



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-07.11 (rev. 4)

**DATE:** October 26, 2015

**PAGE:** 1 of 12

**SUPERSEDES:** AD-07.11 (rev. 3)  
August 30, 2006

## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** USE OF OFFENDER LABOR FOR COMMUNITY WORK PROJECTS

**AUTHORITY:** Tex. Gov't Code §§ 305.001-.036, 493.001, 493.006(b), 497.091, 497.097, 507.001(b), 507.029, 771.001-.010; 791.001-.035; 26 U.S.C. § 501

Reference: American Correctional Association Standard 4-4005

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ) and Windham School District (WSD)

**POLICY:**

The TDCJ provides offender labor for the purpose of developing, improving, and restoring land and buildings, as well as providing vocational programs for offenders to enhance rehabilitation and aid in reducing recidivism.

**DEFINITIONS:**

“Community Work Project” is a project using non-paid TDCJ offenders under TDCJ supervision, generally from a single unit, to provide labor to eligible, community-based, non-profit or governmental agencies that serve the community interest or the broader public interest.

“Eligible Non-Profit Organization” is an organization that is exempt from taxation pursuant to 26 U.S.C. § 501 and that complies with all applicable federal nondiscrimination laws.

“Local Governmental Agency” is a county, municipality, school district or other special district, other political subdivision of this state or a bordering state, or a combination of two or more of these agencies.

“Profit” is an excess of return over expenditure, cost, or investment.

“Project Agreement” is the form used to request a TDCJ work squad.

“Project Hours” are the actual hours worked at a job site, as well as the drive time to and from a work site.

“State Governmental Agency” is a subordinate unit of government, which includes a department, board, bureau, commission, court, office, authority, council, or institution, created to carry out a governmental function or to implement a statute(s).

## **PROCEDURES:**

Community work projects shall be performed for the convenience, safety, or welfare of the entire community, not the welfare of a specific individual or class of persons. The TDCJ may partner with and provide offender labor to eligible non-profit organizations that provide services to the general public, and enhance social welfare and the general well-being of the community. Work shall not begin on any project until the agreement is approved by all of the appropriate authorities.

### **I. Offender Eligibility Criteria**

- A. All general population Level I (G1/J1) offenders shall be eligible to participate in community work projects pending approval by the warden.
- B. All offenders participating in a community work project shall be carefully screened and approved by the warden prior to assignment to a community work squad. Custody and work restrictions as documented on the offender’s Health Summary for Classification form (HSM-18) shall be considered when assigning offenders to a particular community work squad.
- C. The warden, with the approval of the regional director, has the discretion to use the field force on projects located in remote areas in accordance with SM-04.01, “Field Force Operations.”

### **II. Offender Management Requirements**

- A. Any offender may be removed from a community work project for inappropriate behavior, such as horseplay, disrespect to staff or public, and other similar acts; disciplinary violations; or at the warden’s discretion.
- B. Appropriate correctional officers shall be assigned to ensure custody and control of the offender workforce. No more than 15 offenders shall be assigned to one correctional officer. The total number of offenders assigned to each community work squad shall not hinder the ability to properly supervise and maintain overall security of the community work squad.
- C. When the field force is used in remote locations, the work squad shall be under armed supervision at all times.

### III. Duration and Approval Process

#### A. General Procedures

1. Participation in any community work project is at the warden's discretion. The warden or designee shall explain the policies and procedures for the project to the requesting entity prior to the submission of a Project Agreement (Attachment A).
2. If the requesting entity has multiple work sites, multiple project agreements are not required for each work site. One project agreement may cover multiple locations, as long as all locations are listed on the Project Agreement form.
3. Work shall not begin on any project until final approval has been received.

#### B. State and Local Governmental Agencies

1. State and local government projects lasting three days or less may be approved or disapproved by the warden for Correctional Institutions Division (CID) units. Projects submitted to a privately operated facility require the approval of the deputy director of Operations for the Private Facility Contract Monitoring/Oversight Division (PFCMOD).
2. State and local government projects lasting more than three days and up to 90 days shall be approved by the warden and the regional director. Projects submitted to a privately operated facility require the approval of the deputy director of Operations for PFCMOD.
3. State or local government projects lasting more than 90 days and up to six months require the approval of the warden, regional director or deputy director of Operations for PFCMOD, and the appropriate division director or designee.

