

# **State of Iowa Department of Corrections**

## **Policy and Procedures**

Policy Number: OP-WI-01

Applicability: IDOC

Policy Code: Public Access

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Chapter 5: OFFENDER PROGRAMS

Sub Chapter: WORK & CORRECTIONAL INDUSTRIES

Related DOC Policies: N/A

Administrative Code Reference: 201-37.5, 201-37.6

Subject: INCARCERATED INDIVIDUAL WORK PROGRAMS

PREA Standards: N/A

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Authority:

### **1. PURPOSE**

To govern work programs for the Iowa Department of Corrections (IDOC), that complies with federal, state and local regulations.

### **2. POLICY**

It is the policy of the Iowa Department of Corrections (IDOC) to provide incarcerated individuals the opportunity to work productively consistent with their security and supervision requirements and the needs of the facility and community.

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### **3. DEFINITIONS See Policy AD-GA-16 for Definitions.**

## **4. PROCEDURES**

### **A. Incarcerated Individual Work Coordination**

1. The Classification Committee/Treatment Team shall determine incarcerated individual eligibility for work. Security and program determinations necessary for any individual to be eligible for Industries work are made by the Classification Committee.
2. The Warden shall designate a person to coordinate all work activities consistent with legislative directive.
3. The incarcerated individual labor needs for Iowa Prison Industries (IPI) and Farm work programs shall be coordinated with the institution by IPI staff. Prison Industry supervisors shall interview from a pool of incarcerated individuals provided by the institution, select those desired incarcerated individuals for work in the industry program and submit those names to the Classification Committee/Treatment Team for hire.
4. Private Sector work shall be coordinated by the Deputy Director for IPI.
5. The Warden shall seek out possible outside work opportunities and explore methods of implementation.
6. All incarcerated individual employment shall be reported via the monthly work report contained in the public folder.

### **B. Work Conditions**

1. To the degree possible, every eligible incarcerated individual shall be assigned to meaningful work assignments consistent with their ability, interest, medical status, custody status and the needs of the facility. These assignments are intended to afford incarcerated individuals the opportunity to learn work skills and develop good work habits and attitudes that will be beneficial to their occupational needs upon release.
2. The facility workplace shall approximate that of the community as to variety, general work conditions, and hours. Incarcerated individuals

shall not be assigned to "make-work" projects. The number of incarcerated individuals assigned shall be appropriate to the realistic workload of the job.

3. The Warden or designee may approve the outside assignment of properly classified, lower risk incarcerated individuals for specified, supervised work assignments.
4. Incarcerated individuals normally shall not be placed in assignments that require them to work more than 48 hours per week plus travel time. Work assignments in excess of this limitation must be approved, in writing, by the Warden.
5. Although lead workers may be appointed, incarcerated individuals shall not supervise other incarcerated individuals in any project or work assignment.
6. Incarcerated individuals shall receive training in work duties, procedures and safety issues prior to beginning assigned work functions. Training records shall be maintained by respective work supervisors/sites.
7. Work supervisors shall ensure that all work performed by incarcerated individuals meets the quality and quantity expectations set by the work supervisor.
8. Incarcerated individuals normally shall not be placed in work assignments where they may be in direct contact with minors.

#### **C. Allowances and Work Assignment Categories:**

1. Institutions shall provide hygiene and postage items to those incarcerated individuals with no resources.
2. All work allowances are hourly and actual hours worked. However, a daily stipend may be formulated, if an institution determines this to be a more efficient means of administering the pay process. In cases where a daily stipend is utilized, the total pay for that day will accurately reflect hours worked and shall not exceed pay range criteria as outlined by policy.
3. When assigned full-time to the HiSET education program in lieu of a work assignment, incarcerated individuals shall receive a wage consistent with facility procedures on work/pay scales. Payment of a daily wage must be contingent upon the incarcerated individual having

appropriately participated in assigned class activities for that day. Wages and financial incentives for participation in other core programming may be offered, if approved by the Deputy Director of Institution Operations.

