

STATE OF NEBRASKA

DEPARTMENT OF CORRECTIONAL SERVICES

Scott R. Frakes

Director



Pete Ricketts
Governor

Policy Directive 016-043

DATE: October 31, 2016

TO: Executive Steering Council

FROM: Scott R. Frakes, Director

RE: Administrative Regulation 113.17, Inmate Work/Program Assignments and Stipends

Effective immediately, the following changes will be in effect concerning the above mentioned Administrative Regulation. These revisions will be incorporated into AR 113.17 during the next scheduled review. You may contact Layne Gissler at 479-5723 or at layne.gissler@nebraska.gov with questions on these changes.

Page 3 of 20; replace current Section II.D. with below language.

II. JOB AND PROGRAM STRUCTURE

- D. Special attention should be given to the selection of inmate assignments to work areas. Inmates who have an escape/attempted escape within the last 10 years are prohibited from being classified to off-unit work assignments (except education). Both institutional and criminal history will be considered with the exception of absconds/escape from a community center/parole (non-secure) or flight to avoid arrest. Inmates who have a history of assaultive behavior within the last five years are prohibited from being classified to off-unit work assignments (except education). Assaultive behavior is defined as any class 1 misconduct report for Assault, Murder/Manslaughter, Sexual Assault or Mutinous Actions or Part 1 offense conviction(s) (1st Degree Murder, 2nd Degree Murder, Manslaughter, 1st Degree Assault, 1st Degree Sexual Assault, 1st Degree Sexual Assault of a Child, Robbery). This policy does not apply to inmates housed at a community corrections center or the Work Ethic Camp. Any Warden requesting an exception to this policy must get approval from their respective Deputy Director by requesting such in a memorandum listing the reason(s) an exception is warranted. In work areas that require a specific skill set, such as library, haircare or recreation, special attention should be given to the training and use of inmates in these positions.

SRF/lag

Attachments: none

cc: Planning, Research and Accreditation

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		INMATE WORK/PROGRAM ASSIGNMENTS AND STIPENDS	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

EFFECTIVE: September 1, 1982
REVISIED: December 27, 2006
REVISIED: July 6, 2007
REVISIED: May 14, 2008
REVISIED: May 17, 2009
REVISIED: May 19, 2010
REVISIED: May 25, 2011
REVISIED: June 9, 2012
REVISIED: May 24, 2013
REVISIED: August 11, 2014
REVISIED: May 29, 2015
REVISIED: June 30, 2016

SUMMARY of REVISION/REVIEW

Policy Directive 015-046 has been incorporated with this revision. Additionally, ARs 109.01, 113.18 and 115.32 have been incorporated into this AR. Significant revisions, please read thoroughly.

APPROVED:



Scott R. Frakes, Director
Nebraska Department of Correctional Services

	<p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">Department of Correctional Services State of Nebraska</p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">113.17</p>	<p style="text-align: center;">PAGE</p> <p style="text-align: center;">2 of 20</p>
		<p>INMATE WORK/PROGRAM ASSIGNMENTS AND STIPENDS</p>	

PURPOSE

To provide a guideline for the daily activity of an inmate involved in a work or program assignment and to establish uniform practice under which inmates are paid for work performed.

GENERAL

It is the policy of NDCS to assign/select and retain inmate workers on the basis of demonstrated ability and qualifications. No person shall, on the grounds of race, gender, disability, national origin, age, religion, creed or political belief, be excluded from work and program assignments. This policy is not intended to, nor shall it limit the ability of NDCS to restrict assignment to inmates housed within the institution wherein a particular work assignment is located.

It is the policy of the Nebraska Department of Correctional Services (NDCS) that inmates are assigned to jobs/programs that will enhance their personal development and the efficient operation of their assigned institutions.

Jobs available to the inmates should approximate, as nearly as possible, the work situation in the community. Each institution should maintain a written plan which provides full time work and/or program assignments for all inmates in the general population, including disabled inmates.

Adult inmates are to be profitably occupied in work or program situations, which as nearly as possible, parallel real life work situations. Inmates are to be paid daily stipends according to their job classification. All inmate stipends will be processed in the Corrections Inmate Payroll System (CIPS). Stipends not processed in CIPS will be submitted on an Inmate Payment Document. Inmate Payment Document forms referenced in this procedure are to be requested from the Nebraska Department of Correctional Services (NDCS) Accounting. Access to CIPS and CIPS reports/queries in NiCaMS will only be granted by completion of a CIPS Authorization Form (Attachment A). Approval by the Warden/Program Head or designee and NDCS Accounting is required. Access will be processed by the NDCS Help Desk staff.

PROCEDURE

I. HEALTH AND SAFETY

- A. All institutional work, industrial and vocational/educational programs must meet minimum applicable federal, state or local work, health and safety standards.
- B. Annual health and safety inspections will be conducted by outside authorities. A monthly inspection of work and program areas will be conducted by a safety/sanitation officer with weekly inspections conducted by qualified institutional staff.