#### C. Non-Profit Organizations

1. Non-profit projects shall benefit or serve the clients of the non-profit organization, not the administration.
2. A non-profit organization shall complete and submit a project agreement to the warden. Each completed agreement shall include:
  - a. A copy of the Determination Letter issued by the Internal Revenue Service confirming the non-profit organization's tax exempt status; and

- b. A written statement, or Letter of Benefit, detailing the benefits of the project to the clients and confirming that no profit shall be received by the clients, staff, board, or third parties who are not direct clients of the organization.
3. All project agreements for CID units, completed and approved at unit and regional levels, and including all required documentation, shall be forwarded to the Plans and Operations Department for review and coordination of the final signature process. Project agreements for privately operated facilities, approved at the unit level, shall be forwarded to PFCMOD Headquarters for approval by the deputy director of Operations for PFCMOD.
4. The Approval Process for Community Work Projects for Non-Profit Organizations (Attachment B) provides a flow chart for approval and denial of non-profit community work projects.

D. Windham School District (WSD)

Project agreements involving the WSD shall be reviewed and recommended for approval by the warden and the WSD principal.

1. If approval is recommended by both the warden and the WSD principal, the project agreement shall be forwarded to the regional director or deputy director of Operations for PFCMOD.
2. The regional director shall forward the approved project agreement to the Plans and Operations Department for review and coordination of the final signature process for all CID units. The signature process shall include the WSD superintendent in accordance with WSD OP-8.02, "Career and Technical Education (CTE)." The PFCMOD shall coordinate the final approval process for privately operated facilities.

E. Major Construction

All major construction, such as large scale buildings, remodeling, or demolition projects shall be approved by the warden, regional director or deputy director of Operations for PFCMOD, and the appropriate division director or designee regardless of the duration of the project.

IV. Health and Safety Concerns

- A. All projects shall be reviewed by a unit risk manager. Certified personnel shall be provided by the requesting entity if the unit risk manager determines further evaluation is necessary.

- B. Section III, Health and Safety Review, of the Project Agreement form shall be completed each time a new work site is encountered, whether it is a new project or one that is ongoing.
  - C. Correctional officers and offenders shall receive initial job training from a qualified department head, supervisor, or other designated personnel each time a new work site is encountered, whether it is a new project or one that is ongoing. The training shall include a demonstration of the job. Acknowledgement and understanding of the demonstration by the correctional officers and offenders shall be documented. The unit risk manager shall monitor safety training regarding all tools and equipment provided by the TDCJ in accordance with the *Risk Management Program Manual* RM-15, "Community Work Projects and Public Safety Service Programs." Once training is completed, correctional officers shall ensure the training is documented and signed by participants on the Unit Training Documentation form (Attachment C).
  - D. The requesting entity shall provide safety training and related instruction to correctional officers as well as provide tools, work gloves, safety glasses or face shields, safety vests, hearing protectors, and other supplies necessary to assist offenders in safely accomplishing the work tasks for each work site. Correctional staff and offenders shall not start a project until safety training and use of tool training is completed. Once training is completed, correctional officers shall ensure the training is documented and signed by the participants on the Entity Training Documentation form (Attachment D). A copy of the documentation for training provided by the requesting entity shall be maintained in conjunction with the initial job training. The unit risk manager shall monitor all safety training, including the provision of personal protective equipment.
  - E. The warden or designee shall be responsible for ensuring proper communication is available, via radio, telephone, or other similar form of communication, to the correctional officer in charge of the work squad, in the event of an emergency. A work squad out of radio contact range with the unit shall be provided a cellular phone by the requesting entity to maintain communication with the unit.
- V. Agency Reporting
- A. Each TDCJ unit shall report all project hours that are not WSD related to the appropriate regional director's office every month on the Monthly Community Work Projects Report (Attachment E). All approved and open project agreements for each month shall be reported, including those with no hours worked. If no work was done for an open project agreement, the project shall be recorded on the report with zero hours worked. The warden or designee shall sign the report and submit it to the regional director's office. Principals shall report all WSD related project hours to the WSD Division of Instruction.
  - B. The regional director's office shall sign and submit the Monthly Community Work Projects Report provided by each unit to the Plans and Operations Department by the fifth day of every month.

