

§ 301.319 Exclusiveness of remedy.

Inmates who are subject to the provisions of these Inmate Accident Compensation regulations are barred from recovery under the Federal Tort Claims Act (28 U.S.C. 2671 *et seq.*). Recovery under the Inmate Accident Compensation procedure was declared by the U.S. Supreme Court to be the exclusive remedy in the case of work-related injury. *U.S. v. Demko*, 385 U.S. 149 (1966).

[55 FR 9296, Mar. 12, 1990, as amended at 59 FR 2667, Jan. 18, 1994]

PART 302—COMMENTS ON UNICOR BUSINESS OPERATIONS

AUTHORITY: 18 U.S.C. 4126, and by resolution of the Board of Directors of Federal Prison Industries, Inc.

§ 302.1 Public and private sector comment procedures.

(a) Any interested party having any comment concerning the business operations of Federal Prison Industries, Inc. (UNICOR) may write to the Chief Operating Officer of UNICOR, or to the Chairman of the Board of Directors of UNICOR, and bring such matters to the attention of either or both officials. Where appropriate, a response shall promptly be made. The Board shall be kept advised of all comments and responses.

(b) Address correspondence as follows:

(1) Chief Operating Officer, Federal Prison Industries, Inc., 320 First Street, NW., Washington, DC 20534, Attn: Comment Procedures; or

(2) Board of Directors, Federal Prison Industries, Inc., 320 First Street, NW., Washington, DC 20534, Attn: Comment Procedures.

(c) This section does not apply to inmate complaints which are properly raised through the procedures provided in the Bureau of Prisons' rule on Administrative Remedy (28 CFR part 42).

[55 FR 30668, July 26, 1990, as amended at 69 FR 1524, Jan. 9, 2004]

PART 345—FEDERAL PRISON INDUSTRIES (FPI) INMATE WORK PROGRAMS

Subpart A—Purpose and Scope

Sec.

345.10 Purpose and scope.

Subpart B—Definitions

345.11 Definitions.

Subpart C—Position Classification

345.20 Position classification.

Subpart D—Recruitment and Hiring Practices

345.31 Recruitment.

345.32 Hiring.

345.33 Waiting list hiring exceptions.

345.34 Refusal to employ.

345.35 Assignments to FPI.

Subpart E—Inmate Worker Standards and Performance Appraisal

345.40 General.

345.41 Performance appraisal for inmate workers.

345.42 Inmate worker dismissal.

Subpart F—Inmate Pay and Benefits

345.50 General.

345.51 Inmate pay.

345.52 Premium pay.

345.53 Piecework rates.

345.54 Overtime compensation.

345.55 Longevity pay.

345.56 Vacation pay.

345.57 Administrative pay.

345.58 Holiday pay.

345.59 Inmate performance pay.

345.60 Training pay.

345.61 Inmate earnings statement.

345.62 Inmate accident compensation.

345.63 Funds due deceased inmates.

345.64 Referral of releasable medical data to FPI staff.

345.65 Inmate medical work limitation.

345.66 Claims limitation.

345.67 Retention of benefits.

Subpart G—Awards Program

345.70 General.

345.71 Official commendations.

345.72 Cash bonus or cash award.

345.73 Procedures for granting awards for suggestions or inventions.

345.74 Awards for special achievements for inmate workers.

§ 345.10

Subpart H—FPI Inmate Training and Scholarship Programs

- 345.80 General.
- 345.81 Pre-industrial training.
- 345.82 Apprenticeship training.
- 345.83 Job safety training.
- 345.84 The FPI scholarship fund.

AUTHORITY: 18 U.S.C. 4126, 28 CFR 0.99, and by resolution of the Board of Directors of Federal Prison Industries, Inc.

SOURCE: 60 FR 15827, Mar. 27, 1995, unless otherwise noted.

Subpart A—Purpose and Scope

§ 345.10 Purpose and scope.

It is the policy of the Bureau of Prisons to provide work to all inmates (including inmates with a disability who, with or without reasonable accommodations, can perform the essential tasks of the work assignment) confined in a federal institution. Federal Prison Industries, Inc. (FPI) was established as a program to provide meaningful work for inmates. This work is designed to allow inmates the opportunity to acquire the knowledge, skills, and work habits which will be useful when released from the institution. There is no statutory requirement that inmates be paid for work in an industrial assignment. 18 U.S.C. 4126, however, provides for discretionary compensation to inmates working in Industries. Under this authority, inmates of the same grade jobs, regardless of the basis of pay (hourly, group piece, or individual piece rates) shall receive approximately the same compensation. All pay rates under this part are established at the discretion of Federal Prison Industries, Inc. Any alteration or termination of the rates shall require the approval of the Federal Prison Industries' Board of Directors. While the Warden is responsible for the local administration of Inmate Industrial Payroll regulations, no pay system is initiated or changed without prior approval of the Assistant Director, Industries, Education and Vocational Training (Assistant Director).

28 CFR Ch. III (7-1-05 Edition)

Subpart B—Definitions

§ 345.11 Definitions.

(a) *Federal Prison Industries, Inc. (FPI)*— A government corporation organizationally within the Bureau of Prisons whose mission is to provide work simulation programs and training opportunities for inmates confined in Federal correctional facilities. The commercial or “trade” name of Federal Prison Industries, Inc. is UNICOR. Most factories or shops of Federal Prison Industries, Inc. are commonly referred to as “UNICOR” or as “Industries”. Where these terms are used, they refer to FPI production locations and to the corporation as a whole. UNICOR, FPI, and Industries are used interchangeably in this manner. For these purposes, Federal Prison Industries, Inc. will hereinafter be referred to as FPI.

(b) *Superintendent of Industries (SOI)*— The Superintendent of Industries, also referred to as Associate Warden/Industries and Education, is responsible for the efficient management and operation of an FPI factory. Hereinafter, referred to as SOI.

(c) *FPI work status*— Assignment to an Industries work detail.

(1) An inmate is in FPI work status if on the job, on sick call during the inmate's assigned hours, on furlough, on vacation, for the first thirty days on writ, for the first 30 days in administrative detention, or for the first 30 days on medical idle for FPI work-related injury so long as the injury did not result from an intentional violation by the inmate of work safety standards.

(2) *Full-time work status*. A work schedule for an inmate consisting of 90% or more of the normal FPI factory work week.

(3) *Part-time work status*. A work schedule of less than 90% of the normal FPI factory work week.

(d) *Unit Team*— Bureau of Prisons staff responsible for the management of inmates and the delivery of programs and services. The Unit Team may consist of a unit manager, case manager, correctional counselor, unit secretary, unit officer, education representative, and psychologist.