



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #5.003 Institutional Inmate Work and Programming

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<p>Authority: Wyoming Statute(s): 25-1-104; 25-1-105; 7-16-202</p> <p>ACA Standard(s): 4-4448-R; 4-4449-R; 4-4451; 4-4452; 4-4453; 4-4454; 4-4455 2-CO-5A-01</p>	<p>Effective Date: October 15, 2016</p> <p>Revision/Review History: 05/01/15 06/01/14 05/15/13 06/01/12</p> <p>Summary of Revision/Review: Updates existing policy pursuant to annual review.</p>
<p>Cross Reference of Policy: P&P #4.102, <i>Case Management</i>; P&P #5.001, <i>Correctional Industries Inmate Work and Compensation</i>; P&P #5.002, <i>Offsite Inmate Work Crews</i>; P&P #5.004, <i>Inmate Incentive Pay</i></p>	<p>Supersedes Existing Policy :</p>
<p>Approved:</p> <p style="text-align: center;"> R.O. Lampert 10-3-16 </p> <hr/> <p style="text-align: center;"> Robert O. Lampert, Director Date </p>	

APPROVED FOR INMATE DISTRIBUTION

Nothing in this policy creates a right to employment or programming. The following procedures are governed by available cash flow, legislative budget appropriations, and parity among the various programs. Nothing in this policy guarantees the availability of specific work or programming opportunities listed within this policy. Neither does this policy create a right to a work or programming assignment on the behalf of any individual inmate or group of inmates, nor does it provide a right to obtain or retain a particular assignment or pay level under this policy. All programming and work assignments and associated pay levels are privileges and are not guaranteed to any individual. Individual programs, assignments, categories of assignments, or pay levels listed in this policy may or may not be available at any given time.

REFERENCE

1. ATTACHMENTS – None Noted
2. OTHER – None Noted



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I. PURPOSE

- A. Categories of Institutional Inmate Work and Programming.** The purpose of this policy and procedure is to provide the Wyoming Department of Corrections (WDOC) policy, procedure and guidelines regarding categories of institutional inmate work and/or programming assignments pursuant to W.S. 7-16-202 and W.S. 25-1-104(g).
- B.** Written agency policy and procedure that establishes work programs for inmates/juveniles/residents. Policy and procedure address federal, state, and local regulations. (ACA 2-CO-5A-01)

II. POLICY

- A. General Policy.** It is the policy of the WDOC to provide meaningful and productive work skill development and enhancement opportunities for inmates and to compensate inmates for gainful activities, commensurate with their level of classification, effort, and responsibility while with WDOC.
- B. Incentive-Based and Hierarchical Work and Programs.** It is the policy of the WDOC that institutional inmate work assignments and programming be designed to be incentive-based and hierarchical in nature, with advanced positions building upon the work ethic and skills first obtained in lower level assignments, whenever possible, and with advanced assignments being dependent upon: completion of a HSEC or high school diploma or enrollment in ABE or ESL programming; safe and satisfactory work performance; continued assignment to general population at the custody level dictated by the assignment; and adherence to case plan requirements and the rules.
- C. Work and Programs to Meet Safety Standards.** It is the policy of the WDOC that all institutional work, industry, and vocational education programs meet minimum applicable federal, state, or local work, health, and safety standards. There is documentation that the programs are inspected by federal, state, or local health and safety officials at least annually. The programs are also inspected weekly by qualified departmental staff and monthly by a safety officer. (ACA 4-4455) The annual inspection can be conducted by a central office or regional safety inspector or by local qualified safety officials. Weekly inspections must be conducted by the institution's safety officer or by the industries/shop administrative staff.
- D. Time Records.** It is the policy of the WDOC to maintain time-records for each inmate and assignment. Compensation will be in accordance with WDOC Policy and Procedure #5.004, *Inmate Incentive Pay*.



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- E. **Inmate Transfers.** It is the policy of the WDOC that inter-facility transfers of inmates who are fully engaged in basic adult education, advanced work certification programs, vocational education/workforce preparation programs, long-term residential treatment programs, or individualized case plan required programs, at their current facility of assignment, shall be delayed whenever possible to facilitate completion of that course of programming, unless the inmate is able to transfer directly into an equivalent program at the receiving facility, or unless safety and security considerations require a more immediate transfer.
- F. **Preparation for Release.** It is the policy of the WDOC to encourage inmates to pursue work skills training and work opportunities that will prepare them for self-sustainable employment upon release.

