

# ICE/DRO RESIDENTIAL STANDARD

## HOUSEKEEPING AND VOLUNTARY WORK PROGRAM

**I. PURPOSE AND SCOPE.** Residents will be provided with opportunities to work and earn money while confined, subject to the number of work opportunities available and the constraints of safety, security, and good order. This standard also sets forth responsibilities of the residents for personal housekeeping at the facility.

ICE/DRO will afford working residents basic U.S. Occupational Safety and Health Administration (OSHA) protections.

**II. EXPECTED OUTCOMES.** The expected outcomes of this Standard are as follows:

1. Eligible adult residents will have opportunities to work and earn money while in residence, subject to the number of work opportunities available and the constraints of safety, security, and good order.
2. Residents will be able to volunteer for work assignments, but otherwise not be required to work, except to do personal housekeeping.
3. Essential operations and services will be enhanced by the work accomplished by residents.
4. The negative impact of confinement will be reduced because of improved morale, and fewer incidents requiring corrective action.
5. Resident working conditions will comply with all applicable federal, state, and local work safety laws.
6. There will be no discrimination regarding access to the work program based on race, religion, national origin, gender, sexual orientation, or disability.
7. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
8. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

**III. DIRECTIVES AFFECTED: None**

### **IV. REFERENCES**

The First Edition National Residential Standards were written using a variety of methodologies including previous and current practices, review and comment from various subject matter experts, review and comment from various government and non-government organizations, and a review of current state codes in Pennsylvania and Texas. Each standard is written in a manner that affords each resident admission and continuous housing to a family residential facility in a dignified and respectful manner.

There are no specific codes, certifications, or accreditations that deal specifically with

unique management requirements of families awaiting the outcome of their immigration proceeding in a non-secure custodial environment.

American Correctional Association 4th Edition, Standards for Adult Residential Facilities: 4-ALDF-5C-06, 5C-08, 5C-11(M), 6B-02.

## **V. EXPECTED PRACTICES**

### **1. Voluntary Work Program**

No resident under the age of 18 is authorized to perform work, other than general cleaning of their personal housing area under the supervision of his or her parent(s).

Residents who are physically and mentally able to work shall be provided the opportunity to participate, as appropriate in the facility voluntary work program.

ICE residents may be assigned to work outside the facility. When ICE residents are working outside the secure perimeter:

- a. A qualified employee, or “work supervisor,” will supervise at all times.
- b. A work supervisor will never be assigned more than four residents.
- c. A work supervisor will require residents to be within sight and sound of the supervisor at all times.

### **2. Personal Housekeeping Required**

Work assignments are voluntary; however, all residents are responsible for personal housekeeping, specifically maintaining their living areas as described below.

Residents are required to maintain their immediate living areas in a neat and orderly manner, by:

- a. Making their beds daily
- b. Stacking loose papers
- c. Keeping the floor free of debris, and dividers free of clutter
- d. Not hanging or draping clothing, pictures, keepsakes, or other objects from beds, other furniture, or overhead light fixtures.

### **3. Resident Selection for Work Details**

The facility administrator shall develop site-specific rules for selecting work detail volunteers.

Each adult resident has a primary responsibility to care for and supervise his or her minor child (or children). A resident is eligible to work only when it does not interfere with that primary responsibility.

Staffs are responsible for explaining the rules and regulations to workers in a language the workers understand.

No special privileges should be afforded to any worker as a result of work performed.

#### **4. Discrimination in Hiring Prohibited**

Residents shall not be denied voluntary work opportunities on the basis of such factors as race, religion, national origin, gender, sexual orientation, or disability.

#### **5. Physically and Mentally Challenged Residents**

While medical or mental health restrictions may prevent some physically or mentally challenged residents from working, those with less severe disabilities shall have the opportunity to participate in the voluntary work program if appropriate work assignments exist.

- a. The selecting official must consider the abilities and precise limitations of a disabled individual before considering that individual for specific work assignments.
- b. Expediency or convenience is insufficient justification to reject a resident for a particular work assignment.
- c. In disputed cases, the selecting official shall consult medical personnel to ascertain the resident's suitability for a given project.

#### **6. Hours of Work**

Residents who participate in the volunteer work program are required to work according to a fixed schedule.

Residents shall not be required to work in excess of 8 hours per day or 40 hours per week.

#### **7. Number of Details in One Day**

The facility administrator may restrict the number of work details permitted a resident during one day. A resident shall be required to sign a voluntary work program agreement before every new assignment. Completed agreements shall be filed in the resident's residential file. (See attached sample agreement).

#### **8. Compensation**

Residents shall receive monetary gratuity for work completed in accordance with the facility's standard policy. The compensation is \$1.00 per day. Compensation shall be placed into a family unit's commissary account and shall be paid daily, unless the facility has a system in place that ensures residents receive the pay owed them before being transferred or released. Cash is not to be provided directly to the resident.

## **9. Removal of Resident from Work Detail**

A resident may be removed from a work detail for such reasons that include, but not limited to, the following:

- a. Unsatisfactory performance
- b. Disruptive behavior, threats to security, etc.
- c. Physical inability to perform all functions required by the job, whether because of a lack of strength or a medical condition
- d. Unexcused absences from work
- e. Prevention of potential injuries to the resident

When a resident is removed from a work detail, the facility administrator shall place written documentation of the circumstances and reasons in the resident's residential file.

## **10. Resident Responsibility**

The facility administrator shall establish procedures for informing resident volunteers about job responsibilities and reporting procedures.

The resident is expected to be ready to report for work at the required time, and may not leave an assignment without permission.

- a. The resident shall perform all assigned tasks diligently and conscientiously.
- b. The resident may not evade attendance and performance standards in assigned activities, or encourage others to do so.
- c. The resident shall exercise care in performing assigned work, using safety equipment and taking other precautions in accordance with the work supervisor's instructions.
- d. In the event of a work-related injury, the resident shall notify the work supervisor, who shall immediately implement injury response procedures.

## **11. Resident Training and Safety**

All residential facilities shall comply with all applicable health and safety regulations and standards.

The facility administrator shall ensure that all department heads develop and institute, in conjunction with the facility's safety/training staff, appropriate training for all resident workers.

- a. The voluntary work program shall operate in compliance with:
  - 1) Occupational Safety and Health Administration (OSHA) regulations set forth in 29 CFR Parts 1910, 1926, and 1960 (current indexes attached)
  - 2) National Fire Protection Association 101 Life Safety Code (current index attached)

- 3) American Correctional Association Standards for Adult Local Residential Facilities (referenced above)
- 4) ICE/DRO Environmental Occupational Safety and Health Program Handbook

Each Safety and Health Officer (SHO) is responsible for providing all facilities in his or her jurisdiction with complete and current copies of the documents listed above, including 29 CFR Parts 1910, 1926 and 1960.

The facility administrator shall ensure that the facility operates in compliance with all currently applicable standards.

b. Upon a resident's assignment to a job or detail, the supervisor shall provide thorough instructions regarding safe work methods and, if relevant, hazardous materials.

- 1) The supervisor shall demonstrate safety features and practices.
- 2) Workers shall learn to: recognize hazards in the workplace, report deficiencies to their supervisors, and properly use the protective devices and clothing provided.
- 3) Since ICE/DRO will not tolerate "lack of knowledge or skill" as being the cause of an accident, a resident shall not undertake any assignment before signing a voluntary work program agreement that includes a confirmation that the resident has received and understands training from the supervisor about the work assignment.

The voluntary work program agreement shall be placed in the resident's residential file.

- c. For a food service assignment, medical staff, working with the U.S. Public Health Service, shall ensure residents are medically screened and certified before undertaking an assignment.
- d. The facility shall provide residents with safety equipment that meets OSHA and other required standards associated with the task performed.
- e. The facility administrator shall ensure that the facility operates in compliance with all currently applicable laws and standards.

## **12. Resident Injury and Reporting Procedures**

The facility administrator shall implement procedures for immediately and appropriately responding to on-the-job injuries, including immediate notification to ICE/DRO.

If a resident is injured while performing his or her work assignment:

- a. The work supervisor shall immediately notify the facility medical staff. In the event that the accident occurs in a facility that does not provide 24-hour medical coverage, the supervisor shall contact the on-call medical staff for instructions.

- b. First aid shall be administered, if necessary.
- c. Medical staff shall determine what treatment is necessary and where that treatment shall take place.
- d. The work supervisor shall complete a resident accident report and submit it to the facility administrator for review and processing, and for filing in the resident's A-file.

**Standard Approved:**

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**John P. Torres**  
**Director**  
**Office of Detention and Removal**

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**Date**