II. JOB AND PROGRAM STRUCTURE

- A. Job and program opportunities will, as closely as possible, involve a full day's work effort.
- B. Activities that would interfere with daily work and program efforts are to be closely scrutinized and avoided whenever possible.
- C. Where appropriate, special and/or protective clothing will be issued to inmates assigned to special work. Assignments to the skilled nursing facility, food service, recycling, laundry, maintenance and industries shops may require such clothing.

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D. In such work areas as library, haircare or recreation, special attention should be given to the selection, training and use of inmates in these positions.

III. COMMUNITY RESOURCES

A. NDCS acknowledges the importance of community resources for placement of inmates both in work/educational programs as well as treatment programs. Staff should become aware of the existence of such agencies and groups and should make efforts with community custody inmates to cultivate and encourage the interest and willingness of the inmates to take advantage of the resources available and/or participate in the activities offered.

B. Advice, assistance and information shall be solicited in writing from labor, business and industrial organizations by NDCS designated staff who shall forward such information to the programs. Institutions shall then use the information to assist inmates in developing skills relevant to the job market.

IV. All institutional jobs shall be formally classified according to the skill level required and the degree of physical or mental effort required. All institutional work assignments will be no more than a five day work assignments. When an inmate works a designated day off, an Incident Report providing justification shall be submitted to the Business Office within five work days.

V. To the degree possible, institution work programs shall be incentive based and provide for advancement.

VI. The stipend schedule shall be based upon objective criteria and position availability. Budgets shall be set annually via a formula based on the number of inmates expected to have institutional job assignments at an institution and specified percentages for each of the daily stipend rates.

VII. EMPLOYMENT OPPORTUNITIES IN CORNHUSKER STATE INDUSTRIES (CSI)

Industrial, maintenance and service jobs will be listed as to their availability for all inmates to review.

VIII. WORK EXPERIENCE IN OTHER INSTITUTIONAL ASSIGNMENTS

A. Work assignments should, whenever possible, be a type that will afford an opportunity to learn a job skill.

B. In any job it should be possible to provide the opportunity for inmates to develop good work habits and attitudes.

C. Public works and community projects may become part of work assignments at institutions with appropriate custody and supervision.

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IX. The following classification system for inmates is established:

<u>JOB NAME</u>	<u>RATE NUMBER</u>	<u>JOB DESCRIPTION</u>
Laborer, Student or Treatment	1	Job does not require any specialized training and/or experience. Students enrolled in high school, ABE, GED and/or ESL educational classes may have their stipend reduced to this rate if they fail to meet the Student stipend guidelines. Inmates in treatment programs for substance abuse or mental health.
Skilled Worker	2	Work assignments requiring limited to considerable supervision; inmates with some experience.
Advanced Skilled Worker	3	Work assignments requiring highly skilled individuals that are normally assigned as lead persons or professional assignments.
Laborer	4	Job does not require any specialized training and/or experience. Four day work week with longer hours per day.
Skilled Worker	5	Work assignments requiring limited to considerable supervision; inmates with some experience. Four day work week with longer hours per day.
Advanced Skilled Worker	6	Work assignments requiring highly skilled individuals that are normally assigned as lead persons or professional assignments. Four day work week with longer hours per day.
Designated Work Detail	61	Designated full-time positions at specific locations requiring specialized skills. These positions require the Director's approval to be created.
CSI Inmate Worker I	51	Unskilled inmate workers needing considerable supervision and instruction in the safe use of tools, processes and equipment; limited or no experience in an industrial setting; may have limited knowledge of certain shop applications. Works as directed and/or assigned.
CSI Inmate Worker II	52	Semi-skilled inmate worker that can perform his/her tasks with some instruction and supervision. Inmate worker should have a working knowledge of tools, processes and equipment in the industrial shop. Inmate workers in this category should be able to perform assigned tasks in several areas of the shop or factory. Works as directed and/or assigned.

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CSI Inmate Worker III	53	Skilled inmate worker in the operation of the various tools, processes and equipment of the various CSI shops. Inmate worker must be able to complete assigned tasks without instruction. Inmate worker should be able to show less skilled inmate workers the correct procedure to do a job. Inmate worker must know the difference between an acceptable product and a non-acceptable product. Works as directed and/or assigned.
CSI Lead Person	54	An inmate worker that has considerable experience and can perform needed tasks in a shop. This inmate worker is not a supervisor but may help train or give advice to other inmate workers in the safe use of tools and equipment and the technical aspects of completing a specific task. This inmate worker must be able to work closely with the shop supervisor, show strong initiative and perform all tasks as required by the shop supervisor. Works as directed and/or assigned.
CSI Clerk I	52	This inmate worker performs any combination of clerical tasks requiring limited knowledge of systems and procedures. Writes or types bills, statements, receipts or other documents. May copy information from one record to another. Proofreads records or forms for accuracy of information and content. Addresses and stuffs envelopes or packages. Answers telephone, conveys messages and runs errands. Stamps, sorts and distributes mail. May copy documents utilizing duplicating equipment. May perform inventory checks and maintain inventory records. May use a computer to create or maintain electronic files or to perform transactions with the Nebraska Information System (NIS) as directed by CSI. Works as directed and/or assigned.
CSI Clerk II	53	This inmate worker compiles data and operates typewriter and/or computer (as required) in performance of routine clerical duties to maintain business records and reports, such as business reports, correspondence, application forms, shipping tickets and other matters. Files records and reports, posts information to records, sorts and distributes mail, answers telephone and performs other similar duties as required. May compute amounts, using adding or calculating machine. May perform physical inventories and maintain perpetual inventory records. May use a computer to create or maintain electronic files or to perform transactions with NIS as directed by CSI. Works as directed and/or assigned.