III. DEFINITIONS

- A. **Absence:** *(For this policy only.)* Any time away from the scheduled program or job. Unless otherwise authorized under this policy, absences, whether excused or unexcused, will not be compensated.
 - 1. **Excused absence:** An absence from previously scheduled work and/or programming, which is excused in writing by an authorized employee or contract employee and releases an inmate from scheduled work or programming for a specified period of time.
 - 2. **Unexcused Absence:** Any period of time for which an inmate is scheduled to participate in work and/or programming, which the inmate fails to attend in full or complete as assigned, when the absence is not excused in writing by an employee or contract employee authorized to excuse the absence as the result of lay-in, hold-in, or other written authorization process.
- B. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions – Director, Deputy Director, Division Administrators, Deputy Administrators, Wardens, District Supervisors, Adult Community Corrections Coordinator, and Adult Community Corrections Directors.
- C. **Core Programming:** Programming designated for completion during or immediately following intake/orientation and which is a prerequisite for full-time work, including, but not necessarily limited to, cognitive restructuring program core curriculum, anger management, institutional adjustment, victim awareness, suicide crisis intervention, assault avoidance, hygiene and health, and an overview of WDOC policies and procedures and substance abuse education.



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- D. Facility Services:** *(For this policy only.)* This job category shall consist of all work assignments required for support of facility operations, including, but not necessarily limited to food service, laundry services, janitorial services, grounds maintenance, physical plant maintenance, barber/beauty shop operations, warehouse, property and supply, library services, hospice workers and orderlies, inmate tutors, library, canteen operations, inside or outside work crews, agricultural support, and clerical support.
- E. Gainful Activities:** *(For this policy only.)* Work, intake and assessment, core programming, basic adult education, vocational education/workforce preparation, intensive residential treatment programs, and individualized case plan required programming, only.
- F. High School Equivalency Certificate-** HSEC is a measure of high school equivalency in the areas of writing skills, social studies, science, reading skills, and mathematics, equivalent to completion of high school diploma. WDOC offers two options, HiSET and GED.
1. HiSET is provided by Educational Testing Service (ETS). A group of five subject tests when passed at WY standards, gives the equivalency of a WY High School Diploma.
 2. General Educational Development (GED). A group for four subject tests which when passed at Wyoming standards gives on the equivalency of a Wyoming High School Diploma.
- G. Hold-ins / Lay-ins:** Written documentation initiated by an authorized WDOC employee or contract employee, which qualifies an inmate to receive leave without pay in accordance with this policy, or otherwise excuses an inmate from scheduled participation in work or programming.
- H. Hours of Work:** *(For this policy only.)* Designated hours of labor as defined by institutional operational procedures.
- I. Industries Manager:** The Correctional Program Manager hired and assigned by the Director to oversee all correctional industries programs for the Wyoming Department of Corrections.
- J. Intake:** *(For this policy only.)* The process by which inmates newly received to the WDOC at the Wyoming medium Correctional Institution (WMCI) or Wyoming Women's Center (WWC) are tested, assessed, interviewed, orientated, and provided opportunities to engage in core programming



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requirements, so that an individualized case plan, classification, and initial work and programming assignments can be developed in a timely manner.

- K. Individualized Case Plan (ICP):** A case plan developed for each inmate on an individual basis by the inmate’s case worker, the inmate, and appropriate interdisciplinary team members, upon the inmate’s entry into WDOC, adjusted throughout the incarceration period, and transitioned into a reentry and restoration plan prior to an inmate’s release from confinement. The ICP provides a guideline and roadmap for work, recommended or required treatment, and recommended or required programming, with technique, timing and delivery of services being based upon individualized assessed risk, evidence-based best practices, responsivity principles, relapse prevention, and the availability of community-based interventions.
- L. Job:** (*For this policy only.*) An identified set of tasks associated with a section of the institution; full or part time involvement in a program or other authorized activity. Inmates assigned to specialty units such as protective custody, long-term segregation, geriatrics, chronic mental health, and other specialty units may have jobs assigned to them in the unit.
- M. Job Description:** (*For this policy only.*) A description of the job prepared by the supervisor that states position level, estimated hours of work per week, qualifications and any physical requirements of the job.
- N. Jobs Coordinator:** A staff person identified to coordinate and document inmate job and/or programming assignments.
- O. Long-Term Intensive Residential Treatment:** Assignment to formalized risk intervention programs with an expected duration of more than one hundred twenty (120) days and up to three hundred sixty (360) days, based upon assessed risk using a standardized assessment tool indicating at least a moderately high risk of repeated behavior in the area assessed, with housing assignment generally focused on a modified group-treatment and/or therapeutic community design.
- P. Multi-Disciplinary Team (MDT):** (*For this policy only.*) A group of staff who review the inmate’s classification and institutional adjustment in order to provide recommendations concerning job placement.
- Q. Short-Term Intensive Residential Treatment:** Assignment to formalized intervention programs with an expected treatment duration of one hundred twenty (120) days or less, based upon assessed risk, sanctioning as a result of authorized probation or parole action, and/or clinical diagnosis by qualified



licensed professionals, with housing assignment generally focused on modified therapeutic community design, cognitive behavioral restructuring, and/or incentive-based environments. The goal of short-term intensive residential treatment programs shall normally be to stabilize the risk presented by the individual inmate and prepare him/or her for return to appropriate general population or other housing as quickly as possible.

