

ADM-15.13, "Inmate Pay," June 3, 2014

SCDC POLICY

Change 3 to ADM-15.13: 7.4

Change 2 to ADM-15.13: 2.3

Change 1 to ADM-15.13: 12.1

NUMBER: ADM-15.13

TITLE: INMATE PAY

ISSUE DATE: JUNE 3, 2014

RESPONSIBLE AUTHORITY: DIVISION OF FINANCE

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: ADM-15.13 (June 1, 2007); (April 1, 2004)

RELEVANT SCDC FORMS/SUPPLIES: None

ACA/CAC STANDARDS: 4-ACRS-4B-01, 4-ACRS-6A-06, 4-4342, 4-4489

STATE/FEDERAL STATUTES: Section 24-3-40 and Section 24-1-295, South Carolina Code of Laws, 1976, as amended.

PURPOSE: To establish criteria for determining eligibility for inmate pay and to ensure proper handling of all matters pertaining thereto.

POLICY STATEMENT: To promote fiscal accountability, any inmate assigned to a job as of January 20, 1998, and receiving inmate pay will continue to receive inmate pay at his/her current rate for the remainder of his/her period of incarceration provided that s/he maintains his/her current status. Inmates who were either not assigned to a job on January 20, 1998, or who entered the South Carolina Department of Corrections (SCDC) on or after January 20, 1998, or who returned to the SCDC from an early release program for any reason on or after January 20, 1998, will not be eligible for inmate pay at any time during their incarceration period unless they gain employment in the Community Work Program, Prison Industries Private Sector Program, Prison Industries Service Program, or any other program funded entirely by an outside entity.

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SPECIFIC PROCEDURES:

1. RESPONSIBILITY: The Director, Division of Finance, will administer and account for the Agency's Inmate Pay Program.

2. ELIGIBILITY:

2.1 Inmates who are assigned a job and receiving inmate pay on January 20, 1998, will continue to be eligible for inmate pay for the remainder of their respective periods of incarceration. The rate of pay will not change for any such inmate, unless the inmate's rate of pay is either reduced or discontinued for any of the following reasons: (NOTE: See also Procedure #8, below, for additional information.)

- the inmate is transferred to a lesser paying job;

- the inmate is convicted of a major disciplinary offense pursuant to SCDC Procedure OP-22.14, "Inmate Disciplinary System" prior to April 30, 2004, or is convicted as a result of a disciplinary hearing conducted pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System," on or after April 30, 2004;

- the inmate fails to work;

- the inmate commits a criminal offense; or

- the inmate is terminated from his/her job and/or school.

2.2 Once an inmate's rate of pay is reduced or discontinued, his/her pay will remain at the reduced rate or, if discontinued, will not be reinstated for the remainder of his/her incarceration period.

2.3 Exceptions to 2.1, are the Prison Industries Private Sector Program and Prison Industries Service Program which require that an inmate be free of major, ~~disciplinaries for one (1) year and free of~~ administrative ~~for~~ informal disciplinaries for six (6) months, to participate in the program; the Community Work Program, which requires that the inmate cannot have had more than two (2) major disciplinaries in the past 12 months; and any other program funded entirely by an outside entity. Inmates entering one of these programs will receive pay at that program's current rate of pay regardless of their previous pay status. (NOTE: Major Disciplinary refers to a disciplinary infraction that was classified as a Major Disciplinary prior to April 30, 2004 or to a disciplinary that is referred to and resolved by a Disciplinary Hearing conducted by an SCDC Hearing Officer pursuant to SCDC Policy OP-22.14, "Inmate Disciplinary System," on or after April 30, 2004.) Additionally, any inmate not currently receiving inmate pay who provides either non-manufacturing or service type work in PIE cost center (e.g., janitorial, changing light bulbs, floor cleaning, maintenance type work, etc.) and/or inmates performing such work as construction or installations in a PIE or Service cost center funded entirely by the private sector company, may be paid non-minimum wage pay for such services.(Changes in BLUE, amended by Change 2 dated May 3, 2018.)