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CSI Clerk III	54	<p>Schedules appointments, gives information to callers, takes dictation as required, and otherwise relieves staff of clerical work and minor administrative and business details. May coordinate activities of workers engaged in other clerical activities. May analyze, maintain and coordinate work schedules to determine production schedules and develop master production schedules. Handles duties of other clerking positions as may be necessary. May compile and type statistical reports, minutes of meetings, etc. May compute amount of stock and supplies required for operations based on production schedules and order stock and supplies with the necessary staff approval. May use a computer to create or maintain electronic files or to perform transactions with NIS as directed by CSI. May inspect the quality of finished products to make sure they meet specifications as required. May direct workers in adjusting machines and equipment to repair products, which fail to meet standards. Trains new clerical personnel. Will work as directed and/or assigned. Specialized skills can be classified at the Clerk III rate at the discretion of the CSI Deputy Director or designee.</p>
Health Porter I	91	<p>Health Porters that have been with the program less than 30 days that need considerable supervision and instruction in carrying out their duties; limited or no experience in a healthcare setting; may have limited knowledge of certain applications. Works as directed and/or assigned.</p>
Health Porter II	92	<p>Semi-skilled inmate worker who has been with the program at least 30 days has received a sufficient performance evaluation, and can perform his/her tasks with some instruction and supervision. Inmate worker should have a working knowledge of the duties assigned to IHP's. Works as directed and/or assigned.</p>
Health Porter III	93	<p>Skilled inmate worker who has been with the program at least 60 days and has received a sufficient performance evaluation. Inmate worker must be able to complete assigned tasks without instruction. Inmate worker should be able to show less skilled inmate workers the correct process for completing tasks. Works as directed and/or assigned.</p>
Health Porter Leader	94	<p>An inmate worker who has considerable experience and can perform needed tasks in an above-satisfactory manner. This inmate worker is not a supervisor but may help train or give advice to other inmate workers regarding proper effective techniques for completing a specific task. This inmate worker must be able to work</p>

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closely with their supervisor, show strong initiative and perform all tasks as required by the supervisor. Works as directed and/or assigned.

X. UNIVERSAL JOB REQUIREMENTS

A. CSI

1. Must be on time and at work unless properly excused by the supervisor and/or Manufacturing Manager.
2. Must follow safety rules and use or wear all safety equipment required.
3. Must be quality conscious. Products not up to the quality standards cannot be accepted and all CSI workers must share this responsibility.
4. Must cooperate with supervisor, accept instruction and constructive criticism. Inmate workers will be required to perform CSI related work as required by their respective supervisor and the Manufacturing Manager.
5. Must abide by NDCS and facility rules and regulations, as well as maintain harmonious relationships with staff and other inmate workers.
6. If requirements 1 through 5 are not met, the inmate worker can be denied a stipend increase or the inmate worker's stipend can be reduced by one stipend grade. The same inmate worker's stipend can be reduced more than once if problems persist.

B. HEALTH PORTERS

1. Must be on time and at work unless properly excused by the supervisor.
2. Health Porters are expected to report to training sessions as scheduled. In addition, participation and completion of all assignments is mandatory.
3. Health Porters are expected to follow staff instructions. Only duties and techniques outlined in the skills checklists are approved to be employed in this position. IHP's will perform additional duties as assigned by work area supervisors.
4. Duty assignments will be determined by the Health Porter Supervisor.
5. Must cooperate with supervisor, accept instruction and constructive criticism.
6. Must abide by Department and facility rules and regulations, as well as maintain harmonious relationships with staff and other inmate workers.
7. If requirements 1 through 6 are not met, the inmate worker can be denied a stipend increase or the inmate worker's stipends can be reduced by one pay grade. The same inmate worker's stipend can be

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reduced more than once if problems persist.