- C. Privately operated facilities shall report all project hours to the PFCMOD Headquarters Office by the fifth day of every month on the Monthly Community Work Projects Report.
- D. Each division shall provide a report to Executive Services by the 15th day of every month.
- E. Executive Services shall compile and distribute an annual TDCJ summary of all community work projects to division directors and members of the Texas Board of Criminal Justice.
- F. Each division is responsible for developing internal procedures for processing and monitoring community work projects.

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Brad Livingston\*  
Executive Director

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\* Signature on file

## Texas Department of Criminal Justice Project Agreement

UNIT: _____ REGION: _____	PROJECT NUMBER: _____ <small>Project Number shall include the unit alpha code, project type code, two digit month code, and two digit year code. (Example: AD-HAB-07-15)</small>
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**SECTION I:** *Instructions: This section is to be completed by the requesting entity in accordance with AD-07.11, "Use of Offender Labor for Community Work Projects."*

### PROJECT DETAILS

REQUESTING ENTITY: \_\_\_\_\_

PROJECT REQUEST DATE: \_\_\_\_\_

CITY, STATE/GOVERNMENT ENTITY:  TPWD (Texas Parks & Wildlife Department)       DPS (Department of Public Safety)  
 TXDOT (Texas Department of Transportation)       MISC (City/State/County/Gov't)

NON-PROFIT ORGANIZATION (Must attach a 501(c)(3) tax exempt "Letter of Determination" and a "Letter of Benefit")

FB (Food Bank)       HAB (Habitat for Humanity)       NON (other non-profit organization)

The undersigned verifies that no profit shall be received by the corporation's clients, staff, board, or others as a result of this project.

Requesting Entity Contact Person/Representative (printed): \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Project Description:

\_\_\_\_\_

\_\_\_\_\_

Location (provide sufficient detail for emergency assistance):

\_\_\_\_\_

\_\_\_\_\_

Projected Start Date: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

### ADDITIONAL REQUESTOR INFORMATION

Transportation provided by requesting entity: <input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, indicate the method of transportation (indicate one): <input type="checkbox"/> Van <input type="checkbox"/> Truck <input type="checkbox"/> Bus <input type="checkbox"/> Other _____	Vehicle Capacity: _____
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Tools, supplies, and safety equipment to be used:

\_\_\_\_\_

\_\_\_\_\_

Provisions for food and water:

Requesting entity supervisors who shall provide safety instructions and oversee work (identify names/telephone numbers):

Provisions for access to restrooms (identify type and location):

Identify additional assistance being provided by requesting entity:

Requesting entity project supervisor name: \_\_\_\_\_

Telephone number: \_\_\_\_\_

**SECTION II:** *Instructions: This section is to be completed by the TDCJ unit providing the work squad in accordance with AD- 07.11, "Use of Offender Labor for Community Work Projects."*

**UNIT WORK CREW INFORMATION**

<b>Division Assigned Project (indicate one):</b> CID <input type="checkbox"/> Windham School District (WSD) <input type="checkbox"/> Private Facilities (PFCMOD) <input type="checkbox"/> Other _____ <input type="checkbox"/>	<b>Unit Name:</b>	<b>Region (if applicable):</b>	<b>Project Number:</b>
<b>Size of Offender Work Force:</b>		<b>Number of Correctional Staff Assigned:</b>	
<b>Special Needs, such as clothing or equipment:</b>			
<b>Mobile Communications:</b>		<b>Armory:</b>	
<b>Food Service:</b>		<b>Vehicles:</b>	
<b>Other:</b>			
<b>TDCJ Project Supervisor Name:</b>			
<b>Telephone Number:</b>			
<b>Entity Project Responsibilities:</b>			
_____			
_____			

**SECTION III:** *Instructions: This section is to be completed by the TDCJ Unit Risk Manager in accordance with AD-07.11, "Use of Offender Labor for Community Work Projects."*

**HEALTH AND SAFETY REVIEW: (As required in accordance with AD-07.11)**

I have evaluated the above referenced project which has also been reviewed by certified personnel provided by the requesting entity and find no health or safety concerns involved with this project.

