



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #5.001

Prison Industries Enhancement Program Work Projects – Inmate Selection and Compensation

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Authority: Wyoming Statute(s): 25-1-104; 25-1-105; 25-13-101, <i>et seq.</i> 7-16-205 ACA Standard(s): 4-4451; 4-4453; 4-4454; 4-4456; 4-4461; 4-4463	Effective Date: December 1, 2005 Revision/Review History: Summary of Revision/Review: Revises previous WDOC regulations and establishes a uniform WDOC policy and procedure.	
Cross Reference of Policy: #5.000, <i>Prison Industries Enhancement Certification Program (PIECP)</i> ; #5.002, <i>PIECP Implementation Checklist</i> ; #5.003, <i>PIECP Shutdown</i>	Supersedes Existing Policy : #5.001 (<i>Prison Industries Enhancement Certification Program Inmate Wage Deductions</i>) – Dated April 11, 2004.	
Approved: <p style="text-align: center;">/s/ R.O. Lampert</p> <p style="text-align: center;">Robert O. Lampert, Director</p>		<p>10-16-05</p> <p>Date</p>

REFERENCE

1. ATTACHMENTS

A. Wyoming Prison Industries Voluntary Work Agreement

2. OTHER – NONE NOTED



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I. PURPOSE

- A. Operation and Administration of Prison Industries Enhancement Program.** The purpose of this policy is to establish Wyoming Department of Corrections (WDOC) guidelines directing the operation and administration of its Prison Industries Enhancement (PIE) Program, and work projects certified under the federal Prison Industry Enhancement Certification Program (PIECP). The WDOC PIE Program shall meet the requirements of Wyo. Stat. §25-13-101, *et seq.* as well as the requirements of WDOC Policy and Procedure #5.000, *Prison Industries Enhancement Certification Program (PIECP)*, and WDOC Policy and Procedure #5.002, *PIECP Implementation Checklist*.

II. POLICY

- A. Inmate Work Activities.** The WDOC recognizes the value of fully engaging inmates in productive activities, such as PIE Program work projects, in order to assist inmates to successfully re-enter society with practical skills and a viable work ethic.
- B. General Policy.** It is the policy of the WDOC to provide sufficient work and training programs to ensure that eligible inmates are productively involved in work and training programs.
- C. Agreements with Private Business.** It is the policy of the WDOC, in consultation with the Correctional Industries Advisory Board, to seek opportunities to enter into agreements with private business concerns to accomplish the production or marketing of goods produced by inmates.

III. DEFINITIONS

- A. Compensation:** (*For this Policy only.*) Payment to an inmate for labor or other services rendered while working on a Prison Industry Enhancement Program work project distributed in accordance with Wyo. Stat. §25-13-107.
- B. Correctional Facility:** Any adult correctional facility operated by the Wyoming Department of Corrections or correctional facilities and county jails under contract with the Wyoming Department of Corrections.



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- C. Correctional Industries Program Manager:** The person appointed by the Director of the Wyoming Department of Corrections to have administrative oversight of the Prison Industry Enhancement Certification Program, Prison Industries Enhancement Program work projects, and other prison industry programs and activities.
- D. Deductions:** *(For this Policy only.)* Amounts deducted from gross wages, as authorized by Wyo. Stat. §25-13-107, which do not go into inmate funds or mandatory savings.
- E. Director:** The Director of the Wyoming Department of Corrections.
- F. Federal Minimum Wage:** The lowest possible wage that can be paid to private sector employees under the Fair Labor Standards Act.
- G. Gross Wages:** *(For this Policy only.)* All money earned for the total number of hours worked by an inmate who has been employed at any time during the pay period.
- H. Inmate:** An inmate is a person who is incarcerated in any Wyoming Department of Corrections' correctional facility, county jail, municipal jail or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody and supervision of the Wyoming Department of Corrections.
- I. Inmate Funds:** Inmates' personal money in the care and custody of the Wyoming Department of Corrections that is managed by the department, other than funds held in mandatory savings under this program.
- J. Job Description:** *(For this Policy only.)* A written position description developed for each potential inmate work assignment to be utilized by a Prison Industries Enhancement Program work project and submitted to the Department of Employment for a wage determination in accordance with this policy, which outlines the major duties of the position and identifies it with the most appropriate standard occupational classification listing.
- K. Locality:** *(For this Policy only.)* The geographic area impacted by the presence of a Prison Industries Enhancement Program work project.
- L. Mandatory Savings:** *(For this Policy only.)* Amounts deposited into a non-interest bearing savings account (trust account) up to \$2,500, based upon fifteen percent (15%) of the inmate's gross wages earned while participating in a Prison Industries Enhancement Program work project.