XI. INMATE/OFFENDER STIPEND STRUCTURE

A. Daily Rates of Stipend

(1)	Laborer	\$1.21/Day
(2)	Skilled Worker/Student	\$2.25/Day
(3)	Advanced Skilled Worker/Student	\$3.78/Day
(4)	Laborer – 4 Day Work Week	\$1.51/Day
(5)	Skilled Worker – 4 Day Work Week	\$2.81/Day
(6)	Advanced Skilled Worker – 4 Day Work Week	\$4.72/Day

B. Hourly Rates of Stipend

(51)	CSI Inmate Worker I	\$.38/Hour
(52)	CSI Inmate Worker II CSI Clerk I	\$.54/Hour
(53)	CSI Inmate Worker III CSI Clerk II	\$.76/Hour
(54)	CSI Lead Person CSI Clerk III	\$1.08/Hour
(61)	Designated Work Detail	\$1.08/Hour
(91)	Health Porter Worker I	\$0.38/Hour
(92)	Health Porter Worker II	\$0.54/Hour
(93)	Health Porter Worker III	\$0.76/Hour
(94)	Health Porter Leader	\$1.08/Hour

C. Education Release Work Detail

(80)	Education Release Work Detail	\$0.00
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This classification is not entitled to any stipend for work performed but maintenance is not charged. Warden's approval must be obtained for this work situation. Performance Evaluations should be entered in CIPS.

Inmates employed in the community by public or private organizations in positions normally occupied by private citizens are compensated at the prevailing wage rate for the position occupied. Inmates receiving such compensation will reimburse the Department for a reasonable share of its cost in maintaining them. (See Administrative Regulation 113.02, *Inmate Accounting*).

Work Areas specified as a four day work week will require the Wardens approval before Accounting establishes stipend rates (4), (5), and (6) with a work area.

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D. HIRING RATE – NEW INMATE WORKERS

1. CSI

All new inmate workers shall start at the entry-level stipend of \$0.38 for Inmate Worker I and \$0.54 for Clerk I unless previously approved by the CSI Deputy Director. This rate shall remain in effect for a minimum of 30 calendar days. At the end of the period, the inmate worker may be considered for promotion if:

- a. A vacant position is available, and
- b. The inmate worker has demonstrated the appropriate performance to meet the job description requirements.

If these two conditions cannot be met or if the work assignment is a CSI Worker I, the inmate worker shall continue to receive stipends at his/her current rate. Rehired, experienced inmate workers may be eligible to start at other than the entry rate; however, the 30-day probationary period applies. CSI shop experience must be directly related to the rehire position. All promotions and stipend decisions will be made by the NSP Operations Manager and will occur only at the beginning of the month.

2. HEALTH PORTERS

All new IHP's shall start at the entry-level stipend rate of \$0.38 per hour for Health Porter Worker I and \$0.54 per hour for Health Porter Worker II. This rate shall remain in effect for a minimum of 30 calendar days for Health Porter Worker I and for a minimum of 30 days for Health Porter Worker II. All stipend rate changes will be effective at the beginning of the month. At the end of the period, the inmate worker may be considered for a promotion if:

- a. There is an operational need for the position;
- b. The inmate worker has demonstrated the appropriate performance to meet the job description requirements.

If these two conditions cannot be met, the inmate worker shall continue to receive stipends at his/her current rate. Rehired or experienced inmates may be eligible to start at other than the entry rate; however, the 30-day probationary period applies. All promotions and stipend decisions will be made by the Health Services Supervisor and will occur only at the beginning of the month.

XII. EMPLOYMENT PROCEDURES

A. CSI

Basic Employment Process

All job openings will be posted in the institution in which they occur. All interested inmates may apply by sending an application to the CSI Manufacturing Manager or

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his local representative. Applications will be reviewed by the CSI Personnel Committee (Shop Supervisor(s) and/or Operations Manager) to select those for interview.

The hiring and job placement decision will be made by the Unit Classification Committee in close coordination with the CSI Personnel Committee.

Successful applicants will be required to sign an Inmate Work Agreement outlining their duties and responsibilities as an employee of CSI. Where practical CSI will focus on hiring inmates that will be released in the foreseeable future.

Inter-shop Transfers

Inter-shop transfers, job changes or reassignments may occur with the approval of the NSP Operations Manager. If the transfer is to be permanent, a vacant position must be available. Temporary transfers (not to exceed 15 days) may be made by the Manufacturing Manager.

Timekeeping

Accounting and reporting of all inmate workers' time and attendance records will be managed by the CSI Manufacturing Manager. All time cards will be maintained on a permanent basis at CSI Administration.

Excused Absences with Stipends

Absences for Parole Board and Institutional Classification Committee (if requested by the Administration) shall be considered excused absences with stipends up to one hour duration. All such requests must be approved by the shop supervisor or Manufacturing Manager before the stipend is given.

Work Cancellation (Lay-In)

Work cancellation does occur from time to time. Reasons include, but are not limited to, work shortage, machine breakdown, fog days, etc.

If a lay-in or work cancellation is declared, for reasons other than custody, security or discipline, CSI inmate workers including CSI Customer Model Private Industry Enhancement Certification Program (PIECP) inmate workers, may receive a stipend equal to the minimum daily rate as provided by the Institutional Inmate Stipend Regulation. The hourly stipend will not be used. Lay-in stipend shall not exceed five consecutive days in duration. After this period, if other CSI job assignments are not available, the inmate workers involved may be reassigned by the Institutional Classification Committee.

If it is a partial-day lay-in, then the inmate receives the minimum daily rate or the hourly rate actually worked, whichever is greater.