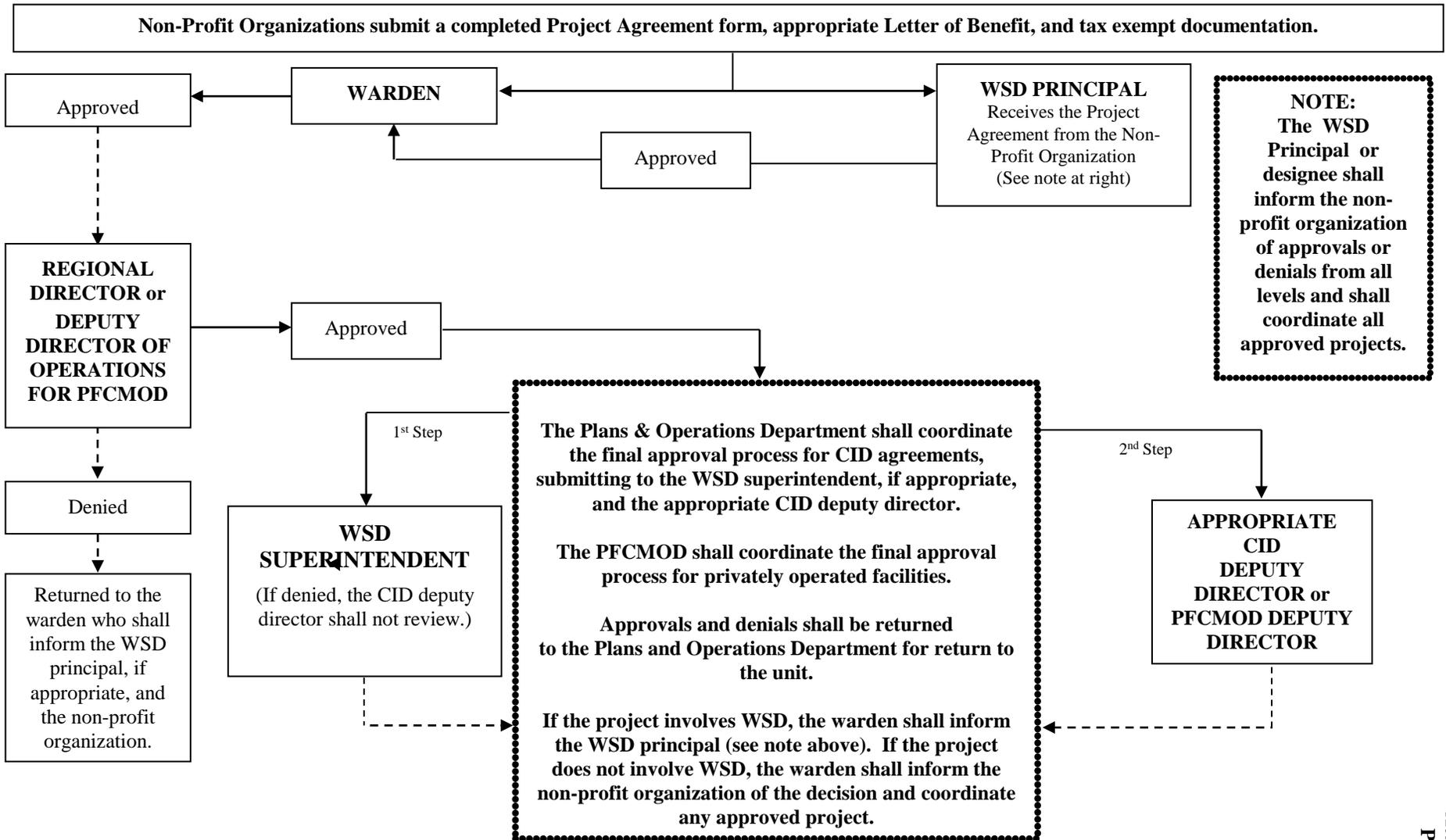
TDCJ Unit Risk Manager (Signature): \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION IV:** *Instructions: This section is to be completed by the appropriate approval authorities in accordance with AD- 07.11 "Use of Offender Labor for Community Work Projects."*

<b>1. Warden/Facility Administrator:</b>	<b>Date:</b>
Signature: _____ Print name: _____	
<b>2. WSD Principal:</b>	<b>Date:</b>
Signature: _____ Print name: _____	
<b>3. Regional Director/Deputy Director of Operations for PFCMOD:</b>	<b>Date:</b>
Signature: _____ Print name: _____	
<b>4. Division Director or Designee:</b>	<b>Date:</b>
Signature: _____ Print name: _____	
<b>5. WSD Superintendent or Designee:</b>	<b>Date:</b>
Signature: _____ Print name: _____	

# Approval Process for Community Work Projects for Non-Profit Organizations

(If project involves the Windham School District (WSD), include WSD in approval process as indicated.)