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- M. **Net Pay:** *(For this Policy only.)* The inmate's portion of gross wages as determined by Wyo. Stat. §25-13-107, including those portions going into inmate funds and mandatory savings.
- N. **Piece Work Compensation:** Compensation paid on the basis of the quantity of work completed.
- O. **PIE Program Work Project:** A specific inmate work project that is part of the Prison Industry Enhancement Program.
- P. **Prevailing Wage:** A wage rate that is not less than that paid for work of a similar nature in the locality in which the work is to be performed.
- Q. **Prison Industry Enhancement Certification Program (PIECP):** A program authorized under 18 USC § 1761(c) and administered by Wyoming State Prison Industries that requires certification by the Department of Justice, Bureau of Justice Assistance, of an inmate work program before goods produced through that program can be shipped in interstate commerce.
- R. **Prison Industry Enhancement Program (PIE Program):** A Wyoming Department of Corrections inmate work program that is certified under the Prison Industry Enhancement Certification Program and meets the requirements of Wyo. Stat. §25-13-101, *et seq.*
- S. **Room and Board:** *(For this Policy only.)* The amount of deduction paid to the inmate industries account to offset costs of incarceration, including, but not necessarily limited to, the costs of food, health care, housing and clothing.
- T. **Standard Occupational Classification:** The system used by Federal statistical agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data. All workers are classified into one of over 820 occupations according to their occupational definition.
- U. **Voluntary Resignation:** *(For this Policy only.)* Voluntary separation from employment within a Prison Industries Enhancement Program work project by the inmate upon provision of a thirty (30) days written notice.
- V. **Work Week:** *(For this Policy only.)* An inmate's work week shall consist of seven (7) consecutive days, beginning on Saturday and ending on Friday, except as otherwise designated by Wyoming Department of Corrections.



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W. Workers' Compensation Program: A program administered on behalf of injured workers by the Wyoming Department of Employment.

IV. PROCEDURE

A. General Guidelines.

1. This Policy and Procedure applies only to inmates working on PIE Program work projects when the goods manufactured will be transported in interstate commerce, except the inmates noted as follows:
 - i. These rules do not apply to inmates involved in the production of agricultural commodities on WDOC owned/leased property or parts for the repair of farm machinery, nor do they apply to inmates involved in the production of commodities intended for use by the federal government, the District of Columbia, any state or political subdivisions thereof, or not-for-profit organizations.
 - ii. These rules also do not apply to inmates who produce goods solely for intrastate transport, and inmates on parole, supervised release, or probation.

B. Inmate Compensation.

1. Inmates participating in a PIE Program shall be paid compensation as determined by the Director of the WDOC.
2. In accordance with 18 USC § 1761, inmates participating in a PIE Program work project shall be paid compensation for actual work performed that is not less than the amount paid for work of a similar nature in the locality in which the work is to be performed.
 - i. In no case shall compensation paid be less than federal minimum wage.
 - ii. Inmates who work more than forty (40) hours per work week shall be paid compensation for additional hours worked at a rate equal to one and one half (1 ½) times their base hourly compensation rate.
 - iii. If the Director or his/her designee determines that WDOC shall pay inmates piece work compensation for their participation in a particular PIE Program work project, the piece work compensation



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rate shall be determined and established by converting the piece work compensation to an hourly compensation equivalent. Piece work compensation shall not result in the inmate drawing less than the equivalent to federal minimum wage for each hour worked regardless of the inmate's level of production nor less than one and one half (1 ½) times the equivalent to federal minimum wage for each hour worked in excess of a forty (40) hour work week regardless of the inmate's level of production.

