



## SCDC POLICY/PROCEDURE

**NUMBER: ADM-15.10**

**TITLE: WORK RELEASE ACCOUNTING**

**ISSUE DATE: SEPTEMBER 1, 2011**

**RESPONSIBLE AUTHORITY: DIVISION OF FINANCE**

**OPERATIONS MANUAL: ADMINISTRATION**

**SUPERSEDES: ADM-15.10 (February 1, 2007); (June 1, 2001)**

**RELEVANT SCDC FORMS/SUPPLIES: 13-50, 19-11, 27-5, 27-38, 27-53, 27-49**

**ACA/CAC STANDARDS: 4-ACRS-7D-16, 4-ACRS-7D-17, 4-ACRS-7D-21, 4-ACRS-7D-22, 4-ACRS-7D-24, 4-ACRS-7D-31, 4-ACRS-7D-32, 4-ACRS-7D-33**

**STATE/FEDERAL STATUTES: South Carolina Code of Laws, Section 24-3-40, as amended; South Carolina Proviso 51.21 authorized under Part 1B of the 2011-2012 South Carolina Appropriations Act.**

**NOTE: This policy/procedure applies only to inmates who are assigned to SCDC work release programs institutions and who work at paid employment in the community.**

**THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

**PURPOSE: To establish guidelines for the management of financial transactions for those inmates assigned to the work release program.**

**POLICY STATEMENT: Financial transactions for those inmates assigned to the work release program will be maintained in the computer via CRT data entry. These funds will be receipted, safeguarded, disbursed, and recorded in strict compliance with applicable state statutes, regulations, guidelines, and accepted accounting practices. (4-ACRS-7D-21, 4-ACRS-7D-31)**

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### SPECIFIC PROCEDURES:

#### 1. RESPONSIBILITIES:

**1.1** The Division Director of Finance, will be responsible for the administration of financial accounting procedures for those inmates participating in the work release program. The Director of Finance and the Division of Resource and Information Management will publish and distribute specific instructions for the work release program accounting data entry to the appropriate employees on an as-needed basis. (4-ACRS-7D-17)

**1.2** Wardens of institutions with the work release program will designate an employee and at least one alternate who will be responsible for work release inmates' financial transactions. The alternate will assume the work release program accounting responsibilities when necessary. The Division Director of Finance, will provide training to the designee/alternate as needed. The Warden may request this training from the *Division Of Finance*.

The Warden/designee will:

- ensure that all financial transactions are entered into the computer via the CRT within 48 hours after the actual receipt of funds to the accounting technician/designee;
- review work release program accounts at least monthly and document review; and
- verify bank deposit receipts against the total shown on work center Accounting Deposit Register. (4-ACRS-7D-16)

**1.3** The Audit Section will be responsible for auditing work release accounts at least once every three (3) years. Wardens of institutions with work release programs may request an audit if s/he deems necessary. This request will be sent through the Division Director of Operations to the Audit Section. (4-ACRS-7D-24)

**1.4** The Division of Resource and Information Management will provide access to work release accounts to designated center employees. The automated SCDC Form 13-50, "CRT User Access Report Form," will be completed and submitted to RIM. Entry capabilities of designated center employees will be limited to inmates assigned to the center. The designated center employee will contact the *Division of Finance* to access the account of an inmate who has been transferred to another work center.

## **2. ACTIVATING/MAINTAINING INMATE WORK RELEASE ACCOUNTS:**

**2.1** When an inmate becomes active in a work release program, the-accounting technician will establish a new account. Thereafter, each financial transaction, such as pay amounts and deductions, will be recorded in the inmate's automated Work Release Program Account. All E. H. Cooper balances in excess of ***\$125.00 or the established canteen limit*** for work release inmates will be transferred to the inmate's work release account. ***Exceptions may be granted for the purchase of canteen personal equipment, seasonal packages and other withdrawals as listed in paragraph 2.9.4 below.***

**2.2** Every effort should be made to ***ensure*** the inmate ***has sufficient funds to ensure financial stability upon release.*** Each inmate, with assistance from the accounting technician, will prepare a personal budget, SCDC 27-5, "Personalized Budget Plan/Deductions," upon employment ***to maximize the inmate's understanding of finances and financial disbursement.*** If the inmate is removed from the work program, any expenses incurred while on the program, which cannot be paid from available savings, will remain the responsibility of the inmate to pay the owed party.