(Note: Exceptions may be made at the discretion of the CSI Deputy Director or his designee. This will depend on the type and or length of the emergency.)

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Disciplinary Lay-In (CSI related/initiated)

If charges are dismissed by the disciplinary committee, the inmate worker may receive the lay-in stipend (minimum daily institutional stipend) for the time of lay-in, or up to the time of reclassification to a different job if this occurs before the disciplinary hearing. If found guilty by the facility's disciplinary committee, the inmate worker will not be entitled to any lay-in stipend by CSI. The shop supervisor will be responsible to maintain these records and provide this information to the CSI Business Office.

Leave Time

Inmate workers except PIECP, who have been assigned to CSI for one year with a satisfactory work record, shall receive 39 hours of stipend leave. Inmate worker preference for the leave shall be honored if at all possible. Production schedule or workload may sometimes require a change in the leave dates. Inmate workers must take the approved leave in one day units of 7.8 hours (9.75 hours if working a four day work week) unless otherwise approved by the Manufacturing Manager.

All leave must be taken within 12 months after being earned. Inmate workers may not receive stipend in lieu of the time off unless a waiver is granted by the CSI Deputy Director.

Unused leave time will be paid upon termination from CSI.

Injury Compensation

Inmate workers who are injured as a result of a job related accident may receive their full hourly stipend for a period not to exceed five working days after the injury. If the inmate worker continues to be absent from the job as a result of the work related injury, a rate equal to the minimum Institutional daily rate may be authorized as specified in the CSI Inmate Work Agreement. This injury stipend recommendation will be made by the CSI Manufacturing Manager and the Facility Medical Doctor with final approval by the Deputy Director of facility and CSI Deputy Director or designee. The shop supervisor will be responsible to provide the CSI Business Office with records/documentation of job related accidents.

Performance Evaluation

On a monthly basis the shop supervisor shall evaluate each inmate worker assigned to his/her respective shops. This information will be entered in the Correctional Inmate Payroll System prior to the end of business on the third work day of the subsequent month.

B. HEALTH PORTERS

Basic Employment Process

All job openings will be posted in the appropriate institution in which they occur. All interested inmates may apply by sending an application to the Facility Designee. Applications will be reviewed by the Health Porter Committee to select those for interview.

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The hiring and job placement decision will be made by the Unit Classification Committee in with agreement of designated Health Services personnel.

Successful applicants will be required to sign an Inmate Work Agreement outlining their duties and responsibilities as a Health Porter worker of NDCS.

Health Porters working in the Skilled Nursing Facility (SNF) will complete training as outlined by Nebraska Department of Health and Human Services Skilled Nursing Regulations.

- 12-.006.04B Training
- 12-006.04B1 Initial Orientation
- 12-006.04B2 Ongoing Training

All other Health Porters working within NDCS facilities will complete the required training provided by the NDCS Medical Department.

Job Changes/Reassignments

Inter-agency transfers or reassignments may occur with the approval of the Wardens, Directors of Nursing, and Associate Directors of Nursing (ADON's). The transfer may be permanent depending on the operational need of the agency. Temporary transfers (not to exceed 15 days) may be made by the Nurse Managers.

Timekeeping

Accounting and report of all inmate workers' time and attendance records will be managed by the Health Services Supervisor. Hours worked will be entered daily in the Correctional Inmate Payroll System in accordance with this AR.

Excused Absences with Stipends

Absences for Parole Board and Institutional Classification Committee (if requested by the Administration) shall be considered excused absences with stipends up to one hour duration. All such requests must be approved by the Health Services supervisor before stipends are given.

Work Cancellation (Lay-In)

Work cancellation does occur from time to time when there are no inmates that require the assistance of a health porter. In those cases, Health Porters may receive a stipend equal to the minimum daily rate as provided for their facility. The hourly stipends will not be used. Lay-in stipends shall not exceed five consecutive days in duration. After this period, if other job assignments are not available, the inmate workers involved may be reassigned by the Institutional Classification Committee.

If it is a partial-day lay-in, then the inmate receives the minimum daily rate or the hourly rate actually worked, whichever is greater.

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Disciplinary Lay-In (related / initiated)

If charges are dismissed by the disciplinary committee, this inmate worker may receive a lay-in stipend (minimum daily institutional stipend) for the time of lay-in, or up to the time of reclassification to a different job if this occurs before the disciplinary hearing. If found guilty by the facility's disciplinary committee, the inmate worker will not be entitled to any lay-in stipend. The Health Services supervisor will be responsible to maintain these records and provide this information to the facility Business Office on an Inmate Payment Document.

Leave Time

Inmate workers who have been assigned to NDCS for one year with a satisfactory work record shall receive five consecutive days of stipend leave. Inmate worker preference for the leave shall be honored if at all possible. Schedule or workload may sometimes require a change in the leave dates. Inmate workers must take the approved leave in a five-day unit unless otherwise approved by the Health Services supervisor

All leave must be taken within 12 months after being earned. Inmate workers may not receive a stipend in lieu of the time off unless a waiver is granted by the facility ADON/DON.

