

INS DETENTION STANDARD

VOLUNTARY WORK PROGRAM

I. POLICY

Every facility with a work program will provide detainees the opportunity to work and earn money. While not legally required to do so, INS affords working detainees basic Occupational Safety and Health Administration (OSHA) protections.

II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

A. Voluntary Work Program

Detainees who are physically and mentally able to work will be provided the opportunity to participate in any voluntary work program.

The detainee's classification level will determine the type of work assignment for which he/she is eligible.

General work assignments at SPCs/CDFs do not require specific skills. A sample of work assignments and corresponding classification levels follows:

<i>Work Assignment</i>	<i>Level</i>
1. Kitchen worker (either shift)	1-2 (and 3, if screened for violence)
2. Recreation/Library/Barber	1-2 (and 3, if screened for violence)
3. Living area clean-up/janitorial	1-3
4. Area cleaning (inside facility)	1-3
5. Area cleaning (outside facility)	1
6. Evening workers (unit janitorial)	1-2
7. Evening workers (building janitorial)	1-2
8. Processing	1-2
9. Bus detail	1-3
10. Maintenance	1-2
11. Lawn care	1-3
12. Laundry	1-2

B. Voluntary Work Program Objectives

Through the voluntary work program:

1. Physically and mentally able detainees are gainfully employed while contributing to the orderly operation of the facility;
2. Essential operations and services improve through the productivity of detainees; and
3. Inactivity-induced idleness and disciplinary-code violations will decline.

C. Required Work Assignments

Work assignments are voluntary. However, all detainees are responsible for personal housekeeping.

In SPCs/CDFs, detainees are required to maintain their immediate living areas in a neat and orderly manner. This involves making their bunk beds daily, stacking loose papers, keeping the floor free of debris and dividers free of clutter, and hanging/draping no articles of clothing, pictures, keepsakes, or other objects from beds, overhead lighting fixtures, or other furniture.

D. Voluntary Special Details

Detainees may volunteer for the temporary work details that occasionally arise. The work, which generally last from several hours to several days, can involve digging trenches, removing topsoil, and other labor-intensive work. Level-3 detainees will not, under any circumstances, work outside the secure outer perimeter. With immediate supervision, lower categories of level-3 detainees may participate in special details.

E. Detainee Selection

The OIC shall develop site-specific rules for selecting work detail volunteers.

In SPCs/CDFs, these general procedures apply:

- a. *Staff will present the detainee's name and A-number to the shift supervisor or the requesting department head.*
- b. *The shift supervisor/department head will review the detainee's detention file and/or A-file for classification purpose, scanning documents that might provide relevant information.*
- c. *Inquiries to staff members about the detainee's attitude and behavior may affect the supervisor's selection.*
- d. *Staff will explain the rules and regulations as well as privileges relating to the detainee worker's status.*

The primary factors in hiring a detainee as a worker will be his/her classification level and the specific requirements of the job.

F. Discrimination in Hiring Detainee Workers

Volunteering detainees will not be denied work opportunities based on non-merit factors, such as social group, race, religion, sex, physical or mental handicaps, or national origin.

G. Physically and Mentally Challenged Detainees

INS maintains custody of physically and mentally challenged detainees whose disabilities range from minor to debilitating. While some of these individuals' medical restrictions will prevent them from working, those with less severe disabilities will have the opportunity to participate in the voluntary work program, in appropriate work projects.

The selecting official must consider the precise limitations of a disabled individual before rejecting certain work assignments. Expediency or convenience will not justify the rejection or pigeonholing of a detainee who, with reasonable accommodation, can perform the essential function of the work involved. In disputed cases, the official will consult medical personnel to ascertain the detainee's assignability with regard to a given project.

H. Hours of Work

Detainees participating in the volunteer work program are required to work according to a fixed schedule.

In SPCs/CDFs, the normal scheduled workday for a detainee employed full-time is a maximum of 8 hours. Detainees who wish to participate in the work program will not be permitted to work in excess of 8 hours daily, 40 hours weekly.

Unexcused absences from work or unsatisfactory work performance may result in removal from the voluntary work program

I. Work Restrictions

The OIC may restrict the number of work details permitted a detainee during one day.

