

5.5 Voluntary Work Program

Introduction

This U.S. Immigration and Customs Enforcement (ICE) Family Residential Standard provides residents opportunities to work and earn money while in residence, subject to the number of work opportunities available while maintaining safe and secure Center operations. While not legally required to do so, ICE/Enforcement and Removal Operations (ERO) affords working residents basic Occupational Safety and Health Administration (OSHA) protections.

Various terms used in this standard may be defined in the ICE Family Residential Standard on *Definitions*.

Program Philosophy

The requirements of this standard must be implemented in accordance with the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes*.

A. Language Access and Disability Requirements

Centers will adhere to the language access and disability laws, regulations, responsibilities, requirements, and laws cited in the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes* and the ICE Family Residential Standard on *Disability Identification, Assessment, and Accommodation*. These requirements must be promulgated in all Center policies, practices, and operations and its themes must be fully incorporated into every Center activity. This is of critical importance and will directly impact resident life, health, and safety.

Expected Outcomes

The expected outcomes of this standard are as follows (specific requirements are defined in the Expected Practices section in this standard):

1. Residents may have opportunities to work and earn money while in residence, subject to the number of work opportunities available and within the constraints of safe and secure Center operations.
2. Residents will be able to volunteer for work assignments but otherwise will not be required to work, except to do personal housekeeping as described in the ICE Family Residential Standard on *Housekeeping*.
3. Resident working conditions will comply with all applicable Federal, State, and local work safety laws and regulations.
4. Residents will not be denied voluntary work opportunities on the basis of race, religion, national origin, gender, sexual orientation, or disability.

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Standards Affected

This standard replaces the ICE Family Residential Standard on *Housekeeping and Voluntary Work Program* dated 12/21/2007.

Expected Practices

A. Voluntary Work Program

Centers will establish policies and procedures for a resident voluntary work program (VWP). The personal housekeeping plan as detailed in the ICE Family Residential Standard on *Housekeeping* is not part of the VWP. Residents who are physically and mentally able to work will be provided the opportunity to participate in the VWP. Residents under 18 years of age will not be authorized to participate in the VWP.

B. Work Assignment Selections

The Center's policy and procedures will include rules for selecting VWP work assignment volunteers.

Residents will be eligible to work only when such work does not interfere with their primary responsibility to care for their children. This includes while their children are in class, in an organized activity, or possess a free movement pass.

No special privileges will be afforded to any worker as a result of work performed in the VWP.

Residents will sign a work agreement acknowledging that they are requesting to participate in the VWP, and their participation is voluntary. Centers will provide appropriate training before residents sign the VWP agreement and before any voluntary work is performed.

C. Resident Selection

The Center Administrator will develop site-specific rules for selecting work detail volunteers. These site-specific rules will be recorded in a Center procedure that will include a VWP agreement. The VWP agreement will document the Center's program and will be in compliance with this standard.

Staff will explain the rules and regulations relating to the resident worker's status. The resident will be required to sign a VWP agreement before commencing each new assignment. Completed agreements will be filed in the resident's file.

D. Discrimination in Hiring Prohibited

Residents will not be denied voluntary work opportunities on the basis of factors such as a resident's race, religion, national origin, gender, sexual orientation, or disability.

E. Physical and Mental Health and Residents with Disabilities

Although medical or mental health restrictions may prevent some residents with physical or mental disabilities from working, those with less severe disabilities will have the opportunity to participate in the VWP in appropriate work assignments.

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The selecting staff member must consider the precise limitations of a resident with disabilities before rejecting that individual for selected work assignments.

Expediency or convenience is insufficient justification to reject or “pigeonhole” a resident who, with reasonable accommodation, can perform essential functions of the work assignment and does not compromise the resident, staff, or safe and secure Center operations.

In disputed cases, the selecting staff member will consult medical personnel to ascertain the resident’s suitability for a given project. Written decisions on disputed cases will be placed in the resident’s file.

F. Hours of Work

Residents who participate in the VWP are required to work according to a schedule.

The normal scheduled workday for a resident participating in the VWP is a maximum of 8 hours. Residents will not be permitted to work in excess of 8 hours daily or 40 hours weekly.

Unexcused absences from work or unsatisfactory work performance may result in removal from the VWP.

G. Number of Details in One Day

The Center Administrator may restrict the number of work details permitted a resident during one day. A resident will be required to sign a VWP agreement before every new assignment. Completed agreements will be filed in the resident’s file.