Injury Compensation

Inmate workers who are injured as a result of a job related accident may receive their full hourly stipend for a period not to exceed five working days after the injury. If the inmate worker continues to be absent from the job as a result of the work related injury, a rate equal to the minimum Institutional daily rate may be authorized. This injury stipend recommendation will be made by the facility ADON/DON and the Facility Medical Doctor with final approval by the Warden or designee. The Health Services supervisor will be responsible to provide the Business Office with records/documentation of job related accidents.

Performance Evaluation

On a monthly basis the Health Porter Supervisor shall evaluate each worker assigned to his/her respective facility. This information shall be entered in the Correctional Inmate Payroll System no later than the fourth work day of the month.

XIII. POSITIONS CONTROL

- A. All facilities shall designate inmate stipend centers. A stipend center is a work area where inmates responsible to a supervisor report their time for stipend purposes. Each facility may have up to 99 stipend centers.
- B. Within each stipend center, except CSI and FSP, the number of inmates assigned to positions of Skilled Worker and Advanced Skilled Worker shall be established and a position number assigned. These positions will be identified as full day or half-day workers. A job assignment is being assigned to perform duties/functions in a distinct location. Generally half-day assignments will result when an inmate is assigned to school, treatment, or nursery mothers. Others that may involve CSI or private venture assignments need to be reviewed to see that it is not considered more than a full day

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assignment. Laborer Class shall not be limited. Student total numbers shall not be limited.

- C. Once established, the number of inmate positions determined in Procedure V.B. above shall be maintained. No inmate may be promoted/assigned to a Skilled Worker position unless a position is vacant. Laborer rates must be used unless a position is available. An inmate may not be assigned to more than one full-time position or its equivalency. An inmate may not receive a stipend for more than one full-time equivalency for any day.
- D. An annual review of the authorized positions by work area and stipend rate shall be completed in July of each year by the Business Manager following notification of the budget for inmate stipend. Additions or changes to the number of positions authorized or to stipend centers must be approved by the Warden. Any changes will be forwarded by the Business Manager to the NDCS Controller by September 1 for approval and changes in the CIPS. A response shall be provided if no changes are to be made indicating that the review has been completed. Accounting will enter the changes in CIT by the end of September.
- E. Business Managers are responsible for monitoring inmate work assignments as compared to authorized positions. Additionally, they will complete a monthly review to see that inmate stipends are posted appropriately and identify any errors. Accounting will be notified of errors in accordance with the stipend procedures. This review should be documented for auditing purposes.
- F. CSI Position Authorization and Stipend Structure

<u>Job Classification</u>	<u>Maximum Authorized per Shop</u>
CSI Inmate Worker I	As Needed
CSI Inmate Worker II	As Needed
CSI Inmate Worker III	As Needed
CSI Lead Person	Ratio of per shop or per every 12 workers
CSI Clerk I	As approved by the CSI Deputy Director
CSI Clerk II	As approved by the CSI Deputy Director
CSI Clerk III	As approved by the CSI Deputy Director

Each shop shall be assigned sufficient workers to meet the realistic workload of the shop. Job classification and stipend scales shall be established according to the needs of the shop. Special needs job assignments may only be made by the CSI Deputy Director or designee.

Step or merit increases are NOT authorized. Each shop will maintain job descriptions for each position. The following requirements must be met for an inmate worker to promote to a higher job classification:

- The worker meets minimum qualifications for the new position
- The worker is recommended for promotion by the shop supervisor
- A higher pay position is vacant

- G. Health Porter Position Authorization and Stipend Structure

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Each facility shall be assigned sufficient workers to meet the needs of the inmate population. Job classification and stipend scales shall be established according to the needs of the facility but within the maximum authorization shown above. The normal distribution of inmate workers should be less than the maximum percentage allowed. The maximum percentage of positions authorized to each facility is mandatory and may not be exceeded without written permission of the Health Services Chief Operating Officer or designee.

Step or merit increases are NOT authorized. Inmate workers may receive a stipend increase only if promoted to a higher stipend position

XIV. STIPEND PROCEDURES

- A. All inmate institutional stipends will be based on a calendar month and paid on the 12th workday of the month. Stipend rate changes must be entered in CIPS prior to the inmate receiving notice of the change.
- B. Inmates shall only receive stipends for actual days or hours worked, with the exception of Howard's day, which is covered in Procedure VII; and Lay-in stipends covered in Procedure. VI. J. When an inmate is placed on medical lay-in by Health Services staff an inmate will not receive a stipend.
- C. Continuing in stipend rates above the minimum stipend level is contingent upon performance at an acceptable level applies to all positions.

CSI Job Termination/Reassignment

CSI Inmate workers who have demonstrated unsatisfactory performance may be terminated or reassigned to another shop (if position is vacant and available). The CSI Shop Supervisor, with the concurrence of the Warden or designee, has the authority to remove an inmate worker from CSI for disruption, poor work performance, violating Inmate Work Agreement or other reasons consistent with the efficient operation of CSI, the good order of the institution and NDCCS' Rules and Regulations. The shop supervisor will provide the Business Office with the reason an inmate is terminated. Close coordination shall be maintained with the Institutional Classification Committee on all such actions.

