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Res. No. 30

Resolution calling upon the New York City Department of Correction to increase the wage rates of incarcerated individuals to the New York State minimum wage rate of $15 per hour.

By the Public Advocate (Mr. Williams) and Council Members Hanif and Cabán

Whereas, According to the Bureau of Justice Statistics, nearly 2.2 million adults in the United States are incarcerated in federal and state prisons and local jails; and

Whereas, According to Pew Research Center, the United States has the largest prison population and the highest incarceration rate in the world; and

Whereas, The Thirteenth Amendment to the United States Constitution bans slavery and involuntary servitude, except as a punishment for a crime of which a person has been convicted; and

Whereas, Pursuant to the Thirteenth Amendment, incarcerated individuals can be required to work during their imprisonment as punishment for their crimes; and

Whereas, Incarcerated individuals' work assignments include labor in areas such as maintenance, food service, clothing production, plumbing and landscaping; and

Whereas, According to the Prison Policy Initiative, incarcerated individuals assigned to work in federal and state prisons are paid between 14 cents to 63 cents per hour on average; and

Whereas, Deductions for restitution, room and board, child support and other costs reduce the net wages earned by incarcerated individuals, often leaving them with less than 50 percent of their gross pay; and

Whereas, Courts have generally held that prisoners are not covered by federal and state minimum wage laws because the relationship between a prison and an incarcerated individual is not an employer employee relationship; and

Whereas, The New York City Department of Correction ("DOC") is charged with overseeing and providing for the care, custody and control of individuals 16 years of age and older who are accused of crimes or convicted and sentenced to one year or less of incarceration in New York City; and

Whereas, DOC reported over 49,000 admissions to New York City correctional facilities during Fiscal Year 2018, with an average daily population of 8,900 incarcerated individuals; and

Whereas, Section 625 of the New York City Charter requires that every incarcerated individual of an institution under the authority of the DOC Commissioner must be employed in some form of industry and the products of such employment must be utilized in such institutions or by another agency; and

Whereas, Pursuant to section 187 of the Correction Law, the DOC Commissioner grades the compensation received by incarcerated individuals in New York City correctional facilities based on the work performed during their incarceration; and

Whereas, According to DOC's wage scale, wage rates for incarcerated individuals in New York City correctional facilities range from 17 cents to $1 per hour; and

Whereas, According to The New York Times, from August 21 to September 9, 2018, prisoners across the United States staged a nationwide prison strike to protest the low wages that incarcerated individuals receive for their labor-what strike organizers refer to as "prison slavery"; and

Whereas, Increasing the wages of incarcerated individuals would help to ensure their economic stability and ease the path to their successful reentry into society after release; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Correction to increase the wage rates of incarcerated individuals to the New York State minimum wage rate of $15 per hour.

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