



ADMINISTRATIVE RULES
STATE OF ARKANSAS
BOARD OF CORRECTIONS

Section Number:
115

Page Number:
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Board Approval Date:
10-22-04

Supersedes:
N/A

Dated:

Reference:

Effective Date:
01-01-05

SUBJECT: Private Industry Employment of Inmates Within Correctional Facilities

I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rules is found in Ark. Code Ann. § 12-27-105 and § 12-30-501.

II. EXPLANATION:

The Board of Corrections is authorized by Ark. Code Ann. § 12-30-501 to contract with any private individual or private company to employ inmates. The contracts must comply with Title 18 U.S.C. Section 1761. The purpose of this rule is to authorize the Director of the Arkansas Department of Correction to operate the program.

III. APPLICABILITY:

This Administrative Rule applies to the Arkansas Department of Correction, its inmates and any private individual, corporation, partnership, or association contracting with or attempting to contract with the Arkansas Department of Correction to utilize inmate labor as authorized and/or limited by Ark. Code Ann. § 12-30-501.

IV. POLICY:

It shall be the policy of the Department of Correction to expand the Correctional Industry work program by allowing inmates to work for private companies within secure perimeters of correctional facilities. This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance, U.S. Department of Justice.

V. PROCEDURES:

- A. The Board of Corrections will be the PIECP certificate holder.
- B. The program has nine mandatory requirements that are:



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1. Eligibility
There shall be on file written proof of certification from the Bureau of Justice Assistance permitting PIECP in the State of Arkansas prior to any Cost Accounting Center startup.
2. Inmate wages
Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed.
3. Non-Inmate Worker Displacement
Written assurances from the Employment Security Division that PIECP will not result in the displacement of employed workers; be applied in skills, crafts, or trades in which there is a surplus of available labor in the locality; or sufficiently impair existing contracts.
4. Benefits
Inmate workers will be provided benefits comparable with those made available by the federal or state government to similarly situated private-sector employees, including workers' compensation and, in some circumstances, Social Security.
5. Deductions
Deductions shall be taken for all applicable taxes, room and board/operational fee, family support, and victim's compensation. Total deductions can be no more than 80% of the inmate worker's gross wages.
6. Voluntary Participation
Inmate workers must volunteer to participate in the PIECP program.
7. Consultation with organized labor
There shall be written proof of consultation with organized labor prior to PIECP startup.
8. Consultation with local private industry



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There shall be written proof of consultation with local private industry prior to PIECP startup.

9. National Environmental Policy Act (NEPA)

There shall be written proof of compliance with NEPA requirements prior to PIECP startup.

- C. The Director of the Arkansas Department of Correction shall develop administrative directives for operation of the program in accordance with all federal and state laws regarding the interstate transportation of prison-made goods.

VI. REFERENCES:

Ark. Code Ann. § 12-30-501 (Act 106 of 1995)
Title 18, United States Code Section 1761

VII. ACA STANDARDS:

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