

By Mr. Tolman of Boston, petition of the Massachusetts AFL-CIO, Steven A. Tolman, Kevin G. Honan and Cheryl A. Jacques for legislation to clarify education, training and employment programs within the Department of Correction. The Judiciary.

**The Commonwealth of Massachusetts**

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

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 1992 Official Edition, is hereby amended by striking said
- 3 section and inserting place thereof the following section: —
- 4 Section 48. The commissioner shall establish and maintain edu-
- 5 cation, training and employment programs for persons committed
- 6 to the 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 educa-
- 10 tion, vocational training, other related pre-vocational programs
- 11 and employment, and may be made available within correctional
- 12 facilities or, subject to restrictions set forth in sections forty-nine
- 13 and eighty-six F, at other places approved by the commissioner or
- 14 administrator. In determining which employment programs to
- 15 establish and maintain under the authority of this section, the
- 16 commissioner or administrator shall take into account, first, the
- 17 training value of the program, second, the job market and employ-
- 18 ment conditions in the community and third, in the case of pro-
- 19 grams to be carried out within a correctional facility, the types of
- 20 goods and services required by the commonwealth and its subdivi-
- 21 sions. The commissioner or administrator shall not establish or
- 22 maintain any employment programs for persons committed to

23 such facilities where such persons would perform duties covered  
24 under a collective bargaining agreement and/or executed by mem-  
25 bers of a collective bargaining unit.

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