

1.5.A.5 Work Release

I Policy Index:



Date Signed: 03/07/2013
Distribution: Public
Replaces Policy: 4G.6
Supersedes Policy Dated: 08/21/2012
Affected Units: Adult Institutions
Effective Date: 03/11/2013
Scheduled Revision Date: December 2013
Revision Number: 13
Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) may maintain a work release program to allow authorized inmates the opportunity to be competitively employed in the community.

III Definitions:

Work Release Program:

A program that allows approved inmates to be competitively employed in the community pursuant to SDCL § 24-8-1.

Minimal Non-Direct Supervision:

Periodic checks on the inmate, most activities independent of supervisor direction and observation.

Violent Offenders:

Inmates serving a sentence on their current admission for a conviction of a crime of violence as defined in the inmate classification policy (See DOC policy 1.4.B.2 *Male Inmate Classification* 1.4.B.14 *Female Inmate Classification* and SDCL § 24-15A-32).

Old System:

Inmate sentenced to prison as a result of an offense committed prior to July 1, 1996.

New System:

Inmate sentenced to prison as a result of an offense committed on or after July 1, 1996.

Mixed:

Inmates who violate parole or a suspended sentence with an additional conviction and sentence to prison with at least one of their prison sentences as a new system offense. These inmates may have multiple parole dates.

Sex Offender:

For the purposes of this policy, For the purposes of this policy, a sex offender is any adult offender convicted or adjudicated of a sex crime as listed in SDCL § 22-24B-1 regardless of the offense date or date of conviction, an offender serving a current prison term as a condition of a suspended imposition of

sentence for the commission of a sex crime and an unconvicted sex offender pursuant to DOC policy 1.4.B.9 [Unconvicted Sex Offender Review](#).

Vehicle:

For the purposes of this policy, a vehicle includes motor vehicles (automobiles, motor trucks, and all vehicles propelled by power other than muscle power), off-road vehicles (self-propelled, two or more wheeled vehicles designed primarily to be operated on land other than a highway and includes, but is not limited to, all terrain vehicles, golf carts/"mules" and vehicles whose manufacturer's statement of origin {MSO} or manufacturer's certificate of origin {MCO} states that the vehicle is not for highway use), road tractors (any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn) and farm vehicles (field tractors and other farm machinery). This definition specifically excludes riding lawn mowers, self-propelled lawn mowers, and "push -type" lawn mowers.

Senior Security Officer:

The Deputy Warden at the South Dakota State Penitentiary, the Deputy Warden at the Mike Durfee State Prison, the Associate Warden at the South Dakota Women's Prison and the Director of Security. The senior security officer is responsible for the same duties at ancillary units that fall within the supervision of their main facility.

Unit Staff Member:

For the purposes of this policy, a unit staff member is the unit manager, case manager and unit coordinator on a particular unit.

IV Procedures:**1. Inmate Eligibility for the Work Release Program:**

- A. Inmates applying for work release must be classified to minimum (MN) custody status (See DOC policy 1.4.B.2 [Male Inmate Classification](#) and DOC policy 1.4.B.14 [Female Inmate Classification](#)).
 1. Inmates classified to MN custody through use of "exceptional" actual risk behavior are not eligible for work release.
- B. Inmates who are sex offenders will not participate in the Work Release program.
- C. Inmates with an official active felony warrant(s), pending charges, pending sentencing documents for additional felony convictions or holds/detainers noted on the warrants check in the inmate's legal and the Holds / Warrants / Detainers Module in COMS are not eligible to participate in the Work Release Program.
 - a. Includes holds issued by the Immigration and Naturalization Service (INS).
 - b. Designated staff will conduct an updated warrants search at the time which an inmate's work release application is being reviewed or when the inmate is being considered for placement in the work release program.
 - c. Questions concerning possible felony charges, holds, detainers, etc. will be referred to DOC Central Records staff.
- D. Inmates will serve thirty (30) consecutive days at a minimum custody DOC facility prior to work release placement. This requirement may be waived by the Warden or Community Service Director.

- E. Inmates must meet one (1) of the following standards to be eligible for the work release:
1. Inmates with no prior felonies who are serving an old system sentence for a non-violent crime are eligible for work release placement when they are within twelve (12) months of their parole eligibility date.
 2. Inmates with multiple felonies who are serving an old system sentence for a non-violent crime are eligible for work release placement when they have reached their parole eligibility date.
 3. Inmates serving a new system sentence for a non-violent crime and who are in overall substantive compliance with their IPD are eligible for work release placement when within twelve (12) months of their initial parole date. Inmates rated “Non-Compliant” on any element of their IPD are not eligible for work release (See DOC policy 1.4.B.1 [Individual Program Directives \(IPD\)](#)).
 4. Inmates who waive their parole appearance or request “**no action**” are eligible for work release when they are within (12) months of their flat date.
 - a. If an inmate has the “**no action**” clause removed, they will be eligible for work release when they are within (12) months of the established parole date.
- F. Inmates serving a sentence for burglary 2nd or inmates serving a sentence for a violent crime or accessory to a violent crime on their current admission are not eligible for work release (See [Crime Codes and Classification](#)).
- G. Inmates sentenced to prison under a suspended execution of sentence (SES) or suspended imposition of sentence (SIS) may participate in work release if approved by the Warden or the Community Service Director.
- H. Inmates who are parole or suspended sentence violators are ineligible for work release placement for four (4) months from the date of their return to the penitentiary system, or a minimum of sixty (60) days from the completion of the inmate’s revocation hearing, whichever date is further into the future.
- I. Inmates who are contractual placement work release or community placement violators are ineligible for work release placement for four (4) months from their return to the penitentiary system.
- J. Inmates who are institutional work release, institutional support or community service violators are ineligible for work release placement for four (4) months from the date of their removal from the program.
- K. Inmates who were unable to obtain employment during their approved job search period may be ineligible for work release placement for four (4) months from the end of the job search period (See section on Work Release Placement Proceedings).
- L. Inmates who are past their initial parole date due to non-compliance or a suspended sentence or parole violation are eligible for work release provided they are within twelve (12) months of their next discretionary parole date at the time of application or their flat date and the following do not apply:
1. The inmate has been found guilty of committing the following rule infractions (See [Inmate Living Guide](#)):
 - a. H-1
 - b. H-2
 - c. H-3

- d. H-7
 - e. H-8
2. The inmate has received more than nine (9) disciplinary points (9.1 points or greater) per year average or more than .75 disciplinary points per month average (See pg. 16 of DOC policy 1.4.B.1 *Individual Program Directives (IPD)*) during their most recent admission.
- Example: If the inmate was first admitted as a new court commitment on 01/01/10; was released on parole on 03/01/10, admitted as a parole violator on 05/01/10; released on parole again on 07/01/10 and admitted as a parole violator again on 09/01/10, their most recent admission is the admission starting 09/01/10.
3. The inmate has refused programming or been removed from recommended Chemical Dependency or Education programming which they were assessed as needing based upon their most recent admission assessment (See pg. 7 of DOC Policy 1.4.A.2 *Inmate Admission*)
4. The Parole Board revoked the inmate's parole or suspended sentence in accordance with SDCL § 24-15A-28 for violating condition 1 (only applies if weapons were involved or assaultive behavior), or condition 4 (weapons) or condition 14 (assaultive behavior) of the supervision agreement while serving their current admission (See Parole OM 7.4.G.3 *Initial Interview, Supervision Agreement and Suspended Sentence Supervision Agreement*).
- Example: If the inmate was released on parole on 03/01/10, admitted as a parole violator on 05/01/10; released on parole again on 07/01/10 and admitted as a parole violator again on 09/01/10, their current admission is the admission starting 09/01/10.
- M. Inmates are ineligible for work release if they have had a major disciplinary action in the last four (4) months (See DOC policy 1.3.C.2 *Inmate Discipline System*). Eligibility starts four (4) months from the completion of the major disciplinary sanction.
- N. Inmates are ineligible for work release if they have committed five (5) minor rule violations in a three (3) month period (See DOC policy 1.3.C.2 *Inmate Discipline System*).
- O. Work release eligibility for inmates with multiple parole dates, as defined under the definition of "mixed", must meet one of the following:
- 1. Inmates serving mixed concurrent sentences must meet the eligibility requirements for each parole date.
 - 2. Inmates serving mixed consecutive sentences must be paroled on sentence(s) that have discretionary dates or reached their term expires date and then meet the eligibility requirements on the consecutive sentence(s) to be eligible for work release.
- P. Inmates who have a medical/mental health hold must be approved by Health Services/Mental Health Services before participating in the work release program (See DOC policy 1.4.B.2 *Male Inmate Classification* and DOC policy 1.4.B.14 *Female Inmate Classification*).
- Q. Inmates are ineligible for work release placement at a **contractual** facility if they have less than sixty (60) days to serve prior to their scheduled release date.
- 1. An exception may be granted to female inmates participating in the Intensive Meth Treatment (IMT) program.
 - 2. "Contractual" facility includes but is not limited to CABH, the Glory House, MCC.

2. Application and Approval Process for Work Release:

- A. Inmates applying for the Work Release Program may initiate the work release application process up to thirty (30) days prior to their work release eligibility placement date and submit a [Work Release Application](#) form (See [Attachment 1](#)) to their case manager, who will review the application for eligibility and recommended action.
 - 1. Before an inmate's [Work Release Application](#) can be approved by the case manager, a warrants check will be completed by designated DOC staff. Inmates with an active warrant(s), pending charges, pending sentencing documents for additional felony convictions, holds or detainers are not eligible for placement in the Work Release Program.
 - a. An active felony warrant is defined as a felony charge which an inmate has not yet been sentenced and the jurisdiction which issued the warrant plans to take custody of the inmate.
- B. In the event the case manager determines an inmate is not eligible to participate in the Work Release program as set forth in the "Inmate Eligibility" section contained within this policy, the case manager will notify the inmate of the reason(s) they are ineligible.
- C. If the inmate recommended for work release approval is a parole or suspended sentence violator on their current admission, the unit manager or case manager will submit the [Work Release Application](#), and the Parole or Suspended Sentence Violation Reports (including all reports on the current admission) to the appropriate Deputy/Associate Warden or designated staff member for review.
- D. [Work Release Applications](#) will be returned to the case manager, who will verbally notify the inmate of the decision.
- E. The unit manager or case manager will ensure that inmates who are approved for work release or removed from the Work Release Program have their names submitted to the Classification and Transfer office for notification purposes. (See DOC Policy 1.1.E.4 [Release Notification Requests](#)).
 - a. Records staff will immediately notify the unit manager/case manager if a response is received regarding an inmate who has been approved for work release.
- F. A copy of all approved [Work Release Applications](#) will be sent to the Community Service Director for statistical purposes.

3. Work Release Placement Proceedings:

- A. A unit staff member will begin work release placement proceedings for inmates approved to participate in the Work Release Program when a slot is available.
- B. Each inmate approved for work release will be assigned a unit staff member.
 - 1. Inmates approved for work release will be placed on job search for a minimum of two (2) weeks. If an inmate is unable to obtain employment during the two (2) week period, the unit manager may grant an extension for a period to be determined by the unit manager. An inmate who is removed from job search may be allowed employment if a previously submitted job application results in a job offer and the inmate is still work release eligible.
 - a. Inmates housed at contract facilities are allowed a minimum of two (2) weeks on job search.

- b. Inmates who are unable to obtain employment during the job search period may be ineligible for work release placement for four (4) months following their removal from job search.
 - c. Inmates who are work release eligible and releasing to the Community Transition Program (CTP), or who are paroling locally (as determined by the unit manager) and are currently on job search but have not secured employment, may be allowed to continue on job search if they are within sixty (60) days of release.
 2. A unit staff member will be the initial contact person for the work release employer.
 3. DOC staff may review DOC records to ensure the potential employer of the work release inmate has not previously been incarcerated in the DOC.
 - a. It is recommended inmate records be checked on sole or small business proprietors. Corporate employers or business enterprises with a Human Resources Department do not require an inmate records check. Unit staff or the senior security officer may request an inmate records check on any employer or supervisor.
 - b. Designated unit staff may complete this potential employer check for inmates placed on work release who are housed in a DOC minimum facility.
 - c. Contract facility staff may contact their DOC facility contact person to verify if a potential employer has a DOC record.
 - d. In the event the facility is unable to complete this check, DOC staff may seek assistance from the Community Service Director.
 4. Work release inmates of opposite genders will not knowingly work at the same work release location without prior approval of the respective Warden or Community Service Director.
- C. During the initial meeting with the employer, a unit staff member will review the [Work Release Rules and Regulations](#) and [Work Release Information for Employers](#) with the employer (See [Attachment 2](#) and [Attachment 4](#)).
1. The inmate will also be present at this initial meeting, at which time the necessary forms relating to participation in the work release program will be completed.
 2. During this initial meeting, the unit staff member and/or the inmate will inquire about the benefits offered by the employer; i.e. health insurance, retirement accounts, labor union membership, etc.
 3. The initial meeting may take place at the employer's site or at the inmate's housing unit.
- D. An inmate employed in the community on the work release is not an agent, employee, or involuntary servant of the DOC (See SDCL § [24-8-13](#)).
- E. Inmates who do not have sufficient funds in their account to pay for approved work release start-up expenses may be allowed an advance in an amount determined by the unit manager as described in DOC Policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#). This advance will create a credit obligation in the inmate's account.
1. The advance should be kept to a minimum and include only those items necessary to begin employment.

- a. The advance may be issued each time an inmate is placed on work release status, provided any previous advance issued to the inmate has been reimbursed to the DOC.
2. The advance must be approved in full by unit staff (no partial advances).
3. Work release start-up expenses can include clothing (including footwear and headwear), transportation costs and work supplies as deemed appropriate by designated unit staff.
4. The inmate must pay the advance back to the DOC from his/her work release paycheck.

4. Housing Arrangements for Inmates on Work Release:

- A. Inmates approved for work release will be housed in a DOC minimum custody level unit, a county jail, contract facility or other agency of the state as designated by the Secretary of Corrections (See SDCL §§ [24-8-3](#) and [24-8-4](#)).
- B. Inmates participating in the work release program who are housed at minimum custody level units will be required to pay for their room and board costs at the rate established by the DOC (See SDCL § [24-8-11](#) and DOC Policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#)).
 1. Inmates on work release who have fully paid all disbursement obligations and whose minimum savings and frozen account balances have been met may be charged a work release supplemental charge of ten dollars (\$10.00) per day for room and board (See DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#)).
- C. The room and board costs for inmates housed at minimum custody level units will not begin to accumulate until the day the inmate has started his/her work release job.
- D. Inmates housed in county jails or contract facilities may be required to pay room and board at the rate set by the board of county commissioners not to exceed the average daily prisoner cost of the facility (See SDCL [24-11-32.1](#)). The rate must be approved by the Community Service Director.
- E. The room and board costs for inmates housed in county jails or contract facility will begin after their first paycheck is received after the day the inmate is transferred to the jail or contract facility.

5. Financial Responsibility for Inmates on Work Release:

- A. Inmates on work release are required to apply a portion of their work release earnings toward any fixed obligations in accordance with DOC policy 1.1.B.2 [Inmate Accounts & Financial Responsibility](#).
- B. Priority of disbursements shall be in the order set forth below, pursuant to SDCL § [24-8-9](#).
 1. The room and board charges of the inmate.
 2. Credit obligations which include travel expenses and other incidental expenses of the inmate related to the work release program.
 3. Support of the inmate's legal dependents.
 4. Payments on restitution.
 5. Payments on fines.

6. Payments of personal debts and obligations upon proper proof and at the discretion of the inmate.
 7. The balance, if any, will be retained in the inmate's institutional account and paid to the inmate upon parole or discharge.
- B. Unit staff is responsible for reviewing each work release inmate's financial obligations and developing an agreement with the inmate for the disposition of their wages (See [Attachment 9](#)).
1. Unit staff may allow a work release inmate to join a labor union. Work release inmates who have disbursement obligations cannot have their union dues payable through a company payroll deduction. Work release inmates who have disbursement obligations may pay the union dues from their net earnings through their spend account.
 2. Work release inmates may participate in a retirement plan if such participation is a condition of employment. This will be confirmed in writing by the employer. The inmate may only contribute the minimum amount required to his or her retirement plan.
 3. Work release inmates may make a charitable donation from their net earnings through their spend account.
- C. Inmates unwilling to make payments toward their financial obligations, as set forth by SDCL § [24-8-9](#), will not be allowed to participate in the Work Release Program.
- D. Work release inmates are responsible for any and all obligations and debts incurred while on work release.

6. Transportation Arrangements for Work Release Inmates:

A. Approved transportation for work release inmates include:

1. Walking.
2. Riding a bicycle.
3. Public transportation.
4. Via the employer, approved work associate or approved community member. The transporter must be of the same gender as the work release inmate they are transporting.
 - a. A criminal background check will be completed by the DOC on all transporters.
 - b. The senior security officer or designee will determine if the transporter's criminal background check is acceptable.
 - c. Transporters who have had their criminal history reviewed by DOC staff, are eighteen (18) years of age or older, possess a valid driver license and automobile insurance and who are the same gender as the inmate, may be approved to transport a work release inmate.
 - d. Any non-DOC staff person who transports an inmate to his/her work release job must complete the [Work Release Transportation Person](#) form (See [Attachment 9](#)).
 - e. Transporters can provide a ride for the inmate but cannot provide a motor vehicle for the inmate to use for traveling to and from work.

- f. Transporters who charge inmates for transportation expenses must be licensed through the South Dakota Department of Revenue.
- 4. Facility/contract staff may transport inmates if sufficient personnel/vehicles are available.
- B. Transportation methods not accepted or approved for work release inmates include:
 - 1. Transports by an inmate's spouse.
 - 2. Transports by a work associate or community member of the opposite gender.
 - 3. Transports by any person not approved by the DOC.
- C. Transportation methods must be approved by the supervising authority.

7. