

By Mr. Kollios of Millbury, petition of the Mass. State Council of Carpenters, Paul Kollios and others for legislation to clarify education, training and employment programs within the Department of Correction. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

**AN ACT CLARIFYING EDUCATION, TRAINING AND EMPLOYMENT PROGRAMS
WITHIN THE DEPARTMENT OF CORRECTION.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 127, section 48 of the General Laws, as appearing in
2 the 1990 Official Edition, is hereby amended by striking said
3 section and inserting in place thereof the following section 48: —
4 The commissioner shall establish and maintain education,
5 training and employment programs for persons committed to the
6 custody of the department. The administrators of county
7 correctional facilities shall establish and maintain such programs
8 for persons committed to such facilities. Such programs shall
9 include opportunities for academic education, vocational
10 education, vocational training, other related prevocational
11 programs and employment, and may be made available within
12 correctional facilities or, subject to the restrictions set forth in
13 sections forty-nine and eighty-six F, at other places approved by
14 the commissioner or administrator. In determining which
15 employment programs to establish and maintain under the
16 authority of this section, the commissioner or administrator shall
17 take into account, first, the training value of the program, second,
18 the job market and employment conditions in the community and
19 third, in the case of programs to be carried out within a
20 correctional facility, the types of goods and services required by
21 the commonwealth and its subdivisions. The commissioner or
22 administrator shall not establish or maintain any employment
23 programs for persons committed to such facilities where such

24 persons would perform duties covered under a collective
25 bargaining agreement and/or executed by members of a collective
26 bargaining unit.

27 The commissioner shall make and promulgate rules and
28 regulations governing programs established under this section
29 which shall include provisions for hours, conditions of
30 employment, wage rates for employment program participants,
31 incentive payments for education and training program
32 participants, and deductions from said wages pursuant to the
33 provisions of section eighty-six F. In any educational, training or
34 employment program involving public works or public works
35 construction under chapter 30, section 39 (m) of the General Laws
36 and for persons committed to the custody of the department who
37 are engaged or participate in public works construction, the wage
38 rate is to be the prevailing wage rate as determined by the
39 commissioner of labor and industries pursuant to chapter 149,
40 section 26 for each category of work performed by such persons.
41 The commissioner shall petition the commissioner of labor and
42 industries for the determination of the prevailing wage rate
43 pursuant to chapter 149, section 27.