In SPCs/CDFs, a detainee may participate in only one work detail per day. Also, the detainee is required to sign a voluntary work program agreement before every new assignment. Completed agreements will be filed in the detainee's detention file. (Sample agreement attached).

J. Facilities That Detain Criminal Aliens

If the facility cannot establish the classification level in which the detainee belongs, the detainee shall be ineligible for the voluntary work program.

K. Compensation

Detainees shall receive monetary compensation for work completed in accordance with the facility's standard policy.

In SPCs/CDFs, the stipend is \$1.00 per day, to be paid daily.

L. Removal of Detainee from Work Detail

A detainee may be removed from a work detail for cause. Upon removing a detainee from a work detail, the OIC shall place a written justification in the detainee's detention file.

A non-exhaustive list of reasons for removal follows:

1. Unsatisfactory performance.
2. Disruptive behavior, threats to security, etc.
3. Infraction of a facility rule, regulation or policy, leading to removal from a work details as a sanction imposed by the Institutional Disciplinary Panel.
4. Physical inability to perform all functions required by the job, whether because of a lack of strength or a medical condition. Such detainees may be removed from a work detail to prevent future injuries.

M. Detainee Responsibility

The OIC will establish procedures for informing detainee volunteers about on-the-job responsibilities and reporting procedures.

In SPCs/CDFs, the detainee is expected to be ready to report for work at the required time. The detainee may not leave an assignment without permission.

The detainee will perform all assigned tasks diligently and conscientiously. Removal from the work detail and/or disciplinary action may result when a detainee evades attendance and performance standards in assigned activities, or encourages others to do so.

The detainee will exercise care in performing assigned work, using safety equipment and other precautions in accordance with the work supervisor's instructions. In the event of a work-related injury, the detainee shall notify the work supervisor, who will immediately implement injury-response procedures (see section III. O., below).

N. Detainee Training and Safety

All detention facilities shall comply with all applicable health and safety regulations and standards.

The OIC shall ensure that all department heads develop and institutes, in conjunction with the facility's training officer, appropriate training for all detainee workers.

1. *In all SPCs/CDFs the Voluntary Work Program shall operate in compliance with the following:*
 - a. *Occupational Safety and Health Administration (OSHA) regulations set forth in 29 CFR Parts 1910, 1926, and 1960 (current indexes attached);*
 - b. *National Fire Protection Association 101 Life Safety Code (current index attached);*
 - c. *American Correctional Association Standards for Adult Local Detention Facilities (see section IV., below);*
 - d. *INS Environmental Occupational Safety and Health Program Handbook.*
2. Upon the detainee's assignment to a job or detail, the supervisor shall provide thorough instructions regarding safe work methods and, if relevant, hazardous materials. The supervisor shall demonstrate safety features and practices. Workers will learn to recognize hazards in the workplace, to understand the protective devices and clothing provided, and to report deficiencies to their supervisors. INS will not tolerate "lack of knowledge or skill" as an accident's cause. Therefore, the detainee shall undertake no assignment before signing a voluntary work program agreement. Among other things, by signing the agreement the detainee confirms he/she has received and understood training about the assigned job from the supervisor. This agreement will be placed in the detainee's detention file.

3. Medical staff, working with the Public Health Service, will ensure detainees are medically screened and certified before undertaking a food service assignment.
4. The facility will provide detainees with safety equipment that meets OSHA and other standards associated with the task performed.
5. *Each Regional Safety and Health Officer (RSHO) shall be responsible for providing every SPC/CDF in his/her region with complete and current copies of the documents listed in III.N.1., above, including 29 CFR Parts 1910, 1926 and 1960. The OIC shall ensure that the facility operates in compliance with all currently applicable standards.*

0. Detainee Injury and Reporting Procedures

The OIC shall implement procedures for immediately and appropriately responding to on-the-job injuries, including immediate notification of INS.