4. Each Warden or designee shall develop procedures within the provisions of this policy and allowance rates, which provide allowances for actual work performed. These procedures shall strive to simulate the normal workday in the community in respect to hours of work, break periods, work expectations, and responsibilities.
5. Incarcerated individuals shall not receive a work allowance for time away from work for sickness, personal business, or disciplinary action.
6. All incarcerated individuals are required to work as assigned.
7. IPI, including Prison Farms, is responsible for allowances of all incarcerated individuals under their work supervision.
8. Allowances may be granted for work assignments, consistent with federal, state, local guidelines. Allowances should be consistent throughout the IDOC.
9. The following allowance rates are effective July 1, 2020. Each institution shall develop a plan to implement these rates.
  - a. Range A through D Base Allowance - Institution and Community Service work assignments:

Allowance Range	Step 1	Step 2	Step 3
A	.28	.34	.38
B	.39	.44	.48
C	.49	.54	.59
D	.61	.67	.71

Range A - Entry level work assignments.

Range B - Work assignments which require some degree of skill and/or trust.

Range C - Work assignments which require a higher degree of skill and/or trust.

Range D - Work assignments for ADLA (Activities of Daily Living Assistant) positions or facility maintenance workers (aka Trouble shooters) who perform after hours repairs without need for direct supervision by a CTL.

- b. Range E through I - IPI work assignments (excludes Homes for Iowa program):

Allowance Range	Step 1	Step 2	Step 3
E	.70	.73	.76
F	.73	.77	.81
G	.75	.82	.89
H	.77	.85	.92
I	.79	.87	.95

- (1.) All new incarcerated individuals starting with IPI will start at Step 1 for the Range assigned to their job. Incarcerated individuals are eligible for step increases every 3 pay periods (or months if paid weekly or bi-monthly), at the beginning of the next full pay period.
- (2.) Incarcerated individuals changing jobs will move to the lowest step in the new range that results in an allowance increase.
- (3.) Incarcerated individuals will be paid for time worked only. There will be no holiday pay or other paid job absences. Unpaid leave may be granted at the manager's discretion.
- (4.) Incarcerated individuals will be eligible for a "longevity allowance" after the 13th allowance period of continuous work. An annual review will be done every year thereafter with an additional longevity increase given up to 15 years. \$0.05 per hour increase each year, up to 15 years (up to \$0.75).
- (5.) In addition to the longevity allowance, incarcerated individuals will be eligible for an increase of \$0.05 per hour on work anniversaries 5, 10, 15, 20, 25, 30 (up to \$0.30). Longevity and anniversary increases will be done at the time of an annual review by shop supervisor. The normal

maximum allowance an incarcerated individual may earn is \$2.00 per hour.

- (6.) Incarcerated individuals working in IPI shops will receive 1.5 times their normal hourly allowance for actual hours worked in excess of 40 during the period of Saturday - Friday.
- (7.) Incarcerated individuals transferring between shops will start at the same range as a new hire in the assigned job. After 6 months, working for IPI report free, incarcerated individuals may request reinstatement of longevity pay. Longevity requests will be reviewed on a case by case basis. Longevity will not be restored for incarcerated individuals not working with IPI in the last 5 years.
- (8.) In addition to hourly allowances, certain incentives may be used by plant managers to motivate or reward desirable behavior and results. Incentives may include monetary bonuses, incarcerated individual luncheons, donuts or pizza, etc. IPI plant managers will inform the local institution when incentives are used.

c. Homes for Iowa program work assignments only:

Allowance Range	Step 1	Step 2	Step 3
HFI	1.50	1.75	2.00

#### **D. IPI and Farm Programs**

- 1. Subject to applicable state and federal laws, the Deputy Director of IPI, in coordination with the Warden, may authorize programs in specific facilities. Such programs shall operate under the authority of the Deputy Director of IPI and the supervision of a factory manager employed by IPI. Industrial programs shall be managed in accordance with generally accepted state accounting practices and shall produce goods and services. Each Industries operating unit has a written quality control procedure that provides for raw material, in process, and final product inspection.
- 2. Industrial programs will be located within a secure perimeter of the institution in order to employ the maximum possible number of

incarcerated individuals. Off-grounds work programs are encouraged where possible. IPI shall provide on-site staff supervision.