2.4 An inmate who transfers his/her employment from the Prison Industries Private Sector Program, Prison Industries Service Program, or any other program funded entirely by an outside entity will return to his/her previous rate of pay. If the inmate was previously ineligible for pay, that inmate will again be ineligible for inmate pay.

2.5 Unless specifically addressed within these procedures, inmates will not be eligible for inmate pay.

3. INELIGIBILITY: Inmates who are not assigned a job on January 20, 1998, inmates who enter the SCDC on or after January 20, 1998, and inmates who return to the SCDC from an early release program for any reason on or after January 20, 1998, will be ineligible for inmate pay. Inmates deemed eligible for receipt of inmate pay who have their rate of pay reduced or eliminated for reasons such as failure to work, transfer to a lesser paying job, disciplinary action, etc., will continue to receive inmate pay at the reduced amount or will not be eligible for inmate pay for the remainder of their incarceration period. Should an inmate deemed eligible for receipt of inmate pay have his/her pay discontinued for such reasons as failure to work, disciplinary action, commission of a criminal offense, termination from a job assignment, etc., s/he will not be eligible for inmate pay for the remainder of his/her incarceration period.

4. DUAL JOBS: No inmate will be assigned more than one (1) job unless approved by the Director, Division of Finance.

5. INMATE PAYROLL OFFICES: Each Warden or designee will be responsible for designating one (1) or more Inmate Payroll Offices. The Warden will designate at least one (1) employee to each Inmate Payroll Office who will be responsible for entering inmate pay data into the Inmate Pay System via the CRT or the South Carolina Enterprise Information System (SCEIS). All staff members and inmates will be advised (in writing) of the location of the Inmate Payroll Office(s) at his/her assigned institution and the responsible

staff person(s).

6. **PAY PERIODS AND REGULATIONS:** Inmate pay periods will begin on Tuesday and end 14 days later on Monday. All eligible inmates will be paid on a biweekly basis. Inmate pay will be posted to the inmate's E. H. Cooper Trust Fund account every other Monday night. All payroll information used in completing the regular biweekly payroll must be entered in the CRT no later than close of business (usually 4:00 pm) on the Monday ending the pay period. Inmates will be paid for days worked only. Partial pay amounts will be calculated and rounded up to the nearest penny. Inmates who begin work after the first work day in the pay period will only be paid for days worked. An inmate who works a partial pay period, but is not in pay status at the end of the pay period, will only be paid for days worked. (NOTE: "Days worked" is defined as the number of days in the pay period for which the inmate received earned work credits or participated in a full-time educational program.) Pay periods for inmates who work in the PIE Program will follow the pay period dates set forth by SCEIS. Pay will be credited to the inmate's account one day after the SCEIS payroll run.

7. DEDUCTIONS:

7.1 The pay of inmates participating in the Prison Industries Private Sector Program (PIE) and the Community Work Program will be subject to the deductions stated in South Carolina Code of Laws, Section 24-3-40.

7.2 The pay of inmates who participate in the Prison Industries Service Program, or who provide any non-manufacturing service (see Paragraph 2.3, above) for a private sector company and whose wages are paid entirely by the private sector company, shall be subject to the deductions listed in Section 24-1-295, South Carolina Code of Laws, 1976, as amended.

7.3 The pay of inmates who provide services for another entity and whose inmate pay is paid entirely by that entity, shall be subject to the deductions listed in Section 24-1-295, South Carolina Code of Laws, 1976, as amended.