IV. PROCEDURE

A. General Requirements

1. Inmate work programs attempt to recognize and accordingly compensate for demonstrated work ethic, dependable attendance, increased skill levels, improved work competencies, and longevity. Work assignments will be made by the facility Job Coordinator/ Program Manager.
2. Inmates who are following their required case plan programming, and have earned their HSEC, high school diploma, or are enrolled in the **ABE** or ESL program, or are MDT exempt, are eligible for work assignments and advancement through the steps of the pay scale.
3. Written policy, procedure, and practice shall require all eligible inmates to work unless assigned to an approved education or training program. Inmates have the option of refusing to participate in any rehabilitation or treatment program except adult basic education and programs required by statute or ordered by the sentencing court or paroling authority. (ACA 4-4449 Revised) However, failing to participate in assigned programs may result in administrative action including discipline based on inmates' failure to comply with their correctional case plans.
4. The institution will provide a variety of work assignments that afford inmates an opportunity to learn job skills and develop good work habits and attitudes that they can apply to jobs after they are released. (ACA 4-4451)
 - i. Whenever possible, inmates should gain work experience relevant to the current job market.
 - a. Institutions operating inmate work programs are expected to use the advice and assistance of labor, business, and industrial organizations to assist in providing skills relevant to the job market. (ACA 4-4453)



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include such things as cognitive restructuring, anger management, institutional adjustment, victim awareness, suicide crisis intervention, assault avoidance, parenting skills, and an overview of WDOC policies and procedures.

3. Work placement following completion of the intake and assessment process shall be dependent upon successful completion of all core programming requirements.

C. Institutional Programming Assignments

1. Whenever circumstances and custody classification permit, inmates who are eligible to do so shall be encouraged to participate in the programming opportunities made available to them under this section, and shall be appropriately compensated for satisfactorily doing so in accordance with WDOC Policy and Procedure #5.004, *Inmate Incentive Pay*.
2. Failure to complete core programming requirements and/or failure to register for and/or participate in the programs or activities incorporated into the inmate's individualized case plan when he/she is assigned to do so may prevent the inmate from obtaining or retaining work assignments.
3. Upon completion of the intake and assignment process at WMCI or WWC and initial assignment to institution housing, the inmate shall be considered for placement into available program assignments in accordance with his/her case plan. Placement shall normally occur within thirty (30) days of initial assignment to a correctional facility's general population housing.
 - i. **Facility Orientation.** Each facility may require newly arriving inmates, who have completed the intake process at WMCI or WWC and are being assigned to a new facility of assignment, to participate in a facility specific orientation program prior to being assigned on a full-time basis to other work or programming. During facility orientation the inmate shall participate in a variety of classes or facilitated discussions regarding WDOC and institution specific policies, rules, procedures and expectations. The length of facility orientation may vary by institution but shall not normally exceed four weeks in duration.
 - ii. **Adult Basic Education.** Placement into adult basic education shall be mandatory for all inmates who are otherwise eligible and not exempted by the Multi-Disciplinary Team (MDT) due to medical or mental health reasons, brain injury, or advanced age,



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who do not have a high school diploma or general equivalency diploma. Placement may be for up to thirty (30) hours of classroom instruction per week.

- a. Inmates assigned to basic education programs and/or involvement in tutor-assisted learning programs required as part of the basic education curricula and HSEC testing shall be compensated for each hour of scheduled classroom attendance with satisfactory progress.
 - b. Inmates assigned to in-cell or self-study basic education programs in lieu of classroom assignment as part of the basic education curricula and HSEC testing shall be compensated upon successful completion of HSEC testing only in accordance with this policy and will not be directly compensated for hours spent in the program.
 - c. Inmates assigned to basic education programs shall also be eligible to work in entry level positions contingent upon continued enrollment and participation in assigned education classes and work assignment availability.
 - (1) The maximum combined hours of work and education per student per week shall not exceed forty (40) hours.
 - (2) Other work assignments for inmates assigned to in-cell or self-study basic education programs shall not exceed thirty (30) hours per week.
 - d. Inmates who are required to attend mandatory basic education and refuse to do so shall be restricted from obtaining or retaining work assignments beyond Level I entry level work assignments.
- iii. **Academic Achievement Improvement Classes.** Inmates who have received a high school diploma or HSEC prior to incarceration, but who fail to attain a tenth (10th) grade level on standardized achievement tests during the intake and assessment process, shall be eligible for and encouraged to attend adult education classes and/or tutorial sessions on a space available basis, for up to ten (10) hours per week, contingent upon demonstrated improvement in achievement level.



- iv. **Advanced Education.** Inmates who are otherwise eligible to do so may be permitted to participate in college level classes or other advanced education opportunities, including, but not limited, to approved correspondence classes or self-paced studies. Such studies shall normally be at the inmate's own expense and on their own time and shall not be compensated. This does not include vocational education offered by the WDOC.

