN Q. HAMM
COMMISSIONER

August 21, 2023

ADMINISTRATIVE REGULATION
NUMBER

439

OPR: MEN'S AND WOMEN'S SERVICES

COMMUNITY WORK SQUADS WORKING ON GOVERNMENT PROJECTS AND SAFETY TRAINING FOR INMATES WORKING NEAR ROADWAYS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the policies, responsibilities, and procedures for minimum-out custody inmates working on government projects and establishes policies and procedures for the safety of inmates working near a roadway.

II. POLICY

It is the policy of the ADOC to permit governmental agencies to utilize inmate labor and to promote and require certain safety measures to increase worker safety when inmates are assigned to perform work on the various roadways in the state.

III. DEFINITIONS AND ACRONYMS

- A. **Community Project**: Work performed on public property, such as municipal parks or roadways.
- B. **Community Work Center**: An ADOC facility that houses minimum-out custody inmates who are approved to work on government projects.
- C. **Community Work Squads**: An ADOC inmate work team that works outside of the ADOC facility for a governmental agency other than the ADOC. These community work squads may provide work for municipalities, cities, counties, state and federal governmental agencies.
- D. **Government Agency Inmate Supervisor**: Personnel from a participating outside governmental agency that is approved and trained to supervise inmates working on government projects.

- E. **Institutional Contact Person**: The Job Placement Officer (JPO), Warden or designee with whom the Governmental Agency Inmate Supervisor coordinates the use of community work squads.
- F. **Letter of Understanding**: An agreement, memorialized in ADOC Form 439-E, *Letter of Understanding* between a governmental agency and the ADOC for utilizing community work squads near roadways and ensuring compliance with:
 - 1. Manual on Uniform Traffic Control Devices (MUTCD) guidelines.
 - 2. Employer and inmate orientation requirements.
 - 3. Employer and inmate refresher training sessions as needed.
 - 4. Applicable safety requirements.
- G. **Manual on Uniform Traffic Control Devices (MUTCD)**: A manual of uniform standards for traffic control during construction and maintenance operations on all streets and highways in the United States.
- H. **Minimum Out Custody**: The custody level for inmates who have been approved to work outside the ADOC facility in their state-issued uniforms under the supervision of an ADOC Squad Officer/Designee or Government Agency Inmate Supervisor.
- I. **Non-Profit Organizations**: A non-governmental organization, including those designated as a 501(c)(3) status organization.

IV. **RESPONSIBILITIES**

- A. The Deputy Commissioners of Operations for Men's and Women's Services are responsible for ensuring that there are policies in place that govern inmates assigned to Community Work Centers who are eligible to work on government projects. The Deputy Commissioners of Operations for Men's and Women's Services have the authority to approve or disapprove community work squads working on any government project that is not in the best interest of the ADOC and public safety.
- B. Wardens are responsible for:
 - 1. Approving governmental agency requests, submitted on ADOC Form 439-A, *Application for Inmate Work*, for inmates to work on a government project.
 - 2. Obtaining and maintaining all contracts (ADOC Form 439-D, *Inmate Government Work Project Service Agreement*), orientation records, Letters of Understanding (ADOC Form 439-E, *Letter of Understanding*), and records of all refresher training sessions.

3. Ensuring orientation and training courses are developed and provided to all ADOC employees, Government Agency Inmate Supervisors, and inmates assigned to work on government projects.
 4. Developing their institutional Standard Operating Procedures (SOPs) to implement this AR.
- C. The governmental agency utilizing ADOC community work squads is responsible for:
1. Providing the required safety equipment for inmates.
 2. Training inmates on equipment operations safety.
 3. Attending orientation and refresher training sessions as needed.
 4. Complying with MUTCD guidelines, as applicable,
 5. Providing the Letter of Understanding (ADOC Form 439-E, *Letter of Understanding*), as applicable.
- D. The Institutional Business Office Manager/Designee is responsible for ensuring that government work project contracts (ADOC Form 439-D, *Inmate Government Work Project Service Agreement*) are up to date and that proper payment is received from the governmental agency.
- E. The JPO/Designee is responsible for ensuring that the proper inmates designated for government projects are assigned to the correct government project. The JPO/Designee is also responsible for ensuring that the employer and inmates follow all ADOC rules and regulations, as well as the rules set forth in the orientation, refresher training sessions, and government work project contract, including: ADOC Form 439-B, *Government Agency Inmate Supervisor and Squad Officer Work Rules*; ADOC Form 439-C, *Inmate Work Rules*; ADOC Form 439-D, *Inmate Government Work Project Service Agreement*; and, as applicable, ADOC Form 439-E, *Letter of Understanding*.
- F. The Institutional Job Review Board is responsible for screening inmates for placement for government projects. This Board is comprised of, but not limited to, the JPO, classification personnel, and a Correctional Captain. The Board receives final approval through the Warden.
- G. The Squad Officer/Designee is responsible for supervising community work squads and ensuring that all ADOC policies and safety procedures are adhered to and enforced.