7.4 Any inmate serving life in prison or sentenced to death may request the withdrawal of their "escrowed wages" to the persons or entities of their choice no more than twice (2) per calendar year. (New section in BLUE added by Change 3 dated September 16, 2019)

8. SITUATIONS THAT WOULD AFFECT AN ELIGIBLE INMATE'S PAY STATUS:

8.1 **Voluntary Transfers and Job Terminations:** If an inmate requests a job transfer within his/her institution, the transfer must be approved by both the losing and gaining supervisors and by the Institutional Classification Committee. The inmate will be paid for days worked and will continue to be eligible for inmate pay if the reassignment is completed within 15 days.

8.2 **Designated Facilities:** Pursuant to procedures regarding SCDC designated facilities, inmates who transfer to designated facilities do so at their own request and are not eligible for inmate pay from the SCDC while at the designated facility. If the inmate is returned to the SCDC for administrative reasons, s/he will have 15 days to be reassigned to a job, at which time s/he will return to a rate of pay of his/her previous rate.

If the inmate is returned to the SCDC for reasons that would have caused him/her to lose pay if s/he had been incarcerated in the SCDC, s/he will be ineligible for inmate pay for the remainder of his/her incarceration.

8.3 Requests for Transfer to Lower Paying Job An inmate working for the Division of Facilities Management, the Division of Transportation Management, for the Division of Prison Industries, or for another state agency that pays more than the regular inmate payroll amount, who transfers at his/her request to a lower paying job, will return to his/her previous rate of pay.

8.4 Quitting Job: An inmate who quits his/her job and/or school will be ineligible for inmate pay for the remainder of his/her period of incarceration.

8.5 Action of Supervisor or Departmental Official: An inmate may be terminated from his/her job assignment by his/her supervisor or by a Departmental official for one of the following reasons: (NOTE: All terminations must be approved by the Institutional Classification Committee, and supervisors must provide adequate documentation to support the termination of an inmate's job assignment pursuant to SCDC Procedure OP-21.07, "Earned Work Credits." These terminations may be grievable in accordance with SCDC procedures related to the inmate grievance system.)

8.5.1 If after 30 days the inmate is not meeting specific production standards, the inmate will be paid for days worked and will be ineligible for inmate pay for the remainder of his/her incarceration.

8.5.2 For situations involving improper job performance, the inmate will be paid for days worked and will be ineligible for inmate pay for the remainder of his/her incarceration.

8.5.3 If there is a Departmental need for his/her specific qualifications in another position, the inmate will be paid for days worked and will continue to be eligible for inmate pay if s/he is reassigned within 15 days.

8.5.4 For security or administrative reasons unrelated to job assignment, the inmate will be paid for days worked, and will continue to be eligible for inmate pay if he/she is reassigned within 15 days.

8.5.5 An inmate working for the Division of Facilities Management, the Division of Transportation Management, the Division of Prison Industries, or for another state agency that pays more than the regular inmate payroll amount, who transfers due to security or administrative measures unrelated to job assignment to a lower paying job, will return to his/her previous rate of pay.

8.6 Administrative Transfer to SMU: Inmates placed in Special Management Unit (SMU) housing for administrative reasons and subsequently released without a disciplinary conviction into the general population will be eligible for inmate pay if reassigned within 15 days of release from SMU. In such cases, the rate of pay will be the rate prior to being placed in SMU housing. No back pay will be provided for the days held in SMU housing.

8.7 Administrative Transfer Because the Inmate is Incapable: If an inmate is placed in a job for which s/he proves to be incapable of handling due to a physical, mental or other disability, the inmate may be returned to the general population and will be eligible for inmate pay if reassigned within 15 days. In such cases, the rate of pay will be the inmate's prior rate of pay.

8.8 Protective Custody: Inmates placed in Protective Custody (PC) for administrative reasons and subsequently released into the general population, will be eligible for inmate pay if reassigned within 15 days of release from SMU. In such cases, the rate of pay will be the rate prior to being placed in PC. No back pay will be provided for the days held in PC.