**2.3** All earnings, to include tips, for all inmates, less standard payroll deductions required by law and those deductions authorized by the Warden/designee, e.g., work uniforms, must be surrendered to the work release center. This will include any income which is considered in or utilized for program maintenance including, but not limited to, Workers'/Unemployment Compensation, Veterans Assistance, disability checks, income tax refunds, etc. Inmate payroll checks may be mailed to the center, picked up by center personnel, or delivered to the center by the employer. Inmates will not be permitted to receive his/her check at the job site or from his/her employer. For clarification with regard to Social Security benefits for inmates, the Social Security Administration will not consider an imprisoned felon for benefits of any kind (e.g., disability benefits, survivor's benefits, old age benefits, retirement benefits, parent's benefits, etc.). It should also be noted that this law does not apply to misdemeanants who may

apply for benefits and be considered with regard to their incarcerated status. Clarification of felon versus misdemeanor should be obtained at the local Social Security office. ***The inmate's check will be stamped "For Deposit Only," and deposited.*** Check stubs will be ***retained and*** closely monitored by the accounting technician and compared with the center's time cards to ensure that all hours worked are accurate and accounted for. With regard to employment involving tips, while it may be impossible to ensure that all tips are turned in, such will be closely monitored with the employer in order to determine averages for that particular job as a way to monitor the amount the inmate is turning in to the employee.

**2.4** The accounting technician will ensure that every possible effort is made to collect inmate payrolls as a result of bad checks presented by employers. Those efforts will include taking necessary action via written correspondence from the General Counsel that provides ample written notification to the employer (at least one week) that, if not paid, the matter will be turned over to the Magistrate or Labor Board.

**2.5 Individual Accounts:** Each inmate's total payroll information and financial data will be maintained under an automated system as prescribed by procedures of the ***Division of Finance***.

**2.6 Interest:** Interest will be paid to all inmates with monthly average balances of greater than \$10.00. Upon receipt of an interest deposit from the State Treasurer's Office, interest will be distributed to individual inmate accounts.

**2.7 Deductions Required by Law:** Deductions will be made by the accounting technician as required by law and will be documented on SCDC Form 27-5, "Personalized Budget Plan/Deductions." Inmates will be responsible for notifying SCDC of all open victim restitution orders, child support orders, dependents, and other financial obligations.

**2.7.1 Victims:** Twenty percent (20%) of the inmate's gross wages will be deducted for victims. Court ordered victim restitution will be distributed as ordered. If no court ordered victim restitution exists or if the restitution order(s) is satisfied, ***5% must be placed on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984, Public Law 98-473, Title II, Chapter XIV, Section 1404, and 15% must be retained by the SCDC to support services provided by the SCDC to victims of the incarcerated population.***

**2.7.2 Child Support/Room and Board/E.H. Cooper Trust Fund:** Thirty-five percent (35%) of the inmate's gross wages will be deducted for child support. If court ordered child support exists, 35% will be paid totally for the combination of all orders. SCDC Form 27-23 "Verification of Dependents" will be used to document each inmate's dependent children. If no court order(s) exist or if all orders have been satisfied, then allotments at 35% will be made by law, followed by the agreement of the inmate. If the inmate has no children or if the order(s) has been satisfied, then the 35% will be distributed at a rate of twenty-five percent (25%) to the South Carolina General Fund for Room and Board and ten percent (10%) to the inmate's individual Fund account. (4-ACRS-7D-32, 4-ACRS-7D-33)

**2.7.3 DNA Fee:** If the inmate is subject to DNA testing and the associated \$250.00 testing fee, up to 5% of the inmate's wages will be deducted to pay the DNA fee. The DNA fee will be deducted after all other deductions required by law and after the mandatory savings have been met.

