

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: Live Works Projects

Policy Number: 108.12

Effective Date: 09/03/2020

Page Number: 1 of 5

Authority:
Commissioner

Originating Division:
Inmate Services Division
(Education)

Access Listing:
Level I: All Access

I. Introduction and Summary:

Offenders enrolled in Career, Technical, and Higher Education (CTHE) programs may participate in Live Works activity, if this participation primarily benefits the State by contributing to offenders acquiring educational skills. The purpose of this procedure is to provide agency personnel with uniform guidelines for acceptance of Live Works projects into CTHE programs.

II. Authority:

- A. O.C.G.A.: §§45-10-1, 42-5-60, and 45-5-120;
- B. Ga. Comp. R. & Regs. 125-4-2-.06;
- C. GDC Standard Operating Procedure (SOP): 410.03 Maintenance and Physical Plant Operations;
- D. The Americans with Disabilities Act of 1990: 42 U.S.C. §12102, § 12131-34, and 28 C.F.R. §35.101 et seq.; and
- E. ACA Standards: 5-ACI-7A-03 (Ref. 4-4451), 5-ACI-7A-05 (Ref. 4-4453), 5-ACI-7B-03 (Ref. 4-4467), 5-ACI-7B-04 (Ref. 4-4469), and 5-ACI-7B-10 (Ref. 4-4475).

III. Definitions:

- A. **Non-Profit Organization** - For purposes of this SOP, a nonprofit organization is any organization or other entity (1) which is exempt from paying federal income taxes under 26 U.S.C. 501(c), (2) which has been created for a lawful noncommercial purpose, (3) for which there is no person or entity that may financially benefit as an owner or investor of the organization, and (4) which has been approved by the Director of the Operations, Planning, and Training Division or his designee. For the purposes of this Standard Operating Procedure, nonprofit organization will not include any political organization nor any non-governmental

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organization which directly or through a third party engages in a lobbying effort in the Georgia General Assembly.

B. **Public Property** - Materials publicly owned by a state, county, or local agency.

IV. Statement of Policy and Applicable Procedures:

A. Technical Instructors, or Warden's designee, under supervision of the Deputy Warden of Care and Treatment, are responsible for supervising Live Works projects undertaken and completed to assure that work is performed in accordance with established trade practices. In instances where damage to property has occurred, incident reports must be filed by the instructor and monitored through appropriate channels. All projects must contribute to *offenders* acquiring or developing proficiency in the tasks included in the curriculum of the specific Career, Technical, and Higher Education (CTHE) program.

The Deputy Warden of Care of Treatment, or Warden's Designee, will maintain a log of Live Work projects requests and completions according the department's record keeping and retention schedule.

B. All Live Work projects (repairs, fabrication, printing, etc.) considered for acceptance must coincide with the training needs of individual trainees. The projects will be scheduled by the Deputy Warden of Care and Treatment or Warden's Designee according to the following priorities:

1. Property owned or operated by the GDC, the Georgia Correctional Industries or the Board of Corrections;
2. Property owned or operated by another department, agency, commission, board or authority of the State of Georgia;
3. Property owned or operated by a municipality, county, or other political subdivision of the State of Georgia;

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4. Property owned or operated by any other governmental entity;
 5. Property which is owned or operated by a Non-Profit Organization and which is not used primarily for religious purposes;
 6. Property which is owned or operated by employees of the GDC using the following listed order of priority:
 - a. Correctional staff below the level of manager;
 - b. Other GDC staff;
 7. Employee requests will be limited to two (2) projects per year, written approval by the Warden will be required to exceed this number;
 8. Property owned or operated by employees of other state, county or local government agencies.
- C. Motor vehicle/equipment repair will not be performed on any item in any of the following categories:
1. An insurance claim has been or will be filed for the cost of repair/replacement of that item.
 2. The item is intended for the sole purpose of resale for profit.
 3. The item is intended for use primarily for religious purposes.
- D. The motor vehicle owner/project requestor must sign a form affirming the statements above in C, items 1 through 3 are adhered to.
- E. Any motor vehicle left inside the facility must be rendered inoperable.

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- F. Requests involving all Live Work projects must be approved and scheduled by the Deputy Warden of Care and Treatment, or Warden's Designee, after the following items have been completed:
1. The Instructor or Warden's Designee shall determine if the requested work aligns to the course learning objectives or included as one of the tasks listed in the course outline.
 2. A GDC work order form has been completed.
 3. Motor vehicle proof of current ownership, registration, and insurance has been provided by the requestor.
- G. All materials and parts are supplied by the owner for necessary completion of the Live Works project. The Technical Instructor or Warden's Designee will provide a list of necessary parts and materials for the Live Works project to the Owner. The specified parts and materials must be purchased by the Owner at an approved vendor site and delivered to the facility. The Owner will pay the approved vendor directly for the specified parts/materials needed for the Live Works project.
- H. Owner must agree to provide for and arrange delivery and receipt all Live Works projects at the scheduled time and designated place which must be approved by the DWCT or Warden's Designee.
- I. GDC is not responsible for any damages to property and offers no warranty for Live Works projects.
- J. The Instructors or Warden's Designee must ensure that the following procedures and the Code of Ethics for Public Employees are followed when Live Work projects are incorporated into CTHE programs.

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1. Instructors/supervisors involved in Live Works projects are reminded that Code of Ethics of Public Employees of the State of Georgia (O.C.G.A. §45-10-1, et seq.) specifically prohibits the unfair dispensing of special favors or privileges to anyone, whether for remuneration or not.
2. A complete and current file of completed GDC work order forms must be maintained by trade area in accordance with GDC records and retention schedule.

V. Attachments:

Attachment 1: Live Works Project Request Form

VI. Record Retention of Forms Relevant to this Policy:

Upon completion, all Live Works Project Request Forms and Documentation shall be maintained for three (3) fiscal years.