8.9 Hospitalization, Illness, Psychiatric Illness or Injury:

8.9.1 An inmate who is terminated for a non-job related medical reason will be paid for the days s/he worked. The inmate will be eligible for inmate pay if s/he is reassigned within 15 days after being released by medical. In such cases, the rate of pay will be the rate prior to being terminated. No back pay will be provided for the days the inmate was unemployed.

8.9.2 An inmate who suffers a job related sickness or injury will continue to earn inmate pay for a maximum of six (6) months or until medically cleared to return to work, whichever occurs first. If the illness or injury continues longer than six (6) months, the inmate's Earned Work Credits (EWCs) will be terminated and the inmate will temporarily lose his/her pay. When medically cleared, the inmate will be eligible for inmate pay if reassigned within 15 days. Otherwise the inmate will be ineligible for inmate pay for the remainder of his/her incarceration period.

8.10 Authorized Absence: An inmate who is in authorized absence status, for any reason, will stop earning inmate pay immediately. No pay will be earned for days absent even if EWC days were earned. The inmate will be paid for the day s/he leaves work, and the day s/he returns to work. If an inmate is in authorized absence status for a period of time significant enough to require that his/her job be filled, the inmate will be eligible for inmate pay at his/her prior rate if reassigned within 15 days of his/her return to the institution. If an inmate returns from authorized absence status and refuses employment, s/he will no longer be eligible for inmate pay for the remainder of his/her incarceration period.

8.11 Pre-Release Program: Inmates assigned to a pre-release center for participation in the 30-Day Pre-Release Program will continue to receive inmate pay at the same rate received prior to being placed into the program. Participants in the 30-Day Pre-Release Program who are unable to be released on normal release dates, i.e., out-of-state parolees, unable to secure job or residence, day-by-day releases, etc., will continue to receive inmate pay.

8.12 Community Work Program: Inmates who enter a Work Center and are assigned to a Labor Crew will continue to earn inmate pay at their current rate of pay. Inmates who are assigned to the Community Work Program are paid by their employers and do not receive inmate pay. If an inmate is laid-off (no fault of the inmate) from a community-based job, s/he will be required to draw money from his/her savings in lieu of

inmate pay. If s/he fails to obtain employment, the institution may place the inmate on a Labor Crew. If the inmate has been placed on a Labor Crew and has exhausted his/her savings, inmate pay will be earned at the inmate's previous rate of pay. If an inmate is transferred to an institution for reasons other than those listed in Procedure 2.1, above, s/he will be placed on the gaining institution's payroll at his/her previous inmate pay rate.

8.13 Disciplinary Action:

8.13.1 When an inmate is placed in Pre-Hearing Detention (PHD) pursuant to SCDC Procedure OP-22.12, "Special Management Unit," his/her inmate pay will cease. If the inmate worked a partial pay period, s/he will be paid for the days s/he worked. Upon release from PHD, if the inmate obtains a job within 15 days and has not become ineligible for pay, s/he will earn inmate pay at his/her previous rate of pay.

8.13.2 When an inmate is placed in Disciplinary Detention as a result of Administrative Resolution taken by the Major/Responsible Authority pursuant to SCDC OP-22.14, "Inmate Disciplinary System," on or after April 30, 2004, his/her inmate pay will cease. If the inmate worked a partial pay period, s/he will be paid for the days s/he worked. Upon release from Disciplinary Detention, if the inmate obtains a job within 15 days and has not become ineligible for pay, s/he will earn inmate pay at his/her previous rate of pay.

8.13.3 If an inmate is found guilty of a major disciplinary pursuant to SCDC Procedure OP-22.14, "Inmate Disciplinary System," prior to April 30, 2004 s/he will be ineligible for any further inmate pay for the remainder of his/her period of incarceration. If an inmate is found guilty of a disciplinary as a result of referral to a disciplinary hearing pursuant to SCDC Procedure OP-22.14, "Inmate Disciplinary System," on or after April 30, 2004 s/he will be ineligible for any further inmate pay for the remainder of his/her period of incarceration. If an inmate is found not guilty or the charges are dropped, the inmate will be eligible for inmate pay at his/her previous rate of pay when employment is obtained. From the date of the conviction to the date the charges were dropped, no back pay will be given.