**2.8 Escrow Savings:** Ten percent (10%) of the inmate's gross wages must be retained until the inmate's release, death, parole, probation, or release to community supervision programs in an interest bearing escrow account. The ten percent (10%) will be retained in the work release program account and tracked as the mandatory savings amount. The difference between the inmate's account balance and the mandatory savings (escrow funds) will be referred to as the available balance in the inmate's account.

**2.9 Other Deductions:** The following other deductions will be permitted from the inmate's work release account; however, mandatory savings funds will not be available for payment of these deductions. Special requests for these deductions will be evaluated and approved by the Warden.

**2.9.1 Allowances:** Each inmate may receive a combination of cash withdrawal or transfer to Cooper Trust Fund as an allowance each week. Cash withdrawals are limited to \$25.00, in \$5.00

increments, per week. Inmates assigned to the work release program may have no more than an accumulation of cash allowances of \$40.00 in their possession. The maximum allowance (cash and/or Cooper) is determined by the following available account balances after withdrawal.

Available Balance	Maximum Allowance
\$0	(Newly employed inmates) \$15.00*
\$0 - \$100	\$20.00
\$100 - \$250	\$30.00
above \$250	\$50.00

\*A maximum of three allowances may be issued prior to receipt and posting of first payroll. (4-ACRS-7D-31)

Unemployed work release inmates who have available funds in excess of mandatory savings will continue to receive weekly allowances of \$20.00 until available funds are exhausted.

**2.9.2 Medical/Dental Expenses:** Work release inmates are responsible for all medical costs incurred after employment has been secured. Payment of these bills will be documented on SCDC Form 27-49, "Payment of Medical Accounts." Work release inmates will be returned to an SCDC medical facility for non-emergency treatment; applicable medical co-pays will apply. Inmates will sign up for sick call as outlined in SCDC HS-18.05, "Sick Call and Dental Health." Emergency Care will be handled as outlined in SCDC HS-18.02, "Emergency Care". If the work program has outside insurance provided by the employer, the insurance card will be provided at the time of any outside medical service.

**2.9.3 Community Services Welfare Donations:** Contributions to the Community Services Welfare Fund, not to exceed \$50.00 per infraction, will be made as soon as possible. For documentation purposes, such contributions will be reported on SCDC Form 27-38, Acknowledgement of Contribution to Community Services/Restitution Welfare Fund," as:

- Contraband/Abuse
- Employment Violation
- Center Violation
- Privilege Abuse General

**2.9.4 Withdrawals:** All withdrawals will be closely scrutinized and approved only *if determined absolutely necessary and justified* by the Warden *or their* designee *in their absence* **NOTE: The designee can not be the accounting technician.** The Warden/designee may not approve an emergency withdrawal that reduces the account balance below the mandatory savings. Withdrawals will be authorized only for the following:

- Household *needs*
- Family *needs*
- Education expenses
- Legal expenses
- Employment needs
- Other personal needs

Requests for withdrawals will be submitted to the Warden/designee on SCDC Form 19-11, "Request to Staff Member," for approval. Verification of expenditures, i.e., receipts where applicable, will be required of the inmate for withdrawals. (4-ACRS-7D-31)

**2.9.5 Personal Checking/Savings Accounts:** The SCDC will not provide assistance in maintaining individual/personal accounts of any type.

**2.9.6 Transportation Fees:** The approval for the collection of a transportation fee to participants in the work release program whose transportation is provided by the Department of Corrections was granted during legislative session of the South Carolina General Assembly. Work program participants will be assessed \$4.00 per day to offset the cost of transportation to and from the job site. Deductions will be made from all Work Program inmate's work release accounts commensurate to each inmate's pay cycle.