3. Prior to implementation of a PIE Program work project and the setting of the compensation rate, the Prison Industries Program Manager shall request from the Wyoming Department of Employment (WDOE), or other appropriate agency, data regarding compensation paid for work of a similar nature to the PIE Program work project in the locality in which the work is to be performed.
4. WDOC shall develop a full job description detailing the duties to be performed for each inmate position being considered.
 - i. Those job descriptions shall be submitted to the WDOE for a determination of prevailing wage in the locality for that specific type of employment using standard occupational classifications as a guide (i.e., farm laborer, warehouseman, machine operator, shipping and receiving clerk, etc.).
 - ii. WDOC shall request WDOE to establish an entry level wage that is within the tenth percentile for that standard occupational code in that locality.
 - iii. WDOC shall work with the private entity to establish a wage plan, using data obtained from the WDOE for that occupational specialty, which provides for higher than entry level wages for inmates who obtain required work skills and/or continue to meet or exceed production expectations.
 - iv. The Director may rely upon this data and on other available information to determine and establish compensation for inmates participating in a PIE Program work project.
 - v. The Prison Industries Program Manager shall, on an annual basis, request the WDOE, or other appropriate agency, to review and provide updated compensation data to WDOC.



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- vi. In the absence of available, relevant rate information, the Director may establish compensation at the federal minimum wage rate, or its piece work compensation equivalent.

C. Labor Analysis.

1. Prior to implementation of a new PIE Program work project, the Prison Industries Program Manager shall submit a request to the WDOE, or other appropriate agency, to provide a written analysis of the potential impact the proposed project may have on private labor in the locality in which the project will be performed.
2. The Prison Industries Program Manager shall not implement a new PIE Program work project that would result in significant displacement of employed workers, utilize skills or trades in which there is a surplus of available gainful labor in the locality, or impair existing private sector contacts for services.
3. Recommendations for the establishment of a new PIE Program work project and the supporting documentation shall be reviewed by the Correctional Industries Advisory Board prior to implementation.

D. Local Business and Labor Union Consultation.

1. Prior to implementing a new PIE Program work project, the Prison Industries Program Manager shall consult with representatives of local businesses and local union central bodies or similar labor organizations that would potentially be directly affected by the project, if such organizations exist in the locality.

The Prison Industries Program Manager shall:

- i. Provide a notice of intent to the local Chamber of Commerce, appropriate trade organizations and appropriate local labor union central bodies or similar labor organizations, requesting comments, concerns, recommendations and names of private businesses and local labor organizations that would potentially be affected by the project.
- ii. The notice of intent shall include a general description of the PIE Program work project, a description of the project location, the type and quantity of goods to be produced, the number of inmates expected to be employed, the potential market for the goods, the



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project initiation date, and an explanation that federal law requires this consultation; and

- iii. Maintain a file of all replies and WDOC responses, if applicable, and submit them to the Correctional Industries Advisory Board and the Director for their consideration prior to final approval of the new PIE Program work project.