In the event that business conditions dictate a labor reduction in a CSI shop, the reduction will be accomplished on a shop-by-shop basis. The criteria used to determine which inmate workers will be reclassified out of CSI will be job knowledge, attitude, performance and dependability. Close coordination shall be maintained with the Institutional Classification Committee on such actions.

Health Porter Job Termination

Inmate workers who have demonstrated unsatisfactory performance may be terminated or reassigned to another facility (if there is an operational need at another facility). The Unit Manager in coordination with the ADON/DON have the authority to remove an inmate worker for disruption, poor work performance, violating Inmate Work Agreement or other reasons consistent with the efficient operation and good order of the institution and the Department's Rules and Regulations. Close coordination shall be maintained

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with the Institutional Classification Committee on all such actions.

In the event that business conditions dictate a labor reduction, the reduction will be accomplished on a facility-by-facility basis. The criteria used to determine which inmate workers will be reclassified out of the Health Porter program will be job knowledge, attitude, performance and dependability. Close coordination shall be maintained with the Institutional Classification Committee on such actions.

- D. Work area supervisors shall record attendance and absence, including the reason absent from work on daily rosters in CIPS. When the reason absent is unknown supervisors should select "No Show". Roster entries should be entered daily and monitored by Business Managers to see that they are completed timely. Timely completion allows additional monitoring through reports in Siebel to assure inmates receive stipends accurately. Supervisors will have access to rosters for five work days following the end of the month.
- E. Performance ratings shall be entered for all inmates that worked during a month. Ratings will be on a scale of 0 to 5. Ratings of 0, 1, and 5 require comments to be entered. Supervisors are encouraged to enter comments on all evaluations to indicate both good performance and areas for improvement. Performance evaluations may be entered for inmates terminated from a job assignment immediately. All other performance evaluations must be completed during the last five calendar days of the month through the first five work days of the subsequent month.
- F. The business office will monitor entries in CIPS throughout the month by reviewing reports from NiCaMS and actual data in CIPS. Three reports that will be used by the business office are:
 - Inmates With More Than 1.0 Job Assignment
 - More Than 1.0 FTE Per Day
 - Work Assignment Attendance

The business office staff will have access to update CIPS through the seventh work day of the subsequent month to resolve issues.

Accounting and reporting of all inmate CSI workers' time and attendance records will be managed by the CSI Manufacturing Manager. All time cards will be maintained on in accordance with records retention schedules at CSI Administration.

- G. NDCS Accounting Staff will monitor CIPS through NiCaMS reports as well. Facility/program Business Managers may be contacted to provide supplemental information for processing exceptions. NDCS Accounting will require written authorization via an email from business office staff to make adjustments after the business office cutoff. Accounting will not allow an inmate to receive stipends for more than 1.0 job assignment for any day in a calendar month.
- H. Any stipend not posted through the normal process shall be submitted to NDCS Accounting on Inmate Payment Documents (Attachment B) and approved by the Business Manager. Multiple month's stipends may be included on the same document, if stipends for those months has posted. Inmate Payment Documents

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must identify for each inmate the specific days of the month the inmate is to receive stipends.

A separate line should be used for each month an inmate receives stipends. Inmate Payment Documents will be posted to the inmate's account within three workdays after receipt by NDCS Accounting, but not prior to the scheduled stipend date. An explanation or justification must be provided. Verification should be completed in the business office to assure that the stipend is appropriate. Attach NICaMS Work Assignment Attendance report for each inmate for the month. NDCS Accounting will also complete a verification using CIPS and NICaMS reports. Documents lacking sufficient documentation or detail will have emails sent to business office staff to obtain the necessary information. An error on an Inmate Payment Document will delay the posting of the entire document.

- I. Inmates will receive an Inmate Pay Stub for all their stipends processed in CIPS for each month. All inmate inquiries concerning inmate stipends shall be made via unit staff to the facility business office. Requests for additional information shall be made via the business office to NDCS Accounting. Inmates who believe their stipend is incorrect should report discrepancies within 60 days following receipt of their Pay Stub to the Work Area Supervisor. All Inmate Payment Documents adjusting back stipends must be submitted to NDCS Accounting within 75 calendar days of the original payment posting date. Inmate Payment Documents should not include a stipend rate change, unless an Incident Report is submitted to the Warden and Controller.
- J. When an institution imposes action, which prevents inmate(s) from performing their work assignments, through no fault of the inmate(s), the inmate(s) shall be paid Lay-in stipend. Lay-in stipends must be activated by Accounting before the option is available for an institution. The Business Manager or Warden can make such request be enabled on a permanent basis or as needed. Lay-in stipends are paid at the minimum daily stipend rate. Lay-in stipend may be paid by checking the appropriate box on a roster. Inmates unable to work as the result of a lockdown from an inmate disturbance or incident shall not receive lay-in stipend.
- K. The following reports will be available to the facility business office on the NDCS shared drive:
 1. Detailed Pay Report by Work Area
 2. Summary Pay Report
 3. Inmate Position Staffing Report
 4. Inmate Pay Stub
- L. Education and Treatment Stipends:
 1. Educational students participating in high school, ABE, GED and/or ESL educational classes will also be required to be assigned to part-time institutional employment or residential substance abuse or residential mental health treatment. Inmates will not receive institutional stipends for any other educational programming (vocational or college education). Inmates will not

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receive stipends for treatment when they can have a job assignment; for example, sex offender treatment is excluded.

