



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: **E**
Section: **.2200**
Title: **Construction Apprenticeship Program (CAP)**
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POLICY & PROCEDURES

References

Related ACA Standards

5th Edition Standards for Adult Correctional Institutions 5-ACI-7A-03, 5-ACI-7A-04, 5-ACI-7A-05, 5-ACI-7A-06, 5-ACI-7A-07, 5-ACI-7A-13

.2201 PURPOSE

The Construction **Apprenticeship** Program (**CAP**) is a partnership among the offices of the Secretary of the Department of Public Safety, Rehabilitative Services (RS) and Department of Public Safety Central Engineering. It is utilized to meet the demands of the facility construction, expansion, and renovation projects by using offender labor to reduce the cost of NCDPS construction projects. The program also serves to provide offenders an opportunity to learn on the job apprenticeship level marketable skills within the engineering construction trades of Concrete Finisher, Masonry, Carpentry, Fence Installer, Drywall, Painter, Welding, Pipe Fitter, Plumber, HVAC Technician, and Electrician; to help them prepare for their eventual release back into the community.

.2202 PROGRAM MANAGEMENT

Central Engineering will manage the construction aspect of the projects including but not limited to planning the project, providing equipment for the jobs, and supervising the job sites. RS will designate a coordinator to manage the **CAP** activities among Prisons Administration, Central Engineering, and the involved prison facilities as well as offender activities including coordinating transportation, clothing, food, housing, etc. The RS Construction **Apprenticeship** Program Coordinator will also screen and approve all offenders for assignment to the **CAP**. Prior to the start of any construction projects, a pre-construction meeting will be held with all involved parties. The pre-construction meeting will ensure all involved parties understand project details, needs, responsibilities and project support will be determined and assigned. The RS **CAP** Coordinator will prepare a written summary of pre-construction and other meetings to enhance communication and understanding and will distribute it to all involved parties. After the project has begun, the RS **CAP** Coordinator will make frequent site visits in order to maintain and facilitate good communication between all parties.

.2203 SUPERVISION

Any individual approved by Central Engineering to supervise offenders must be approved, certified and trained by Prisons' staff to be a Custodial Agent. The guidelines for this process may be found in Prisons' Policy & Procedure Chapter F .1400 Custodial Agents. Approved Custodial Agents shall carry their pink custodial agent card at all times while supervising offenders assigned to the Construction Apprenticeship Program.

.2204 SAFETY

- (a) Responsibility: Offender safety while assigned to the Construction Apprenticeship Program is the primary responsibility of the Central Engineering Supervisors. They must ensure the offenders under their supervision are properly trained on safety procedures and equipment established by their agency's guidelines. Offenders will be monitored and required to follow safety training and expectations. Further, offender assignment procedures for the Construction Apprenticeship Program assignments will include the use of the established Incentive Wage Description Form (IW01) and Essential Functions Checklist (EFC) forms developed and maintained in the Offender Assignment Manual. These forms also cover safety procedures as well as other essential job-related expectations.
- (b) Prohibitions: The following prohibitions apply to the Construction Apprenticeship Program.
 - (1) Offenders are prohibited from working on the premises of any institution operated or administered by the Youth Development Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety unless approved by the Assistant Commissioner of Prisons and then, a complete sight and sound barrier must be erected and maintained during the course of the labor being performed by adult offenders.
 - (2) Offenders are prohibited from working at a school while students are on the property. This includes either public or private elementary, middle, or high schools. Prior to any work being done on school property, the school administrator or principal must provide a letter certifying that there will be no students on the property during the time the work is being performed.

.2205 OFFENDER SELECTION AND REMOVAL CRITERIA

- (a) Eligibility

Prospective candidates for the CAP will be screened by the following criteria:

- (1) Offenders must be serving a felony sentence.