- H. The Government Agency Inmate Supervisor is responsible for supervising a community work squad and ensuring that all ADOC policies and safety procedures are adhered to and enforced.
- I. The ADOC Legal Division is responsible for ensuring compliance with ADOC policies and state and federal law regarding the execution of government contracts. The ADOC Legal Division shall also provide clarification when contacted regarding the non-profit status of an entity.

V. **PROCEDURES**

- A. A government agency interested in using inmates for a government project will contact the Community Work Center Facility Institutional Contact Person, utilizing ADOC Form 439-A, *Application for Inmate Work*. Alternatively, the Institutional Contact Person may contact the government agency regarding a government project, utilizing the same form.
- B. The JPO/Designee will set up an appointment to meet with the prospective government employer and complete the appropriate screening.
- C. The JPO/Designee will train the Squad Officer/Designee and the Government Agency Inmate Supervisor on the following topics: ADOC Form 439-B, *Government Agency Inmate Supervisor and Squad Officer Work Rules*; ADOC Form 439-C, *Inmate Work Rules*; ADOC Form 439-D, *Inmate Government Work Project Service Agreement*; ADOC Form 439-E; and, as applicable, ADOC Form 439-E, *Letter of Understanding*. The JPO/Designee will have the Squad Officer/Designee and the Government Agency Inmate Supervisor sign the forms stating that they understand and will abide by ADOC policies and procedures. All of these referenced forms must be completed for consideration. The JPO/Designee will submit the completed forms to the Warden.
- D. Upon the Warden's approval of ADOC Form 439-A, *Application for Inmate Work*, and ADOC Form 439-D, *Inmate Government Work Project Service Agreement*, the Institutional Job Review Board will screen inmates for possible employment on government projects for that government agency.
- E. The ADOC and the governmental agency may negotiate the costs to be assessed of the governmental agency and the portions that shall go to the ADOC and to the community work squad inmates, keeping in mind the costs of the transportation and supervision of the community work squad inmates. However, the following fees shall be assessed of the governmental agency and paid by the ADOC to the inmate at a minimum:
 - 1. If the government agency transports the inmate to and from the government project job site, the governmental agency will be assessed a fee of \$15 per day per inmate.

2. If the ADOC transports the inmate to and from the government project job site, the governmental agency will be assessed a fee of \$20 per day per inmate.
 3. If the ADOC transports the inmate to and from the government project job site and the ADOC provides a Squad Officer/designee, the governmental agency will be assessed a fee of \$25 per day per inmate.
 4. Of the fees received by the ADOC, the inmate will be paid at least \$2.00 per day for labor, and the balance will be placed in the State General Fund Account.
- F. Payment of work performed shall be remitted from the participating government agency to the respective ADOC institution in accordance with the ADOC Accounting Manual and through the facility's Business Office Manager/Designee.
- G. The JPO Officer shall ensure that the inmate receives orientation and signs ADOC Form 439-C, *Inmate Work Rules*.
- H. If any inmate behaves in a manner deemed inappropriate, the Government Agency Inmate Supervisor or Squad Officer/Designee shall inform the JPO or Warden/Designee. Any violation of ADOC Form 439-C, *Inmate Work Rules*, shall be reported to the JPO/Designee. The JPO/Designee will investigate and take appropriate disciplinary action as warranted. The Warden may remove any inmate from any government project at any time, with or without cause.
- I. The JPO and/or designated ADOC Security Staff will conduct random job checks and searches to ensure employer and inmate accountability and public safety.
- J. Community work squad inmates are not permitted to work on non-governmental property without the authorization of the respective Deputy Commissioner of Men's or Women's Services.
- K. Only minimum community custody inmates in Pass Status may perform free labor to churches and non-governmental community entities with written authorization of the Warden and the respective Deputy Commissioner of Men's or Women's Services. Inmates must sign ADOC Form 439-F, *Inmate Volunteer Waiver* and may only perform the requested free labor in accordance with AR 405, *Inmate Emergency Visit, Pass, and Leave Program*.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

- A. ADOC Form 439-A, *Application for Inmate Work*.

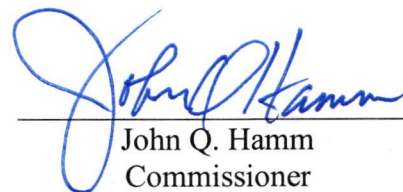
- B. ADOC Form 439-B, *Government Agency Inmate Supervisor and Squad Officer Work Rules*.
- C. ADOC Form 439-C, *Inmate Work Rules*.
- D. ADOC Form 439-D, *Inmate Government Work Project Service Agreement*.
- E. ADOC Form 439-E, *Letter of Understanding*.
- F. ADOC Form 439-F, *Inmate Volunteer Waiver*.

VIII. SUPERSEDES

- A. This Administrative Regulation supersedes AR 439, *Inmates Working on Community Projects*, dated July 10, 1996, and AR 320, *Inmate Work Squad Safety Near Roadways*, dated November 20, 2003, and any changes.