8.14 Escape: If an inmate escapes, his/her inmate pay earned, but unpaid, to that date will be forfeited. The inmate will be ineligible for any further inmate pay for the remainder of his/her period of incarceration.

8.15 Release Prior to Pay Date: If an inmate is released prior to a scheduled inmate pay date, the inmate will not be paid.

9. INDIGENT INMATES:

9.1 On a weekly basis, the Division of Resource and Information Management will determine the indigence status of each inmate and include this information on the "Dorm Report" for each dorm. The list of indigent inmates will be updated, on a daily basis, by comparing the list to deposits into the E. H. Cooper Trust Fund.

9.2 In compliance with applicable state, federal, and case law, inmates who are determined to be indigent will be provided adequate hygiene products, writing supplies, and postage on a monthly basis. Indigent inmates will be allowed an opportunity to visit the commissary monthly where they will receive a package containing a 30 day supply of hygiene items and writing materials. (4-ACRS-4B-01, 4-ACRS-6A-06, 4-

4342, 4-4489)

10. NEW ADMISSIONS: New admissions to the Reception & Evaluation Center will be provided an initial 30 day supply of hygiene items and writing materials.

11. INMATES WITHOUT CANTEEN PRIVILEGES:

11.1 All inmates who are in SMU or MSU or any other form of administrative lock-up or restriction will receive hygiene and writing supplies and postage monthly regardless of their indigence status. Inmates in SMU or MSU will not be charged for these items nor will a restitution be created. See PS-10.08, "Inmate Correspondence Privileges," for additional information.

11.2 Inmates in the Youthful Offender Intensification Program (YOIP) or in the Shock Incarceration Program who have funds available in their E.H. Cooper Account will be allowed to go to the canteen and purchase hygiene, correspondence, and other necessity supplies.

11.3 Inmates whose canteen privileges have been restricted as a result of a disciplinary action in accordance with OP-22.14, "Inmate Disciplinary System," will be allowed to purchase only hygiene items, towels, and wash cloths in limited amounts at the canteen during the duration of the canteen privilege restriction.

12. PROBLEMS WITH PAY:

12.1 Inmates must report any problems in their pay to their institution's inmate pay designee ~~in writing and~~ utilizing the Automated Request to Staff Member (ARTSM) within 15 days of the payroll date error. ~~A copy of the written request should be retained by the inmate.~~ The inmate should maintain a record of the ARTSM reference number. The inmate pay designee will review the case and determine whether any additional pay is owed. Payroll corrections will be limited to the following: (Changes in BLUE added by Change 1 dated June 11, 2014).

- If the inmate fails to notify the Agency in writing and within 15 days, no back pay will be given.

- The pay rate will be adjusted to the proper rate amount for future payrolls in accordance with these procedures.

- The inmate may receive any additional pay owed for the previous two (2) pay periods only.

12.2 The inmate pay designee will make the appropriate entry to deposit the additional pay into the inmate's pay account. The inmate pay designee will maintain all supporting documentation to explain the reason for the additional payment. Pay rate entry corrections will be made as required. Any overpayments may be recovered from an inmate by entering a restitution entry. The inmate will be notified of the overpayment and will be provided with the calculation information and the date and amount of the overpayment. The inmate

pay designee will be required to respond to inmate pay problems as prescribed in these procedures.

13. DEFINITION:

Indigent Inmate, for the purposes of these procedures, refers to an inmate whose beginning E. H. Cooper Trust Fund balance plus any deposits received in the previous 30 day period is less than the cost of a 30 day supply of hygiene items and writing materials.

SIGNATURE ON FILE

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s/Bryan P. Stirling, Director

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