- (2) Offenders must be 21 years of age.
 - (3) Offenders must be infraction free for the immediate past 90 days.
 - (4) Offenders must not be validated SRG.
 - (5) Offenders must be in minimum or medium custody per project demands.
 - (6) Offenders must not have pending in-state felony charges/detainers, federal charges/detainers, out-of-state charges/detainers, or deportation charges/detainers.
 - (7) Offenders' records must not contain infractions for assault, hostage taking, riot, escape from minimum custody, possession of incendiary or explosive device, gang activity, bribery of staff, extortion, strong-arming, weapon possession or attempting to commit any of the above within the last 5 incarcerated years.
 - (8) Offenders must be in overall good health. Offenders with Activity Grades of 2 can participate with the approval of Medical Staff.
 - (9) Sex offenders are not eligible for assignment to CAP minimum custody assignments.
 - (10) Offenders must not have any history of escape from medium or close custody or more than one escape from minimum custody.
 - (11) No Offender convicted of an assaultive crime against a government official, law enforcement, or correctional staff shall be eligible for any assignment that allows for access to a class "A" tool (see Chapter: F .2700 – Tool Control), (.2703) (b) (1) - Class "A" Tools.
 - (12) To ensure continuous eligibility for the CAP, facility program staff will monitor offenders assigned to the program for disqualifiers after initial CAP assignment (i.e. pending charges, etc.). If any disqualifiers are found, the RS CAP Coordinator will be notified.
- (b) Screening of Prospective Candidates
- (1) Upon admission to the Department of Public Safety Diagnostic Centers staff will use established screening tools to identify CAP prospective candidates with skills in the construction field. The Case Analyst will complete a Skill Questionnaire for all offenders with experience in the construction field. Completed Questionnaires will be forwarded to the RS CAP Coordinator. The Skill Questionnaires are available on the internal webpage at: http://internal.doc.state.nc.us/dop/program_services_forms.html.

- (2) Case Managers will instruct interested offenders to complete the CAP Skills Questionnaire for their specific trade skills. Completed Questionnaires will be forwarded to the RS CAP Coordinator.
 - (3) The RS CAP Coordinator will score all Questionnaires, screen the offenders for eligibility, and maintain a current log of eligible and available offenders. In addition, the RS CAP Coordinator will use OPUS applications to identify prospective candidates. The RS CAP Coordinator will notify Case Managers of identified prospective candidates in order for them to contact the candidate to discern the candidates' interest. As needed, Central Engineering staff will conduct recruitment visits to facilities to interview interested prospective offender candidates for the CAP. The RS CAP Coordinator will coordinate and schedule the recruitment visits with the prison facility and Central Engineering to ensure good communications and that the offenders to be interviewed are available.
- (c) Assignment of Eligible Offenders
- (1) The RS CAP Coordinator will contact the Case Manager for eligible and qualified offenders that are ready to be assigned and/or transferred to a CAP.
 - (2) The RS CAP Coordinator will make all initial assignments to the CAP. The RS CAP Coordinator will make the referral and approve the referral on the IJ02 Offender Activity Referral screen. At the point of approving the referral the RS CAP Coordinator will enter F14 comments indicating that the offender meets all eligibility requirements for a CAP assignment. The RS CAP Coordinator will then assign the offender using the IJ11 Offender Activity Assignment Screen. Offenders being reassigned to the CAP through promotions and jobsite transfers will be assigned by the facility at which the offender is housed. If an offender is removed from CAP and returns at a later date an initial assignment will again be made by the RS CAP Coordinator.
 - (3) An offender who agrees to be assigned and transferred as necessary for a CAP assignment is required to remain assigned to the CAP for at least twelve (12) months or until the job is complete, whichever occurs first. Offenders who agree to participate in the apprenticeship program will be required to make a three (3) year commitment.
 - (4) Offenders assigned to the CAP are subject to transfer to another facility for CAP assignment without prior notice.
- (d) Removal of an Offender from the CAP.

The reason for removing an offender from the CAP shall be documented in OPUS in the comments section of the IJ11 screen when the offender is removed. All requests for

removal of an offender from the CAP will be made to the RS CAP Coordinator with the reason for the request. The RS CAP Coordinator will enter the necessary comments in OPUS. Offenders can be removed from the program for several reasons including, but not limited to:

- (1) Completion of assignment
- (2) Removal by Central Engineering staff due to poor performance or conduct
- (3) Removal by Central Engineering staff due to lack of trade skills.
- (4) Disciplinary action
- (5) Administrative needs
- (6) Offender Request

Once an offender is removed, it will be at the discretion of the RS CAP Coordinator to reassign the offender to the program after consultation with Central Engineering. If removed due to disciplinary, the offender will have to wait 90 days before he is eligible to be reassigned.

.2206 HOUSING OF OFFENDERS ASSIGNED TO THE CAP

CAP offenders will be housed at various facilities according to the location of the current jobsite. CAP offenders will adhere to all Adult Facilities Policies and Procedures.

- (a) Meals

CAP offenders shall be provided the same quality of meals as other offenders assigned to the facility regardless of the time leaving for work or returning from work. A pack out lunch is allowed based on the approved menu by the Food and Nutrition Management Office.