3. IPI will ensure the number of incarcerated individuals assigned to Industries operations meet the realistic workload needs of each Industries operating unit.
4. Incarcerated individuals using computers as part of an IPI work assignment will be approved to do so by IPI. Computers and software used by incarcerated individuals participating in IPI programs will be provided and approved by IPI IT staff. Computers used by incarcerated individuals participating in IPI programs will be regularly monitored and examined for improper use.

#### **E. Private Sector Industrial Operation**

1. Subject to any other provision of state or federal law, the Deputy Director of Iowa Prison Industries may entertain a proposal by a private sector firm to employ incarcerated individuals in commercial employment. All such proposals shall be reviewed by the Deputy Director of IPI, the Warden, the Deputy Director of Institution Operations and to the IDOC Director for final approval.
2. Private sector employers shall agree to, and shall provide training and equipment appropriate to the work setting. Private sector employers shall maintain records of training.
3. Each Off Grounds Employer is required to provide information/training in the companies Emergency Action Plan, along with safety training for their company's lock-out/tag-out program, Hazardous Communication Program and equipment safety and operation. Each incarcerated individual worker shall sign off on **OP-WI-01 F-2, Off Ground Employers Responsibilities**.
4. Incarcerated individuals in private sector jobs are paid a prevailing wage, of which they retain 20% of the per hour wage. The balance is to satisfy taxes, restitution, victim compensation, family and child support, room and board and any other court ordered deductions. Incarcerated individuals who deviate from the Private Sector Agreement shall be dismissed from their jobs and referred to the Attorney General. Private Sector wages are governed by Workforce Development and Federal Guidelines.

5. Incarcerated men or women in the Private Sector program must complete and sign the Application for Private Sector Work prior to their first day of employment.

## **F. Community Service Work**

Facilities may use incarcerated individuals in public works and community service work programs that otherwise would not be performed. Incarcerated individuals so assigned must be fully qualified for minimum work out and minimum live out custody. Consistent with state law, no incarcerated individual working in the community shall hold a position that otherwise is within the resources of the appropriate governmental entity to fill with a civilian worker.

1. Any institution incurred incarcerated individual support costs, transportation costs, or costs staff for incarcerated individual supervision shall be reimbursed at the rates specified in a 28E agreement signed by the institution and the agency, see **Form 1** – “*Chapter 28E Agreement – Template*”, attached.
2. The institution may exempt the community agency from reimbursement if approved by the Warden and the Deputy Director of Institution Operations.
3. Once all State and Federal laws have been satisfied, any revenue generated by community service work programs shall be used by the institution to fund additional treatment programs.
4. Agencies which supervise incarcerated individuals shall agree to, and provide, training and equipment appropriate to the work setting. Agencies shall maintain records of incarcerated individual training.
5. Agencies providing incarcerated individual supervision shall be trained in incarcerated individual rules, institution reporting requirements and institution expectations.

## **G. Safety Issues**

1. All work programs shall be operated in accordance with applicable federal, state, and local health and safety standards.
2. Community Service Agencies/Outside Agencies shall provide training and equipment appropriate to the work setting. The Agencies shall maintain records of training.

3. Documentation of training specific to the incarcerated individual's assignment will be forwarded to the institutional Safety Officer by employers. The institutional Safety Officer will inspect documentation of training for incarcerated individual workers that was conducted by employers on the safe operation of any equipment, following the manufacturers' instructions and recommendations.
4. The IDOC may remove and withhold incarcerated individuals from any work program, including private sector employment and community service work programs if unsafe working conditions or practices are discovered. Incarcerated individuals shall not be permitted to return to that program until the unsafe condition or practice has been eliminated.

#### **H. Incarcerated Individuals with Disabilities**

1. Despite the fact that work opportunities in facilities are limited, work programs shall accommodate incarcerated individuals with disabilities to the degree practical.
2. Reasonable efforts will be made to utilize incarcerated individuals with disabilities in the work program when such individuals can be safely assigned to specific work assignments.
3. Work supervisors, in coordination with medical staff, shall make reasonable efforts to provide a work assignment for incarcerated individuals whose work potential is restricted by physical or mental limitations.

#### **I. Departmental Annual Reviews**

All agencies, departments, legislative leaders, Governors' Office and the Justice Appropriations Committee shall receive an annual update, by prison location, on the work activity that occurred the previous year. The Work Activity Report shall be reported on a calendar year basis.