Some inmates may be assigned as a full-time student in classification; generally inmates will have a half-day assignment for education.

2. Stipends for educational students, residential substance abuse treatment, or residential mental health treatment will be \$1.21/day. Stipends will be calculated as ½ of \$1.21 for attending educational programming or the specified residential treatment and ½ from the employment site at the assigned stipend rate for those duties. Inmates shall only receive stipends for actual days of work attendance or education and treatment days. Those inmates who work in positions with stipends of \$3.78/day will be paid at the higher rate assignment for the total day; their participation in education or residential treatment will be considered voluntary.
3. Educational assignments and residential substance abuse treatment assignments are considered five day per week assignments, except weeks when a state holiday occurs.
4. Students will only receive stipends for actual school attendance. For example, students will not receive stipends for teacher in-service days, breaks between terms, holidays, or student absences.

The education staff have the option of giving stipends to the inmate for the day if it has been documented that the inmate is unexcused in his/her class attendance or just sits and does not actively participate in the class activity.

M. Overtime Stipends

1. CSI Inmate Workers

The CSI Manufacturing Manager, with the approval of the CSI Deputy Director, Assistant Deputy Director or designee and the Warden, can require CSI inmate workers to work in excess of their normal 39 hours per workweek.

The normal workday is a 7.8-hour day, Monday through Friday. Some shops may be designated to work a four day work week with standard hours of 9.5 per day. All such overtime work (over 39 hours per work week of Monday through Sunday) shall be paid at a rate of one and one-half times the inmate worker hourly rate. Alternate schedules may be implemented based on agreement with the Warden and CSI Deputy Director. Vacation hours paid does not count towards work hours for overtime calculation. Holiday hours paid does count towards hours worked for overtime calculation.

2. Health Porters

The Health Services Supervisor, with the approval of the facility ADON/DON and Warden, can require IHP workers to work in excess of an eight hour work day. Should an inmate's total hours exceed 160 hours in a calendar month the inmate will be paid at a rate of one and

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one-half times the inmate worker's hourly rate for those hours exceeding 160.

3. Non-CSI Hourly Workers

All non-CSI hourly workers will receive stipends at a rate of one and one-half times the inmate worker's hourly rate for those hours exceeding 160 hours in a calendar month.

XXV. ADMINISTRATIVE AND WORK LAY-IN

The Warden or Program Administrator may authorize procedures to place an inmate on Administrative and Work Lay-In in the event that the inmate refuses to work as directed at his/her assigned work/program location or it is determined that the inmate's presence at that work site compromises the work effort and/or security of that work. An inmate may remain on Administrative and Work Lay-In status until he/she is reclassified to another work/program location or is allowed to return to work at his/her original work/program assignment. An inmate will not receive lay-in pay in these situations.

XXVI. HOWARD'S DAY

Holiday stipends will be paid to inmates for Howard's Day September 2, if the inmate has an institutional job assignment as of that date. Inmates who work on Howard's Day shall receive holiday stipends for the work. The work rosters for September 2 in CIPS will have a box to check if the inmate is to receive Howard's Day holiday stipend.

CSI Inmate workers will receive holiday stipends once a year, September 2nd. This excludes CSI PIECP inmate workers. Holiday stipends are defined as paid time off at an individual's regular stipend rate. Full-time CSI inmate workers will receive 7.8 hours of holiday stipend. CSI Inmate workers with standard half day assignments will receive 3.9 hours of holiday stipend. Inmates who work on September 2nd will also receive stipends for the hours they work in addition to the holiday stipend.

REFERENCE

I. Administrative Regulation 113.02, *Inmate Accounting*.

II. ATTACHMENTS

- A. CIPS Authorization Form
- B. NDCS Inmate Payment Document – DCS-A-acc-011
- C. CSI Inmate Work Agreement
- D. Inmate Health Porter Work Agreement

III. ACA STANDARDS –

Standards for Adult Correctional Institutions (ACI) (4th Edition): 4-4277, 4-4448, 4-4449, 4-4451, 4-4452, 4-4453, 4-4454, 4-4455, 4-4456, 4-4457, 4-4458 and 4-4461

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Correctional Industries (second edition): 2-CI-3A-01, 2-CI-4A-01, 2-CI-4A-02, 2-CI-4A-03, 2-CI-4A-07, 2-CI-4A-08 and 2-CI-5A-04.

Performance Based standards for Adult Community Residential Services (ACRS) (4th Edition): 4-ACRS-6B-01, 4-ACRS-6B-02.