E. Conditions of Inmate Participation in the PIE Program.

1. Inmate participation in a PIE Program work project shall be voluntary.
2. Prior to acceptance for participation in a PIE Program work project, all inmate applicants shall sign a form indicating the inmate's intent to voluntarily participate in the work project and acknowledging the inmate's consent to WDOC's PIE Program requirements, including the compensation disposition procedure set forth in this policy. (See Attachment A, *Wyoming Prison Industries Voluntary Work Agreement*.)
3. Distribution of gross wages earned by inmates employed in a PIE Program work project shall be in accordance with Wyo. Stat. §25-13-107 and deductions taken in the order listed within that statute.
4. Distribution of the inmate's portion of gross wages earned in a PIE Program work project shall be in accordance with Wyo. Stat. §7-16-205.
5. Inmates who wish to resign from participation in a PIE Program work project following assignment and training may do so without penalty by providing a thirty (30) day written notice of intent to resign.
 - i. Inmates who provide appropriate written notice may be assigned to any non-PIE Program work assignment, including traditional industries and other work programs, at that the same or similar compensation level at which he or she held prior to assignment to the PIE Program work assignment, if such a work vacancy exists on the effective date of the resignation.
 - ii. If a work vacancy at the same or similar compensation level at which he or she held prior to assignment to the PIE Program work project is not available, inmates who provide appropriate written notice of PIE Program work project resignation, shall be placed on a waiting list for return to a work assignment at the same or similar



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compensation level and shall be employed in another available work assignment.

6. Inmates who fail to provide appropriate written notice of resignation or who are removed from assignment within a PIE Program work project work assignment for disciplinary reasons or due to less than satisfactory work performance shall be assigned to an entry level work assignment only for a minimum of ninety (90) days, in accordance with WDOC practice regarding inmate work assignments.

F. Charges for Room and Board.

1. The Director or his/her designee shall determine a reasonable monthly room and board charge based on the average total cost to WDOC for inmate care including, but not limited to, cost of food, health care, administrative costs, housing and clothing costs.
2. Daily room and board charges are calculated through the budgeting process on a biennial basis.
3. The monthly room and board charge shall be calculated by multiplying the daily room and board charge by thirty (30).
4. Any portion of the inmate's gross wages distributed to the industries account in accordance with Wyo. Stat. §25-13-107, which exceeds the monthly calculation for room and board charges, shall be credited back to the inmate's account (i.e., the inmate will not be required to pay more to the industries account than the calculated actual costs of room and board incurred during the month).

G. Worker's Compensation Eligibility.

1. Inmates participating in a PIE Program work project who are injured on the job in a work-related incident may receive benefits under the Workers' Compensation program for non-state provided medical expenses in accordance with WDOE guidelines. Inmates who have continuing work-related disabilities may be eligible for disability benefits following release from incarceration only.

H. Reporting Requirements.



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1. The Prison Industries Program Manager, in conjunction with the Central Services Division Administrator and the Support Services Division Administrator of WDOC, shall:
 - i. Ensure that the reporting requirements of the PIECP are met as required by applicable federal and state law and this policy;
 - ii. Establish a schedule for the payment of all deductions from gross wages including crime victims, family support, correctional industries and mandatory saving;
 - iii. Determine the reporting format and frequency of report to inmates regarding pay information. On a monthly basis inmates will receive a summary of the previous month's payroll information;
 - iv. Determine the method of handling the savings account and reconciliation of all detailed inmate savings balances to the savings accounts totals;
 - v. Ensure that all reporting requirements regarding PIECP are made to the Department of Justice, Bureau of Justice Assistance; and
 - vi. Determine the method of accounting and maintenance of all records regarding PIECP and PIE Program work projects. These records shall be made available for review or audit by state and federal entities.

V. TRAINING POINTS

- A. Which inmates are covered by this policy?
- B. What is the minimum rate of compensation for inmates working in a PIE Program work project less than forty (40) hours per week? What is the minimum rate of compensation for inmates working in a PIE Program work project more than forty (40) hours per week?
- C. Which inmate work assignments require a position description?
- D. How is the prevailing wage for a particular assignment determined?
- E. Is inmate participation in this program voluntary? If so, how can an inmate resign from the program?



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- F. Can inmates who work in a PIE Program work project be charged for room and board?