

75-52,116. Work by inmates outside correctional institutions; agency relationship not established between state and supervisory entity; limitations; compensation. (a) The warden of any correctional institution, with the approval of the secretary of corrections, may extend the limits of confinement of inmates who are classified minimum security or less to work for any state agency, federal agency, city, county, school district or nonprofit organization organized for charitable purposes if such work is in furtherance of public service and public welfare or charitable objectives within the community. Such inmates shall remain under the legal custody of the secretary of corrections with the actual limits of confinement extended and without actual supervision of correctional officials. Those persons observing, supervising, managing, controlling and reporting back to corrections officials regarding such inmates in their work shall be agents of the state and of the secretary of corrections for only the purpose of maintaining the confinement of the inmates but shall not, solely by reason of the agency, have law enforcement powers. An agency relationship shall not be established between the state or the secretary of corrections and the other state agency, federal agency, city, county, school district or nonprofit organization in regard to the manner in which the work is assigned, performed, or supervised.

(b) No work assignment pursuant to this section other than assignments to work for state agencies shall result in the displacement of any currently employed worker or position, including partial displacement such as a reduction in the hours of nonovertime work, wages or employment benefits, or result in the impairment of existing contracts for services or collective bargaining agreements. Inmates shall not be utilized to fill a job opening when any individual is on layoff from the same or any substantially equivalent job, or the employer has terminated the employment of any regular employee at the same or substantially equivalent job and the position remains unfilled. Inmates may not be utilized on a project except to the extent that the cost of the project exceeds the funds available and budgeted for that project.

(c) Compensation of inmates working pursuant to this section shall be normal inmate incentive pay rendered to other inmates working within correctional institutions pursuant to K.S.A. 75-5211, and amendments thereto.

History: L. 1984, ch. 307, § 1; L. 1988, ch. 350, § 1; L. 1990, ch. 325, § 1; L. 1991, ch. 260, § 18; L. 2003, ch. 54, § 1; July 1.