H. Compensation

Residents will receive monetary compensation for work completed in accordance with the Center’s VWP policy.

The compensation is at least \$1 (USD) per day. Compensation will be placed in the resident’s Center account and will be paid daily. The Center will have an established system that ensures residents receive the pay owed them before being transferred or discharged.

I. Removal of Resident from Work Detail

A resident may be removed from a work detail for causes such as but not limited to:

- Unsatisfactory performance;
- Disruptive behavior, threats to security, etc.;
- Despite reasonable accommodations, physical inability to perform the essential elements of the job due to a medical condition or lack of strength;
- Unexcused absences from work; or
- Prevention of injuries to the resident.

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The Work Supervisor is the only person authorized to remove a resident from a work assignment. When a resident is removed from a work assignment, written documentation of the removal circumstances and reasons will be provided to the resident and a copy placed in the resident's residential file. Residents may file a grievance if they believe they were removed unfairly from work, in accordance with the ICE Family Residential Standard on *Grievance System*.

J. Resident Responsibility

The Center Administrator will establish procedures for informing resident volunteers about on-the-job responsibilities and reporting procedures.

The resident is expected to be ready to report for work at the required time and may not leave an assignment without permission.

The resident will perform all assigned tasks diligently and conscientiously, as directed by the job supervisor.

The resident may not evade attendance and performance standards in assigned activities or encourage others to do so.

The resident will exercise care in performing assigned work, using safety equipment and taking other precautions in accordance with the Work Supervisor's instructions.

In the event of a work-related injury, the resident will notify the Work Supervisor, who will implement injury-response procedures immediately.

K. Resident Training and Safety

All Centers will comply with all applicable health and safety regulations and standards, as well as all other applicable federal, state, local, and tribal laws.

The Center Administrator will ensure that all department heads, in collaboration with the Center's safety/training staff member, develop and institute appropriate training for all resident workers.

The VWP will operate in compliance with the following codes and regulations:

- OSHA regulations;
- National Fire Protection Association (NFPA) 101 Life Safety Code;
- International Council Codes; and
- Other State and local health and safety regulations.

Residents must receive appropriate training prior to beginning the VWP.

Each Center Administrator's designee is responsible for providing access to complete and current versions of the documents listed above.

The Center Administrator will ensure that the Center operates in compliance with all applicable standards.

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Upon a resident's assignment to a job or detail, the Work Supervisor will provide thorough instructions regarding safe work methods, injury-response procedures, and, if relevant, hazardous materials:

- Supervisors will demonstrate safety features and practices; and
- Supervisors will notify residents of hazards in the workplace, including the purpose for protective devices and clothing provided and the importance of reporting deficiencies to their supervisors. Staff and residents who do not read or understand English will not be authorized to work with hazardous materials.

A resident will not undertake any assignment before signing a VWP agreement that, among other things, confirms that the resident has received and understood training from the Work Supervisor about the work assignment.

The VWP agreement, which each resident is required to sign prior to commencing each new assignment, will be placed in the resident's file. If requested, a copy of the VWP agreement will be provided to the resident.

The Center health care provider, in conjunction with the ICE Health Service Corps, will ensure that residents are medically screened and certified before undertaking a food service assignment.

The Center will provide residents with safety equipment that meets OSHA and other Standards associated with the task performed.

The Center Administrator will ensure that the Center operates in compliance with all applicable standards.

L. Resident Injury and Reporting Procedures

The Center Administrator will implement procedures for responding immediately and appropriately to resident on-the-job injuries, including notifying the Juvenile and Family Residential Management Unit Onsite Coordinator immediately.

If a resident is injured while performing his/her work assignment, then:

- The Work Supervisor will notify the Center health care provider immediately. In the event the accident occurs in a Center that does not provide 24-hour medical care, the supervisor will contact the on-call medical staff member for instructions;
- First aid will be administered as necessary; and
- The medical health care provider will determine what treatment is necessary and where that treatment will take place.

The Work Supervisor will complete a resident accident report and submit it to the Center Administrator for review and processing and file it in the resident's file and alien file.

References

- ICE Family Residential Standard on Definitions

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- ICE Family Residential Standard on Grievance System
- ICE Family Residential Standard on Housekeeping
- ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes
- International Council Codes
- National Fire Protection Association (NFPA) Codes
- U.S. Occupational Safety and Health Administration (OSHA) Codes