

1.5.A.2 Prison Industry Enhancement Certification Program

I Policy Index:



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Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) may allow private industry to establish joint ventures with the DOC to produce goods using inmate labor, in accordance with the Prison Industry Enhancement Certification Program (PIECP). The private sector shall be eligible to be involved in the production and sale of inmate-made goods on the open market. The DOC may establish new industries beyond the use and purpose of furnishing goods, products and services to the federal government, state governments and their political subdivisions (See SDCL § 24-7-3).

III Definitions:

None

IV Procedures:

1. Voluntary Participation:

- A. Inmate participation in PIECP shall be voluntary in accordance with SDCL § 24-7-3(5).
- B. PICEP offers inmates the chance to work in a realistic work environment, receive a prevailing local wage for work and enable them to acquire marketable skill to increase their potential for successful rehabilitation and meaningful employment upon release.
- C. Prior to participating in PIECP employment, each inmate must sign the PIECP Agreement section on the [Inmate Financial Worksheet](#), wherein they acknowledge voluntary participation in the program (See [Attachment 1](#)).
 1. The inmate's signature on the [Inmate Financial Worksheet](#) is an agreement to specific deductions from gross wages and other financial obligations (See [Attachment 1](#)).
 2. A staff member must witness the inmate's signature.
- D. No inmate has any implied right or expectation to work in any particular job or program (See SDCL § 24-2-27).
- E. Inmates who are designated "high risk" for institutional job assignment purposes may

not be assigned to any job within a Pheasantland Industries shop. Questions regarding whether an inmate is designated "high risk" shall be directed to the inmate's unit staff.

2. Inmate Benefits and Eligibility:

- A. The DOC shall require some form of workman's compensation for inmate workers employed in Private Sector Prison Industries, pursuant to SDCL § 24-7-3 (4). Inmates may receive workman's compensation benefits comparable to those made available by the state or federal government to similarly situated private-sector employees.
- B. No qualified inmate with a disability shall be discriminated against from participation in prison industries employment. PIECP shall make reasonable accommodation to the known disability of qualified inmate applicants, consistent with the Americans With Disabilities Act (ADA).
- C. The inmate must be qualified to perform the essential functions of the job with or without a reasonable accommodation. The private industry employer retains the right to hire the best qualified applicant for the job.

3. Inmate Identification:

- A. The private sector employer shall verify each inmate has a valid Social Security number prior to assigning the inmate a job (See DOC policy 1.1.A.7 *Offender Identification Procedures*).

4. Inmate Wages:

- A. Wages paid to inmates will not be less than that paid for work of similar nature in the locality in which the work is performed, in accordance with SDCL § 24-7-3 (3). In the absence of similar work, inmate wages may not be less than state or federal minimum wage, whichever is greater.
- B. Wage deductions (a-d are allowed by PIECP certification):
 1. All inmates participating PIECP will have deductions made to their gross wages for:
 - a. Federal, state and local taxes.
 - b. Reasonable charges for room and board.
 - c. Support of the inmate's family pursuant to state statute, court order, or agreement by the inmate.
 - d. Contribution to the South Dakota Victims Compensation Fund as administered by the State of South Dakota (See SDCL §§ 23A-28B and 24-7-3 (1)). This amount will be equal to at least 5% but not greater than 20% of the inmate's gross wages (this is a requirement of PIECP certification). The total deductions from the inmate's wages shall not exceed 80 percent of gross wages (this is a requirement of PIECP certification).
 2. Inmates cannot request extra money withheld from their paychecks if their net paycheck after required deductions or obligations are withheld is insufficient to cover the deduction, nor can an inmate have extra money withheld from their wages to avoid paying required deductions or obligations.
 3. Inmate obligations will be deducted from the inmate's earned wage consistent with DOC Policy 1.1.B.2 *Inmate Accounts and Financial Responsibility*.

5. Consultation Requirements:

- A. The DOC and private industry shall consult with representatives of local labor organizations and local businesses/private industry prior to the use of inmate workers in the production of goods for sale in interstate commerce or to the federal government (See SDCL § 24-7-3 (2) (PIECP certification requirement).
- B. The DOC and private industry shall document that the use of inmate workers in the production of goods for sale in interstate commerce or to the federal government through PIECP will not result in the displacement of employed workers; be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality; or significantly impair existing contracts.

6. Objectives and Program Benefits:

- A. PIECP has two primary objectives:
 1. Generate products and services that enable inmates to make a contribution to society, help offset the cost of their incarceration, provide some compensation to crime victims, and help support their families.
 2. Reduce prison idleness, increase inmate job skills and improve the prospects for successful inmate transition to the community upon release.
- B. PIECP Benefits:
 1. The program provides a means of partial repayment for harm sustained by victims.
 2. The program offers inmate a chance to work, meet financial obligations, increase job skills, and increase the likelihood, of meaningful employment upon release from incarceration.
 3. The program provides the private sector employer a stable and readily available workforce.
 4. Inmate worker contributions to room and board, family support, victim compensation, and taxes provides a way to reduce the escalating cost of crime on society.

V Related Directives:

SDCL §§ 24-2-27, 24-7-3 (1-6) and 23A-28B.

Federal Bureau of Justice Assistance-

Justice System Improvement Act of 1979 (Public Law 96-157)

Justice Assistance Act of 1984 (Public Law 98-473)

Crime Control Act of 1990 (Public Law 101-647)

DOC policy 1.1.A.7-- [Offender Identification Procedures](#)

DOC policy 1.1.B.2 – [Inmate Accounts and Financial Responsibility](#)

VI Revision Log:

December 2004: Revised the policy statement. **Reworded** information in the section on Voluntary Participation. **Updated** attachments 1 and 2.

November 2005: Changed signature block.

January 2007: **Combined** the Inmate Financial Worksheet with the Voluntary Agreement of Participation. **Added** a statement that extra payroll deductions are not permitted. **Added** a requirement for providing a copy of the inmate/workers Social Security Card.

January 2008: **Revised** the language on an inmate having extra money withheld from their paycheck.

December 2008: **Revised** formatting of policy and attachment in accordance with DOC policy 1.1.A.2. **Revised** Attachment 1 to include reference to this policy. **Revised** other minor grammatical changes throughout policy.

December 2009: **Deleted** ss (A2 of Voluntary Participation) referencing participation in the PS/PIE certification requires a copy of an inmate's social security card. **Added** hyperlinks.

December 2010: **No Changes**

March 2012: **Added** D. & E. & F. to Section 1. **Added** new Section 2 "Identification Documents" and **Renumbered** previous Section 2 to Section 3.

December 2013: **Reviewed** with no changes.

December 2014: **Reviewed** with no changes.

December 2015: **Reviewed** with no changes

December 2016: **Changed** title from Private Sector Prison Industry to Prison Industry Enhancement Program. **Revised** language in the policy statement. Revised language in Section 1 B. consistent with PIECP certification language. **Added** new B. to Section 1. **Added** new Section 2. **Added** Section 5 and 6.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

01/07/2017

Date

Attachment 1: Inmate Financial Worksheet

The *Inmate Financial Worksheet* form is located on the state's WAN.

A copy may be printed using *Microsoft Word 97* as follows:

1. Click [here](#) to access the *Inmate Financial Worksheet* by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Inmate Financial Worksheet**.

The gray areas indicate the information that is to be entered.