

TESTIMONY OF DAVID H. WILDERMAN

LEGISLATIVE DIRECTOR

PENNSYLVANIA AFL-CIO

before

**THE HOUSE JUDICIARY COMMITTEE
HONORABLE THOMAS P. GANNON, CHAIRMAN**

on

**SENATE BILL 116
INMATE WORKFORCE ACT**

SEPTEMBER 16, 1997

HARRISBURG

**TESTIMONY OF DAVID H. WILDERMAN
ASSISTANT TO THE PRESIDENT AND LEGISLATIVE DIRECTOR
OF THE PENNSYLVANIA AFL-CIO
ON SENATE BILL 116
"INMATE WORK FORCE ACT"**

Chairman Gannon, Members of the Judiciary Committee and Committee Staff, I am David H. Wilderman, Assistant to the President of the Pennsylvania AFL-CIO and Director of Legislation. I appreciate the opportunity to testify before the Committee on Senate Bill 116 - known as the "Inmate Work Force Act."

The Pennsylvania AFL-CIO represents 1.2 million working men and women in the Commonwealth. Our affiliate members work in all sectors of the economy - public and private. We represent almost one out of every four workers in the Commonwealth.

Senate Bill 116 proposes to authorize the Commonwealth and its political subdivisions to create prison labor workforce for "... public service work projects." The use of convict labor raises important issues regarding the State's policy on jobs.

Both political parties and the Governor advocate "family-sustaining" or jobs that pay a living wage. There is consensus that the very value of work is undermined by policies that make it harder to support a family from the fruits of one's labor. The Pennsylvania AFL-CIO has highlighted the key job issues faced by Pennsylvania's workers as economic justice and dignity for all workers. Underemployed, low wage workers are increasingly the rule while the income disparity between workers and top management balloon to world-wide record disparities.

It is in this context that we look at S.B. 116. First let us put to the side for a moment the issues of rehabilitation and recidivism, and simply look at this legislative proposal in terms of its impact on jobs and particularly "family-sustaining jobs."

Section 4 of the proposed legislation would authorize inmate workforces to engage in "... litter retrieval and collection on public roads, for other public service and community service projects and to assist municipalities during local emergencies." The proposed legislation provides a definition of a public service work project as:

"A project undertaken or carried out by the Commonwealth or a municipality which shall include, repair, or maintenance of any Commonwealth or municipal park, playground, or recreational area, or on any public road or within a public facility."

Community service work is similarly defined, except that inmates in community service would include work normally done by "charitable organizations."

The proposed legislation has **no** protections that even hint at assuring that the prison labor will not displace existing workers.

S.B. 116 is a direct assault against living wage jobs. The proposal is a bold and unqualified attack on the jobs of hard working Pennsylvanians, both in the public and private sector.

The scope of work proposed has no limitation on the replacement of tax paying, law-abiding citizens whose jobs would be lost to convict labor. As drafted, S.B. 116 makes no provision to protect from displacement those jobs that are the ordinary and regular work of those in the public and private sector.

Under the proposed legislation courthouses could be painted, reconstructed, or improved with convict labor. Regular work on our highways, in both construction and repair, could be done with convict labor. Recreational facilities could be completely maintained by convict labor. A charitable organization could have its facility remodeled by convict labor.

There are literally thousands of projects, that are now performed as part of their regular course of business for a charitable or government body, that could be performed with convict labor.

This is work that is now done either by private contractors (primarily Building Trades) and public employees.

S.B. 116 is a job crusher - instead of creating "family-sustaining jobs" it would **destroy** family-sustaining jobs.

Our skilled Building Trades Craftsmen and public workers would lose their jobs to inmates. As a matter of public policy, we would urge the Committee to not turn the tables on jobs. Convict labor should not be allowed to be used to displace work normally done by government or non-profit agencies.

If S.B. 116 were adopted, the Pennsylvania motto should become, "**COMMIT A CRIME - GET A JOB.**"

Next, the legislation fails to provide **any** compensation to inmates. Furthermore, since the legislation is silent, none of the legislative enactments included under the broad framework of Fair Labor Standards (hours of work, working conditions, health, and safety or Workers' Compensation) would apply to convict labor.

Inmates would simply be assigned work projects without pay, without protection if they get injured, and without any of the other protections of a real job.

In fact, S.B. 116 would deny the public any remedy should they be harmed by convict labor (see Section 4(F) Immunity from Civil Liability).

Free workers can not compete with unpaid and unprotected convict labor. There is no room for argument if S.B. 116 were adopted - unpaid, unprotected convicts would be used to displace law-abiding, hard working Pennsylvanians.

A secondary impact, but of extreme importance, is the impact that free, unpaid convict labor will have on the market place. Wages will be driven down as the Commonwealth, local governments, and charitable organizations seek to use free unpaid convict labor. Wages for those who would normally do this work will be forced downward. Again, this impact would dramatically undermine the goal of "family-sustaining jobs."

I should point out that, although I am speaking on behalf of workers, Pennsylvania's employers will also be victims if S.B. 116 were adopted. Highway contractors; painting contractors; maintenance contractors; landscapers and other private employers will lose work to convict labor on public or non-profit projects.

We are vigorously opposed to S.B. 116 and similar proposals because they are job and wage destroyers and, in the name of doing good, turn the economy on its head.

Think for a moment what it means to an unemployed painter to see work that is part of the normal cost of doing business go to a convict. What will that unemployed painter think of this turn of events? Even economic pressures of state and local governments evaporate in the face of an unpaid convict workforce. We must support policies that sustain work.

In addition, I would like to lend strong support to the testimony of AFSCME that the threat to public safety and to the guards posed by S.B. 116. The bill proposes that prisoners would be used to perform work in almost any work environment. Under Section 6 you will note that it is anticipated that inmates would perform work in and around our schools. All the Act requires is 24 hours notice to the school authorities.

This poses multiple problems. Obviously, having inmates working around children is a direct threat to public safety. Equally important, having armed guards in a

playground with inmates is about as bizarre a situation as one can imagine.

But schools are only one example of the many sensitive areas where the use of prison labor poses a special problem. Parks, for example, are another unique environment. Imagine yourself hiking alone on a trail and confronting a prison inmate workforce doing trail maintenance.

Finally, we are concerned about the safety of the guards. Once outside the prison security, problems exponentially increase. Weapons, drugs, or other contraband can be hidden at worksites for inmates to pick up during their work. This is a very serious concern for our correctional officers. Their jobs are dangerous enough without adding the dangers of opening up new opportunities for dangers in new work sites. Additionally, proper staffing once outside the prison is very critical and current staffing is already inadequate.

In the beginning, I said I would defer the issues of rehabilitation and recidivism. The Pennsylvania AFL-CIO strongly supports rehabilitation of convicted prisoners and we continue to be distressed by the high rates of recidivism or repeat offenders.

Unfortunately, S.B. 116 does not address the issue of rehabilitation. There are no training or education provisions. No attention is given to job readiness or employment skills or training.

In fact, the message of S.B. 116 is that unpaid labor, i.e. exploitation of people is legitimate policy in the Commonwealth. This is reverse rehabilitation - exploitation is legal and the official policy of the Commonwealth.

Directly related to rehabilitation is recidivism - breaking the cycle of a criminal life style. Since the legislation does nothing to rehabilitate, it follows that prison labor will have no impact on recidivism.

Let me close by re-emphasizing that S.B. 116 will result in convict labor taking the jobs of law-abiding citizens. We urge the Chairman and Members of the Judiciary Committee to reject this policy as unfair to your constituents and bad public policy.

Steps should be taken to rehabilitate prisoners to break the cycle of a criminal life. S.B. 116 would legitimize exploitation without even the minimum Fair Labor Standards Protections.

Pennsylvania's workers, already under attack from changes in public assistance, Workers' Compensation and Unemployment Compensation. S.B. 116 would cost regular workers more jobs, in this case, to prisoners. This policy destroys jobs and lower wages. We should be on the high road for good jobs and good wages to build strong families and communities.

We urge the Committee to reject S.B. 116 - Prison Labor.

I will be glad to answer any questions.