In SPCs/CDFs, if a detainee is injured while performing his/her work assignment, the following procedures apply:

1. *The work supervisor will immediately notify the facility medical staff. In the event that the accident occurs in a facility that does not provide 24-hour medical coverage, the supervisor will contact the on-call medical officer for instructions.*
2. *First aid will be administered when necessary.*
3. *Medical staff will determine what treatment is necessary and where that treatment will take place.*
4. *The work supervisor will complete a detainee accident report and submit it to the OIC for review and processing. A copy of this report will be placed in the detainee's A-file.*

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-3E-04, 5A-01, 5A-03, 5A-04, 5A-05, 5A-06, 5A-08, 5A-13.

Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs

SEP 20 2000

Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SEP 20 2000

Date

Detainee Voluntary Work Program Agreement
Service Processing Center/Contract Detention Facility
[Insert Facility Name]

Detainee Voluntary Work Program Agreement:

Detainees that participate in the volunteer work program will not be permitted to work in excess of 8 hours daily or 40 hours weekly.

Detainees that participate in the volunteer work program are required to work according to an assigned work schedule and to participate in all work-related training. Unexcused absence from work or unsatisfactory work performance could result in removal from the voluntary work program. Detainees must adhere to all safety regulations and to all medical and grooming standards associated with the work assignment. Compensation shall be \$1.00 per day.

I, _____, A# _____, have read, understand, and agree
(Detainee name)
to comply with the above. I have received and understand relevant safety training regarding my work assignment:

Work Assignment

Detainee Signature

Date

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

Policy: In every facility offering a voluntary work program, INS detainees will have the opportunity to work and earn money by participating. While not legally required, INS affords detainee workers basic Occupational Safety and Health Administration (OSHA) protections.

VOLUNTARY WORK PROGRAM			
Components	Yes	No	Remarks
1. Does the facility have a voluntary work program? If yes, do detainees participate?			
2. Does staff maintain a written chart with work assignments and the corresponding classification levels?			
3. Does the Voluntary Work Program: a. Contribute to detainee morale and the orderly operation of the facility? b. Improve operations and services? c. Reduce restlessness and disciplinary code violations?			
4. Does detainee housekeeping meet neatness and cleanliness standards?			
5. Do low level-three detainees have the opportunity to participate in special details? a. If yes, do they ever work outside the outer perimeter?			
6. Do written procedures govern selection of detainees for the Voluntary Work Program? a. Do the same procedures apply for replacement workers as for "new" workers? b. Does staff always follow written procedures? c. Is merit the sole selection criterion?			
7. Do physically and mentally challenged detainees participate in the program? a. If yes, how many physically challenged are currently employed? b. How many mentally challenged?			

VOLUNTARY WORK PROGRAM			
Components	Yes	No	Remarks
8. Does the facility comply with work-hour requirements for detainees, not exceeding: a. Eight hours a day? b. Forty hours a week?			
9. Do exceptions occur regularly? a. If yes, certain times of the month? b. Certain times of year?			
10. Do detainee volunteers work according to a. Fixed schedule?			
11. Do volunteers receive the \$1/day stipend?			
12. Has every participating detainee signed the Voluntary Work Program agreement?			
13. If the OIC removes a detainee from a work detail, does staff place the written justification for the action in the detainee's detention file? a. Is this a matter of written procedure?			
14. Does staff ensure that detainee volunteers understand their responsibilities as workers before they join the work program? a. In accordance with written procedure?			
15. Does the voluntary work program meet: a. OSHA standards? b. NFPA standards? c. ACA standards? d. EOSH standards?			
16. Does medical staff screen and formally certify detainee food service volunteers? a. If yes, before the assignment begins? b. Is this a matter of written procedure?			
17. Do detainees receive safety equipment/training sufficient for the assignment?			
18. Does the OIC have the latest OSHA standards? NFPA? ACA? EOSH?			
19. Is the proper procedure followed when an alien is injured on the job?			

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

VOLUNTARY WORK PROGRAM

Verification Sources:

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Facility's written work program policies and procedures			
B. Observing on-the-job volunteers			
C. A-files/detention files			
D. OSHA standards			
E. NFPA standards			
F. ACA standards			
G. EOSH standards			
H. Detainee and staff interviews			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

Remarks: *(Record significant facts, observations, other sources used, etc.)*

Auditor's Signature

Date