**NOTE:**  
The WSD Principal or designee shall inform the non-profit organization of approvals or denials from all levels and shall coordinate all approved projects.

**UNIT TRAINING DOCUMENTATION**  
**Community Work Squad**

I have received training on the topics below, to include the safe operation of any equipment required to perform my job, as shown by my signature at the bottom and by placing my initials by each topic on which I have been trained.

My supervisor has demonstrated the proper use of the equipment, tools, or chemicals I will be using to perform my job.

I have been advised of any hazards associated with my job so that I may perform my job under general supervision.

INITIAL TRAINING	TRAINEE	TRAINER	DATE	TOOLS/EQUIPMENT TRAINING	TRAINEE	TRAINER	DATE
Back Injury Prevention/Safe Lifting				Axe			
Chemicals and Soaps				Fire Extinguisher			
Cold Weather				Garden Tools (Aggie, Hoe, Rake, Shovel, etc.)			
Community Work Projects & Public Safety Service Programs (RM-15)				Hand Tools (Hammer, Screwdriver, Wrench, etc.)			
Employee/Offender Safety Training (RM-06)				Ladders			
General Cleaning				Lawn Mower (Push, Riding, Zero-Turn)			
General Safety				Leaf Blower			
Hot Weather				Paint Supplies (Brush, Paint, Roller, Scraper, etc.)			
Personal Protective Equipment (PPE)				Pallet Jack			
Reporting Accidents/Injuries				Pressure Washer			
Tool Control (AD-03.19)				Saw (Chain or Hand)			
Use of Offender Labor for Community Work Projects (AD-07.11)				String Trimmer			
Unit Specific Policy (List below)				Tractor			
				Weed Eater			

I acknowledge that I have been instructed to talk to my supervisor prior to the use of any equipment, tool, or chemical I have not been trained on.

\_\_\_\_\_  
Trainee's Printed Name/TDCJ #

\_\_\_\_\_  
Trainee's Signature & Date

\_\_\_\_\_  
Trainer's Printed Name

\_\_\_\_\_  
Trainer's Signature & Date

**ENTITY TRAINING DOCUMENTATION**  
**Community Work Squad**

I have received training on the topics below, to include the safe operation of any equipment required to perform my job, as shown by my signature at the bottom and by placing my initials by each topic on which I have been trained.

My supervisor has demonstrated the proper use of the equipment, tools, or chemicals I will be using to perform my job.

I have been advised of any hazards associated with my job so that I may perform my job under general supervision.

INITIAL TRAINING	TRAINEE	TRAINER	DATE	TOOLS/EQUIPMENT TRAINING	TRAINEE	TRAINER	DATE
Back Injury Prevention/Safe Lifting				Axe			
Chemicals and Soaps				Fire Extinguisher			
Cold Weather				Garden Tools (Aggie, Hoe, Rake, Shovel, etc.)			
General Cleaning				Hand Tools (Hammer, Screwdriver, Wrench, etc.)			
General Safety				Ladders			
Hot Weather				Lawn Mower (Push, Riding, Zero-Turn)			
Personal Protective Equipment (PPE)				Leaf Blower			
Reporting Accidents/Injuries				Paint Supplies (Brush, Paint, Roller, Scraper, etc.)			
				Pallet Jack			
				Pressure Washer			
				Saw (Chain or Hand)			
				String Trimmer			
				Tractor			
				Weed Eater			

I acknowledge that I have been instructed to talk to my supervisor prior to the use of any equipment, tool, or chemical I have not been trained on.

\_\_\_\_\_  
Trainee's Printed Name/TDCJ #

\_\_\_\_\_  
Trainee's Signature & Date

\_\_\_\_\_  
Trainer's Printed Name

\_\_\_\_\_  
Trainer's Signature & Date