- (b) General Services

CAP offenders shall be provided the same opportunity to receive case management, canteen, library, recreation, and other facility services as other offenders assigned to the facility. Case management requirements shall be followed according to the Case Management Policy.

- (c) Clothing

CAP offenders shall be provided clothing consistent with the Department of Public Safety, Prisons Fiscal Policy. This will include seven (7) sets of clothing per week and one (1) pair of steel toe boots. During winter months, **CAP** offenders shall be provided thermal underwear pants and shirts as well as one (1) Brown winter coat. Clothing for inclement weather, including but not limited to, gloves, raincoats, extra socks, etc. will be provided by the housing facility when inclement weather conditions are expected.

(d) Incentive Wage and Sentence Credits

(1) **CAP** offenders shall receive \$3.00 per day, not to exceed \$21.00 per week.

(2) **CAP** offenders shall receive sentence credits based on the following criteria:

- (A) Offenders will receive gain/earned time level III at a rate of (Six [6] or nine [9] days per month reduction from sentence depending on sentence type.
- (B) Offenders will receive 15 days of meritorious time for each complete month of work.
- (C) Offenders will receive meritorious time for overtime work over 40 hours per week.
- (D) Offenders will receive meritorious time for inclement weather when approved by Adult Facilities Staff. Per Prisons Policy on Sentence Credits, Chapter B Section .0114 2B, Inclement Weather is defined as a chill factor below 20 degrees Fahrenheit or temperature above 95 degrees Fahrenheit. Also, such conditions as rain, sleet, snow, or other unusual or abnormal circumstances may be determined by the appropriate facility head to meet the requirements of this policy. The Construction **Apprenticeship** Program site supervisor will turn in inclement weather time per the above policy. The time will be evaluated and approved by the facility at which the offenders are working and entered at the housing facility as merit time.

(e) Work Time

CAP offenders will work the following standard schedule as determined by Department of Public Safety Central Engineering.

Daylight Savings Time

Monday through Thursday, 10 hours per day, 7:00am – 5:30pm

Off on Friday

Standard Time

Monday through Thursday, 9 hours per day, 7:30am – 5:00pm

Friday, 4 hours, 7:30am – 11:30am

Work times are subject to change as needed by Central Engineering due to unexpected delays. An offender's total work days per week shall be determined by dividing total hours worked by 8. Travel time will be included in the calculation. Any partial day shall be credited as a full day. An offender who is unable to attend work due to court, sickness, injury, etc. will not be compensated for that day.

(f) **CAP** Down-Time Procedures

(1) Occasionally, there are times when a **CAP** crew experiences up to 60 days down-time due to the project they are working on being temporarily shut down, i.e. inclement weather, lack of materials, inspections, etc. Additionally, a crew may experience down-time during the transition from one project to the next project. It is essential that these qualified skilled offenders remain assigned to their **CAP** assignment during down-time. The aforementioned should be the case because it is often difficult to identify available offenders with the level of skills required for the Program. Central Engineering staff invests a lot of time training these offenders. They save the state money by providing labor for Department construction and renovation projects. Therefore, to reduce the loss of available and trained offenders for **CAP** projects and to be consistent in how we manage these offenders during their down-time, the following procedures are to be followed by all.

(A) When there is other work available at the housing facility, the offender remains assigned to the **CAP** and continues to be housed at the current housing facility. The facility can work these offenders in areas as needed and as would benefit the facility. In this case, the actual work hours are entered on the IJ61 screen under the offender's current activity code. The offender's gain or earned time rate and the offender's incentive wage rate at the time of the down-time remain the same regardless of the work being performed.

(B) When there is no available work at the housing facility, the offender remains assigned to the **CAP** and continues to be housed at the current housing facility. The facility staff will enter one hour for each day, Monday through Friday, on the IJ61 screen under the offender's current activity code. This is in accord with the Incentive Wage policy due to the offenders being available to perform their job assignment, but unable to be deployed due to their project being shut down.

- (C) After 60 days of down-time, an offender's request to be removed from the CAP assignment and housing may be honored as appropriate and feasible. The CAP offender may be transferred to another job site or removed from the program and reassigned to another position at the current facility. If the delay exceeds 60 days, the CAP offender will continue to be compensated as long as the project is ongoing (i.e. delays caused by outside contractors in which the CAP crew is not allowed on the jobsite.)



Commissioner of Prisons

November 30, 2020

Date

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