**2.9.7 Initial Loans:** Work release program inmates may be given initial loans upon assignment to the work program and/or obtaining verified employment. The following guidelines will apply:

- The loan will only be applied toward the purchase of incidentals necessary to begin work. *Any funds remaining after the purchase of incidentals should be deposited back into the inmate's work release account.*
- Loans will be granted only to inmates who have not had the opportunity to receive their initial payroll.
- Loans will not exceed a maximum of \$50.00 and applications will be initiated by the inmate utilizing SCDC Form 27-53, "Work Program Initial Loan," and must be approved by the Warden /designee.
- Loans will be granted from the consolidated work program account and repaid by the inmate as soon as possible through deductions from the inmate's payroll. Any available funds remaining after the required deductions and allowance will be deducted from the inmate's account and applied to the repayment of the debt.
- If the inmate is removed from the program prior to the loan repayment, the balance will be deducted from any outstanding payroll funds and/or inmate's center account. If sufficient funds are not available from these sources, the *Division of Finance* will reimburse the center's account through the Welfare Fund. The inmate will be responsible for repayment of the loan. A record of this debt will be maintained in the SCDC inmate restitution system. Funds will be deducted, as available, from the inmate's E. H. Cooper Trust Fund Account until the debt is paid in full.

**2.9.8 Laundry Expenses:** Work program inmate's E. H. Cooper account(s) will be debited an additional \$2.00 for every box of detergent they purchase from the Canteen to offset the cost, repair and utilities associated with the washers and dryers they will be using to wash/dry their clothes.

### **3. CLOSING INMATE WORK RELEASE PROGRAM ACCOUNTS:**

**3.1 Outstanding Medical Bills and Initial Loans:** Prior to closing any account, the available funds will be used to pay any outstanding medical bills and initial program loan obligations of the inmate incurred while in the program. Per the work program policy/procedure and agreement, inmates are required to pay all fees and deductions from all wages earned while in the work release program. Center personnel will ensure that outstanding payroll earnings are immediately picked up by the designated staff and deposited to the account.

**3.2 Removal From Work Release Program and Transfer From Pre-Release Center:** Inmates removed from the work release program and center who will not be returned to the program will have funds in excess of the mandatory savings and all outstanding obligations transferred to their Cooper Trust Fund account.

**3.3 Release:** On their day of release from SCDC custody, inmates will receive a check for their account balance.

**3.4 Parole, Probation, or Other Community Supervision Early Release Programs Under Operation of the S.C. Department Of Probation, Parole and Pardon Services (SCDPPS):** Inmates released under these programs will receive (1) any available funds in excess of the mandatory savings and (2) the first \$200 of mandatory savings. All mandatory savings in excess of the \$200 received by the inmate will be sent to SCDPPS.

**NOTE: Labor Crew Rollback From Work Release Program:** Inmates who are removed from the work release employment program, but who remain in the labor crew program, will still have their funds retained in the work release program account. Inmates may have their available funds (funds in excess of mandatory savings) transferred to their Cooper Trust Fund account at rate of \$20 per week, provided that all outstanding medical obligations have been paid.

#### **4. RECEIPTS AND DEPOSITS:**

**4.1** When a program inmate's check is submitted, the center employee accepting the monies will issue an original pre-numbered receipt to the inmate immediately. The center accounting technician will not be involved in the receipting process. All checks will be stamped "For Deposit Only to Community Services" on the reverse side. The copy will remain in the receipt book and the monies will be submitted to the employee responsible for work center accounts. Receipt books may be obtained from the *Division of Finance*.

**4.2** Each center will deposit inmate funds to the consolidated Community Services bank account at least weekly. A carbon copy of the bank validated deposit slip will be submitted to the Division of Finance no later than Monday of each week for the previous week's receipts.

**4.3** All monies collected at the center will be placed daily in an officially designated and secure location. (4-ACRS-7D-21)

#### **5. DEFINITIONS: NONE**

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**s/ Robert E. Ward, Acting Director**

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