- v. **Vocational Education/Workforce Preparation.** WDOC may also provide vocational education/workforce preparation training programs. Vocational programs require the approval of the education program manager and must incorporate both classroom and experiential training. Vocational programs will be designed to support the need for skilled workers in other assignment categories within WDOC and/or workforce needs for communities in Wyoming.
 - a. Inmates who have successfully completed core programming, basic education, and case plan required programming as assigned, and who have maintained a satisfactory work attendance and performance history in an entry level position for a minimum of sixty (60) days, or who have successfully participated in advanced work assignment(s), may register for scheduled WDOC provided vocational education/workforce preparation classes.

 - b. Inmates who are approved for assignment for vocational education/workforce preparation programs that offer college level credits shall normally be responsible for any tuition costs of college credit.

 - c. Continued eligibility for vocational education/workforce preparation program participation shall be dependent upon compliance with the inmate's individualized case plan, satisfactory class attendance and performance, and adherence to the rules. Inmates who fail to meet these requirements may be removed from the vocational education/workforce preparation program, and shall not be eligible for entry into another vocational education/workforce preparation program for a period of at least one hundred eighty (180) days without the approval of the inmate's assigned case worker and the facility warden.



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- d. Participation in basic work skills development programming in preparation for vocational education or advanced work assignments including industries positions, shall be compensated at the same rate as Level I vocational education participation, but shall not be counted as vocational education programming for the purposes of paragraph e. below.
- e. No inmate will be approved to participate in more than one (1) vocational education/workforce preparation program in any two (2) year period outside of those required for certification in a single specific trade designation, such as welding or janitorial services, unless the inmate is assigned to work duties related to that training and the subsequent vocational education/workforce preparation program builds logically upon the first training and enhances the inmate's employability in the field of choice
- vi. **Individualized Case Plan Required Programming.** In accordance with WDOC Policy and Procedure #4.102, *Case Management*, an individualized case plan will be established for each inmate as a result of the intake and assessment process and updated at least annually, which will identify specific criminogenic risk-need factors and risk reduction strategies.
 - a. The case plan will identify established evidence-based programs that have been found to be effective in having a positive impact upon the inmate's specific risk/needs.
 - b. Participation in case plan required programming, upon assignment of the inmate to that programming by staff, shall be considered mandatory.
 - c. To qualify for advanced work placement, or for participation in vocational education/workforce preparation training programs, an inmate must have completed case plan required programming, or be actively involved in one or more case plan required programs, or be registered for and pending assignment to one or more case plan required programs.
 - d. Failure to register for and/or participate in the programs or activities incorporated into the inmate's individualized case plan when he/she is assigned to do so may prevent the inmate from obtaining or retaining work assignments, and will



subject the inmate to possible disciplinary action and the possible removal or withholding of good time.

- e. Inmates who have identified programming needs beyond core programming requirements included in their individualized case plans and who are assigned to and actively participating in the programs outlined in their case plan, will be allowed to obtain and/or retain work assignments, including advanced placements/pay in any work category. The maximum number of hours of programming and work combined shall not exceed fifty (50) hours per week, unless all other work eligible inmates have been assigned to at least a four (4) hour work day and circumstances require.

vii. Short-Term and Long-Term Intensive Residential Treatment. Inmates may be assigned to a short-term intensive residential treatment program, a long-term intensive residential treatment program, or both, at appropriate times in their incarceration.

- a. Short-Term Intensive Residential Treatment. Placement into short-term intensive residential treatment programs shall be based upon assessed risk, sanctioning as a result of authorized probation or parole action, and/or clinical diagnosis by qualified licensed professionals.
 - (1) The goal of short-term intensive residential treatment programs shall normally be to stabilize the risk presented by the individual inmate and prepare him/or her for return to appropriate general population or other housing as quickly as possible.
 - (2) Therefore, placement should normally be limited to no more than a total of one hundred twenty (120) consecutive days for participation in short-term intensive residential treatment, and no more than a total of two hundred forty (240) days within any twelve (12) month period.
 - (3) Level II participation involves staged transition back into general population or other appropriate housing.



- b. Long-Term Intensive Residential Treatment. Placement into a long-term intensive residential treatment programs shall be contingent upon participation in that program being a required part of the inmate's individualized case plan and based upon a standardized assessment tool completed by a trained assessor that shows that person to be at least at a moderately high risk for future involvement in the assessed activity.
- (1) Inmates may also be assigned to a long-term residential substance abuse residential treatment program if the inmate is assessed on a standardized addiction severity index as being at least at moderate risk for continued involvement in substance abuse and completion of that program is required as a condition for parole by the Wyoming Board of Parole, even though participation is not required by the inmate's individualized case plan.
 - (2) Inmates who successfully complete and graduate from a long-term intensive residential treatment program while incarcerated and are not immediately paroled or otherwise released from incarceration in a WDOC-operated facility may be subsequently selected for assignment as a member of the inmate cadre for residential or out-patient substance abuse treatment programs.
 - (a) Such assignment may serve to facilitate the inmate's continued recovery, to assist other inmates in their recovery efforts, and to stabilize the therapeutic community environment.
 - (b) Continued eligibility for cadre assignments shall be dependent upon compliance with the inmate's case plan, satisfactory program attendance and work performance, negative drug screening results, and adherence to the rules. Inmates who fail to meet these requirements shall be returned to part-time entry level positions in facility services only.



- (3) Inmates who successfully complete and graduate from the program, but are not immediately paroled or otherwise released from incarceration, and are not selected to serve as cadre for the residential or out-patient substance abuse treatment programs, shall be assigned to an available work position at a rate of pay equivalent to that held prior to assignment to the long-term intensive residential treatment program. Continued participation in out-patient substance abuse programming shall also be encouraged.

viii. Pre-Release and Reentry Programming. All inmates, who are within the last eighteen (18) months of their sentence, or within one year of their approved parole date, shall normally be required to participate in available pre-release and reentry programs when scheduled to do so.

- a. Inmates who are on the waiting list for pre-release and reentry programming but not yet scheduled to participate may continue other work and programming as assigned.
- b. Inmates who are scheduled to participate in pre-release reentry programming will be released from their work assignment to do so.
- c. Inmates who refuse to participate in pre-release and reentry programs shall not be permitted to obtain or retain work assignments.

D. Institutional Inmate Work Assignments

1. Whenever circumstances and custody classification permit, inmates who are eligible to do so shall be encouraged to participate in the work opportunities made available to them in accordance this policy, on a part-time or full-time basis.
 - i. Full-time assignment requires participation in at least one hundred twenty (120) hours of assigned work per pay period (month).
 - ii. Anything less than full-time assignment shall be considered part-time. Part-time work assignments may be offered in blocks of two (2) hours each to maximize the number of assignments available



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9. Inmates, who have been in a Level II or higher position for ninety (90) consecutive days or longer, may request a voluntary job transfer from one work assignment to another if they meet the minimum qualifications and custody requirements required in the requested work assignment.
 - i. Selections will be made in accordance with institutional operating procedures for inmate job assignments.
 - ii. Reassignment will be contingent upon the approval of the sending and receiving work supervisors.
 - iii. If accepted for reassignment, the inmate will be assigned to a vacant and available position within the new work assignment that is at the same or lower Level as his/her most recent job assignment (e.g. an inmate in a Level II position in food service may request a job change to a janitor position and be subsequently assigned to a vacant Level II janitorial position in their pod; or, a Level IV food service baker may request a job change to work in maintenance and, if accepted, may be assigned to any available and vacant position from Level II to Level IV for which he/she is otherwise qualified.)
 - iv. Inmates who have been reassigned from one work assignment to another as the result of a voluntary job transfer must remain in the new position for a period of 180 days or longer before they may request a subsequent voluntary job transfer from one work assignment to another at the same level of pay. Transfers requested by the inmate prior to the expiration of 180 days waiting period may still be approved, but only to a position at the new work assignment that is at a lower Level than the one the inmate left from.
10. Involuntary reassignments that are not the consequence of a violation of institutional rules or unsatisfactory work performance shall result in placement into a position at the same level as the position the inmate was transferred from, unless otherwise approved by the Warden or designee.
11. Institutional work assignments shall normally be made in accordance with this policy to one of the following identifiers. The majority of all inmate work assignments shall be classed as Level II and Level III.



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- i. Level I - Entry Level Work Assignment.** Inmates will normally be assigned to entry level work positions as their initial work assignment. Positions at this level require little, if any, related prior work experience and have very little technical difficulty. Examples of work that might be performed include such facility services assignments as basic clean up and janitorial tasks, washing windows, wiping tables, prepping vegetables, weeding flower beds, sorting laundry, cleaning corrals, stacking hay bales, feeding livestock, *etc.*

 - a.** The normal work day for entry level positions shall be either four (4) hours or six (6) hours per day, or twenty (20) or thirty (30) hours per week, depending upon the assignment and the number of available positions.
 - b.** Inmates will normally be assigned to entry level work positions as their initial work assignment for a minimum period of sixty (60) days for job training and assessment purposes prior to advancement in position or pay above that level regardless of their prior work or institutional history, unless otherwise approved by the associate/deputy warden.
 - c.** Inmates without a HSEC or a high school diploma, who are not enrolled in ABE or ESL and are not exempted by MDT review from participation therein, shall not be advanced beyond Level I work assignments.
 - d.** Inmates who failed to complete core programming requirements, or who are refusing to participate in education or other programming mandated by their individualized case plan, are not eligible for work assignment above entry-level.

- ii. Level II Work Assignment.** Inmates who have successfully completed sixty (60) days or more of Level I entry level work assignment, and who have completed a HSEC or high school diploma or are enrolled in ABE or ESL, are eligible for advancement in position or pay to Level II.

 - a.** The normal work day for Level II positions shall be either four (4) hours or six (6) hours per day, or twenty (20) or thirty (30) hours per week, depending upon the assignment and the number of available positions.



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- b. Positions at this level require limited prior work experience and have a low level of technical difficulty. Examples of work that might be performed by this level include, but are not limited to, such facility services assignments as semi-skilled janitorial services, serving of food, cook's helper, dish washer, prep cook, folding laundry, weighing laundry, boxing product, stocking shelves, taking inventory, tagging clothing, branding livestock, setting irrigation, *etc.*
 - c. The majority of short-term assignments and all long-term assignments that involve a low level of technical difficulty will fall into this category.
 - d. Advancement beyond Level II to other available work assignments shall normally be based on merit and require successful completion of ninety (90) days or more of Level II work assignment, unless otherwise approved by the associate/deputy warden, coupled with full compliance with the requirements of the inmate's individualized inmate case plan and compliance with work and safety rules.
- iii. **Level III Semi-Skilled Work Assignment:** Assignment to this level of work shall be on a position available basis.
- a. The normal work day for Level III semi-skilled positions shall be either four (4) hours, six (6) hours or eight (8) hours per day, or twenty (20), thirty (30) or forty (40) hours per week, depending upon the assignment, the number of hours of programming also assigned to the inmate and the number of available positions.
 - (1) If all other work eligible inmates have been assigned to at least a four (4) hour work day, inmates who have completed all core programming requirements, basic education requirements, and all programming mandated by their individualized case plan, may be routinely assigned to full-time work of up to fifty (50) hours of work per week in a Level III semi-skilled position or higher.
 - b. Positions at this level require proven ability to do work of a semi-technical nature under limited supervision and/or a variety of tasks above entry level. The majority of long-



term institutional work assignments will fall into this category.

- c. Examples of work that might be performed at this level includes, but is not limited to such things as advanced floor care, plumber's assistant, general physical plant maintenance support, construction support, salvage, and/or demolition, hazardous waste handling, orderly, grounds maintenance and facility landscaping, facility gardener, laundry equipment operator, fry cook, gentling horses, calving, fork lift operator, farm machinery operator, shipping and receiving clerk, inmate tutor, inmate librarian, clothing repair, sewing machine operator, copy machine operator, non-licensed barber or hair stylist, tractor driver, *etc.*
 - d. The minimum length of assignment to work at this level prior to promotion shall normally be one hundred eighty (180) days or more, depending on position availability, unless otherwise approved by the associate/deputy warden.
 - e. Continued eligibility for Level III work assignments shall be dependent upon compliance with the inmate's individualized case plan, satisfactory job attendance and performance, and adherence to work and safety rules.
 - f. Inmates who fail to meet these requirements shall be removed from their advanced work assignments and may be returned to a lower level position, including entry level.
- iv. **Level IV Skilled Work Assignment.** Positions at this level shall be limited in number and require skills, abilities and knowledge necessary to perform duties of a special or advanced technical level.
- a. All positions at this level shall be considered full-time assignments requiring one hundred twenty (120) hours or more of work per pay period.
 - b. Positions at this level require skills, abilities, and knowledge to perform advanced duties requiring licensure or advanced skills, including, but not limited to such things as baker, lead cook, CDL level truck driver, agriculture mechanic, heavy equipment operator, plumber, electrician,



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welder, small engine repair, food service and laundry equipment repair, diesel mechanic, mechanic, tailor, licensed barber or hair stylist, inmate legal assistant, lead program clerk, skilled horse handler, specially skilled production line worker, *etc.*

- c. Advancement to Level IV skilled work assignments shall normally require successful full-time experience of one hundred twenty (120) hours or more per month for a minimum of six (6) months (*i.e.*, 180 days) in a Level III semi-skilled work assignment, unless otherwise approved by the associate/deputy warden.
- d. Advancement to and continued eligibility for Level IV work assignments shall be dependent upon compliance with the inmate's individualized case plan, satisfactory job attendance and performance, and adherence to work, safety and institutional rules.
- e. Inmates who fail to meet these requirements shall be removed from their advanced work assignments and may be returned to lower level positions, including entry level.
- v. **Level V Skilled Lead Worker/Trainer/Mentor.** Inmates who have been in their skilled job category in excess of two (2) years with exemplary work performance, attitude, attendance, and compliance with work, safety and institutional rules, may be recognized by their work supervisor as a lead worker, trainer, or mentor.
 - a. This identifier shall also be used for inmate cadre assigned to assist staff with treatment delivery efforts following successful completion of a long-term intensive residential treatment program, those assigned as mentors for intake and facility orientation, and trained inmates assigned to assist with geriatric, infirmed, or hospice service delivery.
 - b. All positions at this level shall be considered full-time assignments requiring one hundred twenty (120) hours or more of work per pay period.
 - c. Continued eligibility for Level V work assignments shall be dependent upon compliance with the inmate's individualized case plan, satisfactory job attendance and



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performance, and adherence to work, safety and institutional rules.

- d. Inmates who fail to meet these requirements shall be removed from their advanced work assignments and may be returned to a lower level position, including entry level.

- 12. Inmates who possess a specific advanced skill set or trades license may be assigned to higher levels or moved more quickly through levels based upon their abilities as authorized by the Deputy/Associate Warden.
- 13. Inmates who are regressed to a lower level work assignment due to work attendance, work performance, or other issue, shall be compensated at the entry level rate for that position until they otherwise meet the criteria for advancement in level or pay rate.

E. Inter-Agency Contract and Community Work Assignments

- 1. WDOC may enter into contracts or memorandums of understanding with other governmental agencies, including, but not limited to State Forestry, for the use of inmate labor and services, and may provide supervised community service using inmate labor.
- 2. Inmates who have successfully completed Level II institutional work assignments and are qualified for advancement beyond Level II, and inmates who meet classification requirements and are otherwise authorized by the offsite multi-disciplinary team committee, may be eligible for selection for inter-agency contract work assignments or available community work assignments based upon classification and facility assignment. Assignment to offsite inmate work crews will be in accordance with WDOC Policy and Procedure #5.002, *Offsite Inmate Work Crews*.
- 3. Continued eligibility for inter-agency contract service and community work assignments shall be dependent upon compliance with the inmate's case plan, satisfactory job attendance and performance, and adherence to work, safety and institutional rules.
- 4. Inmates who fail to meet these requirements may be removed from inter-agency contract and community work assignments and may be returned to entry-level institutional work assignments.
- 5. Inmates assigned to inter-agency contract work assignments or available community work assignments shall receive regular job worker



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evaluations, completed by the work supervisor and provided to the facility's jobs coordinator. No inmate shall receive advancement in level or pay rate until their work is considered satisfactory by their supervisor.

- i.** Inmate work supervisors will complete quarterly performance reviews for each inmate under their supervision using the job/work history in the WCIS inmate evaluation section.
- ii.** Inmates in the same job for less than ninety (90) days will not require an evaluation.
- iii.** Work evaluations will be completed by the work supervisor based on the following schedule: ninety (90) days from hire date and then every quarter thereafter. This evaluation information will be entered into the WDOC Information System (WCIS) and a written copy of each work evaluation will be given to the inmate.

F. Voluntary Work and/or Participation: Inmates may volunteer to work or agree to participate in programs (with approval by the Job Coordinator/ Program Manager) without expectation or promise of wage, bonus, or any other reward.

G. Timekeeping

- 1.** All WDOC inmate worker's time will be recorded on the appropriate inmate pay form and will be verified by signature of the worker's immediate supervisor and/or will be recorded directly into the WCIS tracking system. Hours worked will be rounded upward to the nearest quarter (1/4) hour increment. A record of hours worked will be documented and signed off on by the work supervisor, using an inmate time sheet, WCIS entry, or electronic time clock. The inmate payroll form used for manually tracking time worked will be the same for all operations. Inappropriate adjusting or falsifying inmate payroll or time sheets shall be considered a disciplinary offense. Time entry may be completed electronically into the designated information system. Hours worked, job assignment, level and rate of pay will be entered into the WCIS system.
- 2.** It is the supervisor's responsibility to ensure that payroll information is correct, properly supported, signed, and submitted in the proper time period. The appropriate supervisor must initial any changes to an inmate's time sheet. Failure to do so will result in payroll change not being processed.



3. If an inmate leaves a position or is reassigned during a pay period, the supervisor shall complete the time sheet and submit it to the appropriate business office or accounting department.
4. Activities for which pay is not authorized. Inmates are expected to participate in all assigned work and programming when they are scheduled to do so and for all hours they are scheduled to do so. Whenever possible, non-required activities will be scheduled around the inmate's work and programming schedule.
 - i. Absences from scheduled work and programming, including unexcused absences, excused absences and absences which result in a medical lay-in (sick lay-in), will be considered leave of absence without pay and will not be compensated.
 - ii. Time spent away from work due to temporary transfers, prison disciplinary hearings, non-mandated programming, interviews, lawyer or family visits, legal work, housing moves, work supervisor absences, supervisor scheduled meetings, Temporary Restriction Order (TRO), placement into segregation, or for institutional lock-down or other security concerns, will not be considered as time worked and will not be compensated.
 - iii. An approved leave of absence will be granted for clinical service and approved sick days with the appropriate documentation or pre-approval. The appropriate documentation for clinical services is the inmate's name on the movement sheet or a hold-in slip from the infirmary. A medical lay-in (sick lay-in) requires a doctor or nurse to sign off on a medical form, a copy of which must be provided to the work supervisor by the inmate receiving the sick lay-in. Such absences will be charged as approved leave without pay.
 - iv. Authorized WDOC staff or contract employees who wish to excuse an inmate from assigned work or programs for an approved leave of absence must provide a an e-mail and/or signed absence slip verifying the absence to the Job Coordinator/Program Manager and the appropriate supervisor for the inmate they require to stay in and the reason for excusing the inmate (*e.g.*, case manager interview.)
 - a. The inmate will be required to furnish the work supervisor with a copy of the written excuse upon his/her return to



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work or programming, in order for the absence to be considered as excused.

- b.** Even though the absence is excused, the inmate will not receive pay or bonus for the hours missed unless otherwise authorized under this policy. Therefore, each staff is encouraged to schedule around an inmate's work and programming schedule when it is reasonable to do so.

- v.** Absences from work, not adequately substantiated, will be considered un-excused and the period of absence will be considered as unapproved leave of absence without pay. In recognition of the need for good work habits and a positive work attitude, un-excused absences will not be compensated. Un-excused absences may also result in disciplinary action or dismissal from assignment per prison policy.

H. Dismissal from Assignment

- 1.** Inmates who do not meet work or programming performance standards, including attendance; inmates who commit a violation of institutional, work or safety rules; and inmates who have a change in classification status rendering them ineligible for an assignment, may be removed from a work or programming assignment, regressed to a lower level, or denied an alternative assignment.

- 2.** Inmates who refuse to work in their job or program, or stop attending as scheduled, are subject to disciplinary action, demotion, and/or dismissal from assignment and may be subject to reduction in work assignment level.

- 3.** Inmates may be reassigned or released from a job based on needs of the institution. The reasons may include, but are not limited to:
 - i.** Unsatisfactory job performance;
 - ii.** Poor attendance;
 - iii.** Work, safety or institutional rules violation;
 - iv.** Disciplinary action;
 - v.** Medical conditions;



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- vi. Reduction in size of the inmate work force;
 - vii. Lack of continued funding for inmate incentive pay; and
 - viii. Seasonal nature of the assignment.
4. Inmates will be paid for the hours worked up to the time of removal or reassignment.
 5. Inmates may be suspended from a job pending investigation, to include being placed on Temporary Restriction Order (TRO). Inmates will not be compensated for work time missed due to suspension.
 6. An inmate absent from their job while on TRO, Pre-Disciplinary Segregation (PDS), Disciplinary Segregation, Administrative Segregation, Protective Custody, or a medical restriction may be removed from the job.
 - i. Exceptions include inmates placed on TRO or PDS status and released with no consequences. Also, those on short-term medical restriction who are medically released to return to their previous job.
 - a. The inmate may be placed in a similar job assignment at the same pay grade if an assignment is available.
 - b. If no equivalent position for which the inmate is qualified is available, the inmate will be referred for an alternate assignment at the same rate of pay.
 - c. Inmates are not eligible for back pay.
- I. Other Temporary Absence.** Any short-term requirement that an inmate who is assigned to a work or programming assignment leaves the prison for medical, court, or under any order of the court, shall be considered excused and the inmate shall be considered to be on approved leave of absence without pay until his/her return, but the inmate will not be eligible for back pay for the period of temporary absence.
1. For work assignments, the WDOC may hire another inmate on a temporary basis for a period of up to ten (10) working days.
 2. Upon return from a temporary absence of ten (10) working days or less that does not affect the inmate's medical clearance for work, sentence, or nature of his/her classification, the inmate will be placed in the same or



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similar job assignment at the same pay grade if such an assignment is available.

3. If no equivalent position for which the inmate is qualified is available, the inmate will be referred for an alternate assignment at the same rate of pay.
 4. If the inmate's sentence or the nature of his/her classification is changed in any way as a result of the temporary absence, including additional sentences or modification of the inmate's sentences, so that he/she no longer meets required security classification, or medical restrictions are imposed that would prevent the inmate from being able to perform position required tasks with or without reasonable accommodations, his/her status as an inmate employee may be terminated
 5. After a ten (10) working day absence, the inmate will be removed from the job and due to facility needs the WDOC may hire another inmate for that position on a non-temporary basis.
- J. Non-Required Activities.** Inmates are expected to participate in all assigned work and programming when they are scheduled to do so and for all hours they are scheduled to do so. Whenever possible, non-required activities will be scheduled around the inmate's work and programming schedule.
1. It is the responsibility of the inmate to arrange for activities such as visitation and participation in religious activities around his/her work and programming schedule to the greatest extent possible.
 2. If an inmate is absent from work, or must miss part of his/her scheduled period of work, due to a conflict caused by participation in a non-required activity on more than two (2) occasions in any single pay period, consideration may be given to reassignment of the inmate to an alternate work assignment, housing location, or schedule in order to reduce the conflict.
 3. Repeated absences due to participation in non-required activities may result in dismissal from assignment.

V. TRAINING POINTS

- A. What are the initial eligibility requirements for work assignments and advancement through the steps of the pay scale?



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- B.** May failing to participate in assigned programs result in administrative action including discipline based on inmates' failure to comply with their correctional case plans?
- C.** How often are inmate work evaluations required to be completed by the work supervisor?
- D.** What categories of inmate programming are eligible for compensation?
- E.** How many levels of institutional inmate work assignments are authorized?
- F.** Whose responsibility is it to ensure that inmate payroll information is correct, properly supported, signed, and submitted in the proper time period?
- G.** List at least four reasons why inmates may be reassigned or released from a job based on needs of the institution.