

State of Utah - Department of Corrections



Department Manual

<i>FE05 - Inmate Workers</i>	<i>PROCEDURE</i>
<i>Date Effective: 7-1-1992</i>	<i>Date Revised: 11-6-2023</i>
<i>GRAMA Designation:</i>	<i>PUBLIC</i>
<i>Authorized by:</i>	<i>Executive Director Brian Redd</i>
<u><i>Table of Contents:</i></u> <i>01.00 GENERAL PROCEDURES</i> <i>01.01 General</i> <i>01.02 Selection Process</i> <i>01.03 Applications</i> <i>01.04 Inmate Probationary Period</i> <i>01.05 Inmate Work Training</i> <i>01.06 Creation and Termination of Inmate Work Assignments</i> <i>01.07 Medical Screening</i> <i>01.08 Inmate Work Report</i> <i>01.09 Work Agreement</i> <i>01.10 Temporary Work</i> <i>01.11 Volunteer Work</i> <i>01.12 Transfers</i> <i>01.13 DPO Work Program Stipend Rates</i> <i>02.00 SUSPENSION AND TERMINATION PROCEDURES</i> <i>02.01 Suspension & Termination</i> <i>02.02 Suspension & Termination of Inmate Workers</i> <i>02.03 Inmate Removed from Work by the Division of Institutional Operations</i> <i>02.04 Refusal to Work</i> <i>03.00 INMATE WORK RECORDS</i> <i>03.01 Maintenance of Inmate Worker Files</i>	<u><i>Cross Reference:</i></u> <i>AC28 Implementation of GRAMA Requirements</i> <i>FC04 Inmate Classification</i> <i>FD01 Discipline Procedures</i> <i>FD12 Inmate Funds</i> <i>FD20 Privilege Matrix Level System</i> <i>FE06 Offender Management Review</i> <i>Title 8 U.S.C. 1324a(a)(1)(A)</i>

01.00 GENERAL PROCEDURES

01.01 General

To provide guidelines to Inmate Work Supervisors and Inmate Job Coordinators regarding the job selection process to ensure fairness and maintain consistency throughout DPO:

- A. the warden shall have the authority and responsibility for all inmate work and productivity processes, including the deployment of staff and other resources to implement this policy;
- B. inmates housed at DPO facilities who meet the inmate work announcement qualifications shall be considered for available openings consistent with the safety, security, and orderly management of the Institution;
- C. inmates may be required to participate in employment due to their CAP and/or LS/RNR.
 - 1. Inmates refusing to work or maintain employment in this circumstance may have privilege-level advancement restrictions as determined by the inmate's Offender Management Review team;
- D. fair and equitable rules and regulations (e.g., selection/termination) shall be maintained to:
 - 1. meet the needs of the Institution; and
 - 2. provide opportunities for inmates to develop marketable skills and work habits;
- E. Inmate Work Supervisors shall promote safety in the workplace for the public, inmates, and staff;
- F. inmates performing work shall be supervised by certified staff. Civilian staff may have oversight of some work areas, but certified staff shall also have a presence to help ensure the safety and security of the workplace;
- G. the division shall pay inmate stipends for actual hours of work completed in the assigned position;
- H. each work opportunity shall be defined in a position description indicating, but not limited to:
 - A. description of tasks to be performed;
 - B. days and hours to be worked;
 - C. qualifications required (work, privilege level, and classification level); and
 - D. level of education/training required;
- I. an agreement describing the work to be performed and behavioral standards to be used in evaluating the work performed shall be provided to the inmate after being hired;
- J. hours worked in excess of the regular shift shall have prior written approval of a Deputy Warden/designee (exigent circumstances excepted);
- K. an inmate may be suspended and/or terminated from work by the Inmate Job Supervisor or upon recommendation of other DPO staff;
- L. the reason(s) for terminating an inmate's job shall be documented in O-track.
- M. inmate work positions are "at-will," and the position may be abolished at any time without prior notice;
- N. inmate work shall be compensated by hourly stipend (sick leave, vacation, or holiday time shall not be compensated);
- O. inmates shall not be allowed to remain in the work area if not working;
- P. inmates compensated simultaneously for more than one PIN number shall have prior written approval from the Deputy Warden;
- Q. staff supervising inmates shall maintain accurate records of hours worked for each inmate;

- R. the IFAO shall rely on the accuracy and completeness of the information in O-Track supplied by the IWS in preparing inmate payroll;
- S. inmate stipend shall be paid on the Friday before the third Monday of the month;
- T. payment in advance for work completed is forbidden;
- U. inmate work records shall be systematically developed and maintained to ensure adequate documentation;
- V. inmates being released to a Community Correctional Center shall sign a money transfer so the IFAO may process a paycheck following the scheduled inmate pay date;
- W. inmate work records shall be maintained in accordance with AC28 "Implementation of GRAMA"; and
- X. The Department operates in coordination with Title 8 U.S.C. 1324(a)(1)(A), which prevents the hiring of illegal/unauthorized aliens.
 - 1. The Department may opt to offer designated employment positions to inmates, focusing on providing opportunities for self-sustainability. These positions will be carefully selected to ensure they pose minimal security threats and are suitable for inmates with detainers or escape concerns.

01.02 Selection Process

- A. When a work vacancy develops, the assigned IWS may:
 - 1. complete an Inmate Job Action form and send it to the IJC;
 - 2. indicate the closing date; and
 - 3. indicate the method by which interested inmates may contact the IJC.
- B. Interested inmates shall submit a work application for any posted job openings to the Inmate Job Coordinator before the assigned closing date.
- C. Applications received after the date and time of closure shall not be considered.
- D. Applicants are responsible for clearly detailing qualifications as required on the application.
- E. The Inmate Job Coordinator shall:
 - 1. complete the Inmate Job Announcement, including establishing a "closing" date;
 - 2. review the applications to determine if the work and educational qualifications have been satisfied; and
 - 3. obtain input from other staff regarding the applicant's abilities and qualifications.
- F. The IJC shall forward the names of the inmate applicants to the Inmate Work Supervisor after the closing of the work announcement.
- G. The selection shall be made within a reasonable amount of time.
- H. The selection shall be made based on the following criteria concerning the applicant:
 - 1. prior work record;
 - 2. disciplinary record;
 - 3. prior work experience;
 - 4. proper classification level;
 - 5. proper privilege level;
 - 6. other work-related requirements; and

7. other information that is available that may affect the safety and/or security of the facility, staff, inmates, and the public.
- I. Interviews are not mandatory, but the selection process shall be consistently and uniformly applied.
- J. Application forms of non-selected inmates shall be retained for a period of 90 days after the selection has been made and then destroyed.
- K. When applicants are not qualified, the IWS may post the position again.
- L. Within five working days of selection, the IJC shall finalize the selection process by adding the inmate(s) to the work assignment section of O-Track.
- M. Clinical Exemption for clinical and therapeutic purposes, a psychologist/social worker or Mental Health Clinical Director/designee may select an inmate to work within the Mental Health program.
 1. A limited number of inmate work PINs shall be designed for clinically indicated work.
 2. Inmates selected for these assignments shall be routinely evaluated and may be terminated from the assignments at the discretion of the DPO or Clinical Services.
 3. The Inmate Work Supervisor shall coordinate with the mental health review committee to establish an appropriate work assignment (e.g., clearing culinary tables after meals).
 4. Clinically indicated work assignments shall be "other than self" in focus and/or require physical labor as a major task component.
 5. Under no circumstance shall a clinical exemption be manipulated to circumvent the normal selection practice (such action may result in disciplinary action against the offending staff).
- N. Vocational Exemption Inmates may be selected for work-related vocational training programs.
 1. Programs may be developed at DPO facilities as productive cooperative efforts between UDC and educational administrators and local colleges and trade/technical centers.
 2. A vocational team may be established as needed, consisting of the site education administrator/designee, inmate programming administrator/designee, local college/trade technical school representatives, the site Inmate Job Coordinator, etc.
 3. The vocational team shall administer inmate vocational/educational programs or procedures, including but not limited to:
 - a. announcements and applications;
 - b. testing and screening;
 - c. probation periods and standards;
 - d. training and educational performance standards;
 - e. work agreements; and/or
 - f. termination/graduation processes.
 4. Vocational program exemption includes but is not limited to inmate work and educational combinations as follows:
 - a. "custom fit" (industry-specific) training;
 - b. "work degree" national apprenticeship programs; and/or
 - c. career-targeted inmate work and vocational education programs developed between the UDC administrators and local college and technical centers.

5. A limited number of inmate work PINs may be designed for lab-indicated work assignments. Inmates selected for these assignments shall be routinely evaluated and may be terminated from the assignments at the discretion of the UDC staff.
6. In all cases, participating inmates shall:
 - a. be screened, selected, trained, and work at the DPO site;
 - b. receive compensation for actual hours worked but not for the educational portion of their training;
 - c. be dropped from their lab positions if they fail or are otherwise removed from the educational portion of their training; and/or
 - d. forego their participation in the educational/training portion of their programs if they lose their inmate lab positions.
7. Upon completion or graduation, the inmate shall vacate the lab and educational/training positions.

01.03 Applications

- A. A new Inmate Work Application form shall be completed for each posted position.
- B. Incomplete and/or non-legible applications may be rejected.
- C. Inmates submitting incorrect or false information may be subject to disciplinary action, rejection of the application, and termination of the work position.
- D. Inmates incapable of completing an application may obtain assistance from staff.
- E. Before beginning a new position, a working inmate shall:
 1. notify the current IWS;
 2. give a five-day advance notice of intent to terminate except under exigent circumstances; and
 3. terminate the current position.
- F. Inmate work applications may be rejected for:
 1. failure to meet minimum qualifications;
 2. failure to meet educational requirements;
 3. providing false information on the application;
 4. failure to meet requirements for the off-property work program;
 5. validated safety concerns between inmates in the workplace; and
 6. other reasons determined by the Inmate Job Coordinator.

01.04 Inmate Probationary Period

- A. New workers shall undergo a thirty-day probationary period beginning with the first day of work.
- B. During this period of probation:
 1. the inmate shall receive training appropriate to their work assignment; and
 2. the work supervisor may terminate any probationary inmate worker who, in their judgment, is not able or willing to satisfy the requirements of their work assignment and/or abide by DPO rules and regulations.
 3. If the inmate is terminated, the reasons for the termination shall be documented in O-track.

01.05 Inmate Work Training

- A. On each position taken, all inmates shall be trained during the probationary period in the duties and functions of the position. An inmate incapable of functioning in the position shall be terminated during the probationary period.
- B. The IWS shall provide training on the first day of work. Generally, on-the-job training shall be adequate for an inmate to perform the assigned duties and may be the basis for a performance evaluation.

01.06 Creation and Termination of Inmate Work Assignments

- A. Inmate work Position Identification Numbers (PINs) may be established only with prior written approval from the deputy warden over the work area.
- B. Any exigent circumstances may precipitate the Deputy Warden to establish or modify PINs to meet special conditions.
- C. IFAO shall receive timely written notification from the Deputy Warden(s) of all inmate PIN changes so IFAO may process accurate payment.
- D. The assigned DPO Low Org Number shall identify all PINs established, modified, or terminated. PINs shall indicate the maximum number of days, hours of work authorized, the hourly rate of pay, and the position title.
- E. The Deputy Warden/designee shall provide monthly reports of inmate pay expenditures to the warden.

01.07 Medical Screening

- A. Work assignments that require medical screening (e.g., culinary for infectious diseases) shall be filled by inmates screened and determined acceptable by the Clinical Health Services.
- B. The requirement for medical screening shall be indicated on the Inmate Work Announcement.
- C. Screening shall be conducted before selection.

01.08 Inmate Work Report/Timekeeping

- A. Inmates shall be provided with written expectations before starting assignments.
- B. The IWS shall monitor inmate work performance and complete a monthly Inmate Work Report and hours worked.
- C. The IWS's supervisor shall review the inmate hours worked in O-Track for accuracy, completeness, and excess hours before submitting them to the IFAO no later than the close of business on the third day of the month following the month being reported.
- D. Inmates shall only receive a stipend for the actual hours worked.

01.09 Work Agreement

- A. The IWS shall ensure that a Work Agreement is signed by the inmate and countersigned by the IWS when the inmate is selected.
- B. This agreement shall contain the following information:
 - 1. Position Title - the title by which this particular position is known;

2. Work Description - a description of the duties which are performed by this position;
3. Hours - the beginning and ending times for performing the work;
4. Days - the days of the week when the work shall be performed;
5. Evaluation Criteria - a qualitative list of work performance and behavioral standards that shall be satisfied;
6. Stipend - a statement that compensation shall be given only for actual hours worked;
7. Termination - inmates may be terminated at the discretion of the DPO; and
8. Rules of Employment - specific work assignment rules and behavioral standards that are required.

01.10 Temporary Work

- A. The IWS may temporarily assign inmates to vacant positions if:
 1. they have proper classification;
 2. qualified inmates have not applied; and
 3. the work assignment shall be discharged immediately.
- B. Upon selecting an inmate on a temporary basis, the IWS shall:
 1. complete the Personnel Action section of the Inmate Work Application form indicating that it is a temporary placement; and
 2. post the vacancy announcement until a permanent replacement is selected.
- C. If the temporary placement is due to the suspension of the assigned inmate, the inmate receiving the temporary placement may remain in the position until:
 1. the original inmate returns to the position; or
 2. a permanent replacement is selected.

01.11 Volunteer Work

- A. An inmate may volunteer for a job vacancy and/or temporary assignment.
- B. Volunteer jobs shall not be compensated.
- C. Inmate volunteers shall comply with the same requirements as inmate workers.

01.12 Transfers

- A. The IWS has the authority to transfer a working inmate from one assignment to another within the scope of supervision.
- B. An inmate may not receive compensation for more than one work assignment at a time without prior approval from the warden/designee.

01.13 DPO Work Program Stipend Rates

- A. Unit Positions
 1. Unit Worker - \$0.50 per hour
 2. ADA Helper - \$0.50 per hour
 3. Unit Coordinator - \$1.00 per hour
- B. Culinary Positions
 1. Support Service Worker 1 - \$0.70

2. Support Service Worker 2 - \$0.90
3. Support Service Worker 3 - \$1.00
4. Support Service Worker 4 - \$1.50

02.00 SUSPENSION AND TERMINATION PROCEDURES

02.01 Reasons for Suspension and Termination

All inmate work suspensions and terminations shall be properly documented in O-track. The documentation shall include the justification and reasons supporting the suspension or termination.

An inmate working for the DPO may be suspended for reasons including, but not limited to:

- A. reasons specified in the Work Agreement;
- B. falsification of the work application;
- C. falsification of timekeeping records;
- D. failure or inability to meet the work requirements;
- E. failure to report to work;
- F. abuse of position;
- G. incidents involving the safety, security, management, or control of the division and/or the department;
- H. incidents involving the safety of the general public;
- I. disciplinary sanctions; or
- J. insubordination or refusal to comply with instructions from supervisors.

02.02 Suspension and Termination of Inmate Workers

- A. Suspensions shall result in the inmate not receiving compensation for the period suspended; suspension may automatically result in termination.
- B. The IWS may suspend an inmate worker without compensation for any legitimate penological interest.
 1. In the case of any event that threatens the safety or security of the DPO or any of its facilities, staff, volunteers, or inmates, the inmate may be suspended by any staff member without warning.
 2. In case of deteriorating or below-standard quality of work or in other non-urgent situations, the IWS may warn and/or re-train the inmate and document such action before suspending the inmate.
- C. Suspensions and reasons, therefore, may be recorded by the IWS on a C-note and the personnel action section of the Inmate Work Application form.
- D. In the case of termination, a C-note or an incident report shall be completed, as well as the personnel action section of the Inmate Work Application form.

02.03 Inmate Removed from Work by the Division of Prison Operations

- A. Any inmate who, without justification, is not able to report to work as scheduled due to classification changes, disciplinary action, or any other reason not related to the inmate's work position shall be considered terminated effective the date they were not able to report to work.
- B. The inmate's work position shall not be held for the inmate to return to work.
- C. The inmate may apply for future work openings.
- D. Inmates may be restricted from reporting to work for administrative reasons including, but not limited to:
 - 1. transportation;
 - 2. clinical services;
 - 3. testing;
 - 4. attorney visits; and/or
 - 5. unit/facility lockdowns.

02.04 Refusal to Work

- A. Inmates refusing to work who are work-capable and required to hold employment as required by their CAP may receive a restriction of privilege levels as determined by the inmate's Offender Management Review team.
- B. Inmates refusing to work for medical reasons shall be referred to Clinical Health Services to:
 - 1. verify to the IWS those inmates who cannot work for medical reasons;
 - 2. actively review the inmates on work-exempt status; and
 - 3. notify the IWS when the inmate is able to work.
- C. Inmates who abuse this process shall receive a written disciplinary report and be referred to the Offender Management Review team.

03.00 INMATE WORK RECORDS

03.01 Maintenance of Inmate Work Files

- A. Monthly work reports shall be maintained in O-Track.
- B. The Inmate Work Supervisor may maintain an individual inmate work record file. This record may include:
 - 1. record of application for work;
 - 2. inmate record of work history, selection/termination dates;
 - 3. medical screening clearances and fitness issues;
 - 4. performance evaluations (Inmate Monthly Work Report);
 - 5. inmate work agreement;
 - 6. position announcement (description/qualifications); and
 - 7. referrals of inmates for specialized training, educational needs, treatment, or work-related institutional issues.
- C. Upon parole, transfer, or termination, the inmate work records shall be maintained by the IWS in accordance with applicable retention schedules.