

## 1.5.A Inmate Pay

### I Policy Index:



**Date Signed:** 02/06/2016  
**Distribution:** Public  
**Replaces Policy:** 5A.2  
**Supersedes Policy Dated:** 02/02/2015  
**Affected Units:** Adult Institutions  
**Effective Date:** 02/10/2016  
**Scheduled Revision Date:** December 2016  
**Revision Number:** 14  
**Office of Primary Responsibility:** DOC Administration

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### II Policy:

Inmates may be compensated for work performed under the provisions of SDCL § 24-4-7, as authorized by the Warden, pursuant to SDCL § 24-4-9. Inmates may be required to work without compensation as a condition of confinement, pursuant to SDCL § 24-2-30.

### III Definitions:

None

### IV Procedure:

#### 1. Applicability of Inmate Pay Policy:

- A. Inmate wages for work in institutional support, community service and traditional prison industries are governed by this policy (See DOC policies 1.5.A.4 [Prison Industries](#) and 1.5.A.6 [Community Service Program](#)).
- B. This policy does not apply to inmate wages in Private Sector Prison Industries, fire-fighting assignments, work release or wages earned by an offender through a private employer when placed in the Community Transition Program (See DOC policies 1.5.A.2 [Private Sector Prison Industries Employment](#), 1.5.A.5 [Work Release](#) and 1.5.G.2 [Community Transition Program](#)).
- C. No inmate under the jurisdiction of the Department of Corrections (DOC) has an implied right or expectation to work in any particular job or capacity. The Warden or his/her designee shall have final authority to determine an inmate's eligibility for employment or work assignments.

#### 2. Inmate Wages:

- A. The inmate wage for employment in institutional support, community service or traditional prison industries is twenty-five (.25) cents per hour, pursuant to SDCL § 24-7-6. This does not preclude staff from assigning inmates to duties without pay (See SDCL § 24-2-30).

1. Inmates may be deducted pay or required to work without compensation due to tardiness, absences, unsatisfactory work performance or as a disciplinary sanction (See SDCL § 24-2-9 and 24-15A-4).
  2. Inmates will be paid only for the actual time worked.
  3. Inmates will not receive paid vacation, holiday or sick leave (See SDCL § 3-6C-3, 3-6C-5 & 3-6C-7).
  4. Inmates are not entitled to reimbursement for lost wages, regardless of the reason they were not able to work.
  5. Inmate wages are subject to the procedures established in DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility*.
- B. Inmates assigned a job as of 12/5/2001 who had a wage of more than twenty-five (.25) cents per hour, may retain that wage under the following conditions:
1. They remain continuously employed in the job they were holding as of 12/5/2001.
    - a. If the inmate loses his/her job due to disciplinary action, his/her pay for subsequent employment in an institutional support, community service or traditional prison industry job will not exceed .25 cents per hour.
    - b. Temporary lay-offs due to lack of work are not considered a break in continuous employment.
  2. If an inmate refuses to transfer to another housing unit, the inmate will lose his/her current jobs regardless of his/her transfer status. The inmate's pay for any subsequent employment in institutional support, community service or traditional prison industries will not exceed .25 cents per hour.
- C. Inmates assigned to Wildland Fire shall receive a wage of thirty-eight (.38) cents per hour.

### **3. Inmate Identification:**

- A. All inmates must have a valid Social Security (SS) number to be paid wages (See DOC policy 1.1.A.7 *Offender Identification Procedures*).
- B. If an inmate reports he/she does not have a SS number, or their SS is determined to be invalid, the inmate will not be allowed to be assigned a wage-paying job until they have proof of a valid SS number (extra duty hours and jobs assigned in accordance with SDCL § 24-2-30 are exempt from this requirement).
- C. Inmates sentenced under an alias but possessing identification documentation matching their legal name with their SS number may be assigned a job and paid a wage.
- D. The DOC is required to submit an annual report containing the names and SS numbers of all inmates who have earned wages for IRS (form 1099) purposes to the Bureau of Finance and Management. If an inmate's name does not match the SSA's record associated with the SS number submitted for the inmate, the inmate will not be allowed to be assigned a job and paid a wage until the inmate's legal name can be matched to a valid SS number.

## V Related Directives:

SDCL §§ [3-6C-3](#), [3-6C-5](#), [3-6C-7](#), [24-2-9](#), [24-2-30](#), [24-4-7](#), [24-4-9](#), [24-7-6](#) and [24-15A-4](#).

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

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

DOC policy 1.5.A.2 – [Private Sector Prison Industries Employment](#)

DOC policy 1.5.A.4 – [Prison Industries](#)

DOC policy 1.5.A.5 – [Work Release](#)

DOC policy 1.5.A.6 – [Community Transition Program](#)

## VI Revision Log:

**November 2002:** Outline changes due to reformatting. **Revised** D. under Inmate Wages to reflect effective date of those making more than 25 cents per hour.

**June 2003:** **Added** note that inmates are not entitled to reimbursement for lost wages. **Clarified** reemployment wages will not exceed 25 cents per hour in institutional support, community service or traditional prison industry jobs.

**November 2004:** **Revised** the policy statement. **Added** a section on applicability. **Added** reference to SDCL § 24-2-9, 24-4-7, 24-4-9 and 24-15A-4. **Added** reference to DOC policies 1.1.B.2 and 1.5.A.6. **Deleted** reference to SDCL § 24-4-7.

**November 2005:** **Added** language stating an inmate does not have a right to any particular job and an inmate is subject to a job transfer at the Warden or Secretary of Corrections' discretion.

**January 2007:** **Revised** the policy statement.

**January 2008:** **Added** a reference to DOC policy 1.5.A.4. Minor style/format changes.

**December 2008:** **Revised** formatting of policy in accordance with DOC policy 1.1.A.2.

**December 2009:** **Added** hyperlinks.

**December 2010:** **Reviewed** with no changes

**March 2012:** **Added** Section 3 to policy.

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

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

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

**December 2015:** **Added** "or work assignments" in Section 1 C. **Added** C. to Section 2.

*Denny Kaemingk (original signature on file)*

Denny Kaemingk, Secretary of Corrections

02/06/2016

Date