

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 398

An ordinance providing for rules and regulations governing employment of County correctional facility inmates in County and other public works projects, declaring an emergency.

Multnomah County Ordains as follows:

Section 1. TITLE, PURPOSE, AND SCOPE

This ordinance shall be known as the Convict Employment Ordinance, the purpose of which is to comply with provisions of ORS 169.170, authorizing and directing that the Board adopt such rules and regulations regarding employment of convicts sentenced to serve terms in the correctional facilities of the County and shall apply to all adult inmates of County correctional facilities designated to perform authorized employment.

SECTION 2. ADMINISTRATION

This ordinance shall be administered by the Sheriff of Multnomah County or his designee, subject to review by the Board.

SECTION 3. RULES AND REGULATIONS

- A. Persons Eligible. Any convict sentenced to a term in a County adult correctional facility by any court or legal authority, whether in default of the payment of a fine, or committed for a definite number of days, and who, in the judgement of the Sheriff, has satisfactorily met the rules governing conduct within the facility, has the physical qualifications therefore and who has no legal or medical restraints prohibiting such work, shall be eligible to perform authorized employment under these rules.
- B. Voluntariness. Any eligible convict may be required by the Sheriff to perform work prescribed hereunder, whether or not such eligible convict has volunteered so to perform, and failure to comply with the Sheriff's order to perform such work shall be the basis for appropriate disciplinary proceedings.
- C. Workers Compensation. Persons authorized under these rules to perform authorized employment shall be deemed subject workers of Multnomah County entitled and restricted to benefits provided by the Oregon Workers' Compensation Act for any injuries incurred in the performance of such employment, pursuant to ORS 656.041.
- D. Payment. No convict engaged in employment pursuant to these rules shall be paid more than \$2 per day, provided however, that the Sheriff is authorized to prescribe levels of payment consistent with the work assigned, in amounts not to exceed those provided herein. Trusty payment for inmates who were assigned to public works projects will be reimbursed to the Sheriff's Trusty Fund by the public works agency which uses the trusty to perform the work. Work days shall consist of eight (8) hours, except in the case of an emergency.

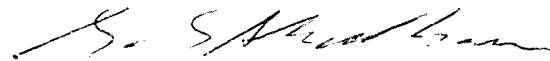
- E. Additional Benefits. Unless otherwise ordered by the court, a convict who performs work under these rules shall be entitled to credit against the sentence originally meted, without regard to other credits reducing said sentence, in accordance with ORS 169.120. Notwithstanding Sec. 3. C., no convict performing authorized employment hereunder, shall be entitled to any benefits as an employee of the County.
- F. Authorized Employment. No convict shall be assigned under these rules to perform employment unless such employment involves work on public roads of the County or such other work of a public nature as may include, but not be limited to County parks, facilities and grounds, and as authorized by ORS 169.190, the performance of such work for another County; provided, however, that in no event shall such work include application of skills requiring certification.
- G. Supervision. Convicts may be delivered by the Sheriff to the care and custody of any supervisory person authorized to direct and supervise the performance of authorized employment upon facilities of the County or other public works. Such delivery shall not be deemed to constitute release from detention and if a convict departs from custody of such assigned supervisor, the convict shall be subject to prosecution under state law for escape or any related offense.
- H. Termination of Employment. The Sheriff is authorized, for whatever cause, to terminate the authorized employment of any convict assigned under these rules to authorized employment, which decision is not subject to review.

This ordinance being necessary for the immediate implementation and orderly management of the Convict Employment Program for the benefit of inmates and public works administrators in furtherance of the best interests of the County, an emergency is declared to exist. This ordinance shall take effect immediately upon its adoption by the Board of County Commissioners, and authentication by the County Executive.

ADOPTED this 22nd day of September, 1983.

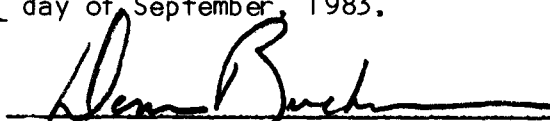
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

(SEAL)



Gordon Shadburne, Presiding Officer

AUTHENTICATED this 26th day of September, 1983.



Dennis Buchanan, County Executive

AS APPROVED TO FORM:



JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON