

LOSS CONTROL

Information Bulletin

INMATES WORKING FOR YOUR COUNTY

An Alabama County recently had an inmate performing very hazardous work. The inmate was seriously injured. The estimated cost for medical treatment may reach \$250,000 or more. This will be a serious burden for the County and may last for a number of years. The purpose of this bulletin is to offer some suggestions to the County Commission and Sheriff's Department so that this type situation can be avoided.

Some Alabama Counties allow inmates to work outside the jail on various County projects. The County Commission must make a decision on the potential cost versus benefit of allowing inmates to work directly for the County.

If an inmate is injured while working for the County inside or outside the jail, the County is responsible for medical care. The inmate is not covered by Workers Compensation. Your Liability insurance probably excludes Inmates as covered persons. The county could be responsible for negligence actions of the Inmate through alleged lack of supervision.

If your County decides to allow inmates to work outside the jail, inmates should not be permitted to engage in hazardous activities such as:

- Operation of a motor vehicle
- Operation of heavy equipment
- Work on demolition
- Work in any excavation deeper than 3 feet
- Operate a Bush Hog
- Spray insecticide or herbicide
- Traffic control or flagging for road crews
- Welding or cutting
- Handling flammable liquids other than for lawn work
- Tree trimming
- If Inmates are exposed to any material or tools that can cause an injury, the inmate must be provided with and be required to wear appropriate personal protective equipment. (i.e.: safety glasses, gloves, apron, boots, hard hat, mask)
- Inmates must be provided with and required to wear reflective vests when working on or near any road.

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- It is a County responsibility to assure that the inmate has experience in the type of work to be assigned and that proper training and instruction is provided. Supervision of inmates is critical. Supervision in this context means that the inmate is provided with training, proper tools, and personal protective equipment. In addition it is our preference that the inmate be in the direct line of sight of the person who is accountable for the inmate. When this is not practical, the person who is accountable for the inmate should check and verify that the inmate is on duty and that the tasks assigned are being completed every 30 to 60 minutes. The County Sheriff must be notified immediately if there are any problems.

The above is not intended to cover every possibility. The point is to avoid the injury and the associated costs.

If the County has a "work release" program where inmates are allowed to work for a private or public entity other than the County, you should obtain a written agreement and verify that the employer has workers compensation and liability insurance. Obtain a certificate of insurance from the insurance carrier.

If questions or unique situations arise, please call.

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Note:

This document is not intended to be legal advice. It does not identify all the issues surrounding the particular topic. Public entities are encouraged to review their procedures with an expert who is knowledgeable about the topic.