IX. PERFORMANCE

- A. Code of Alabama 1975 §§ 14-1-1.1 *et seq.*, 14-3-47, and 14-5-10.
- B. AR 405, *Inmate Emergency, Visit, Pass, and Leave Program*.
- C. The standards contained herein are applicable to all public roads regardless of type or class or agency having jurisdiction in accordance with Title 23, U.S. Code, Sections 109 and 402, and the Highway Safety Program Manual, Standard 13, Traffic Engineering Services (Traffic Control Devices).



John Q. Hamm
Commissioner

APPLICATION FOR INMATE WORK
REQUEST FORM
FORM 439-A

Date Requested: _____

Name of ADOC Institution: _____

Name of Governmental Agency: _____

Name of Supervisor(s)/Representative(s):

Describe the scope of work needed and if any skilled labor or special talents are sought:

**The work shall only be for the Agency submitting this plan. No work for other entities or private individuals associated with the Agency will be approved.*

Number of inmates requested: _____

Location of Work Site:

** No request for work on private lands will be approved. No request for work outside of the State of Alabama will be approved.*

Proposed Schedule (for example, monthly, weekly, daily, weekdays, etc.):

*Additional information may be provided on a separate page, if needed.

Agency Supervisor/Representative Signature: _____

Approved: _____
Warden/Designee

Date: _____

Alabama Department of Corrections

GOVERNMENT AGENCY INMATE SUPERVISOR AND SQUAD OFFICER WORK RULES

1. The Government Agency Inmate Supervisor and Squad Officer/Designee, if applicable, shall ensure he or she is familiar with ADOC Form 439-C, *Inmate Work Rules*. The Government Agency Inmate Supervisor and Squad Officer/Designee shall be provided a copy of the signed ADOC Form 439-C.
2. If an inmate is injured or becomes ill at the government project job site, the Government Agency Inmate Supervisor or Squad Officer/Designee, if applicable, shall take appropriate action and notify the institutional Warden/designee as soon as possible. The Government Agency Inmate Supervisor or Squad Officer/Designee, if applicable, shall also be required to provide a written statement to the Warden concerning the incident.
3. The Government Agency Inmate Supervisor or Squad Officer/Designee, if applicable, shall make visual contact with each assigned inmate under their control at least once every 15 minutes. If, at any time the Government Agency Inmate Supervisor or Squad Officer/Designee, if applicable, has reason to believe that an inmate is missing or has escaped, he or she shall report this immediately to the Warden/designee, who will proceed to follow inmate escape notification procedures.
4. Inmates are not allowed to work on private property unless it becomes necessary and is authorized by the respective Deputy Commissioner of Operations of Men's or Women's Services. In such case, the inmate(s) shall require constant supervision and shall not be left alone.
5. The Government Agency Inmate Supervisor and Squad Officer/Designee shall not have or establish a personal relationship with any inmate.
6. The Government Agency Inmate Supervisor may purchase meals or lunches for the inmates, but in no case shall the inmates be allowed inside an eating establishment.

**I HAVE READ AND UNDERSTAND
THE GOVERNMENT AGENCY INMATE SUPERVISOR AND
SQUAD OFFICER WORK RULES
AND INMATE WORK RULES**

Government Agency Inmate Supervisor
or Squad Officer
(Printed Name)

Government Agency Inmate Supervisor
or Squad Officer
(Signature)

(Date)

(JPO/Designee Printed Name)

(JPO/Designee Signature)

(Date)

ADOC Form 439-B – August 21, 2023

Alabama Department of Corrections

INMATE WORK RULES Form 439-C

1. Dress Code
The inmate must wear the tan ADOC-issued clothing in accordance with the Male or Female Inmate Handbook. Only authorized clothing will be worn. The clothing will be clean, the buttons will be buttoned, and the shirt tails will be tucked into trousers. No free world caps or hats may be worn.
2. Visitors
The inmate shall not be allowed to have visitors at the government project job site.
3. Phone Calls
The inmate shall not make nor receive phone calls at the government project job site.
4. Mail or Packages
The inmate shall not be allowed to send or receive mail or packages at the government project job site.
5. Hobby Craft Items
Any free world person interested in purchasing an inmate hobby craft item must have the approval for the purchase from the Warden/designee. There shall be no exceptions to this rule. The money received for the item shall be placed on the inmate's Prisoner Money On Deposit (PMOD) account prior to the item leaving the institution.
6. General Rules
 - A. Inmates must remain seated at all times while riding in a vehicle.
 - B. The inmate shall not be allowed to drive a vehicle unless authorized by the Warden/designee in accordance with AR 441, *Inmate Drivers*.
 - C. The inmate shall not be allowed to work on personal property or private land without the authorization of the respective Deputy Commissioner of Operations of Men's or Women's services.
 - D. The inmate shall not consume or have any drugs or alcoholic beverages in their position. Prescription drugs shall be controlled by the responsible supervisor.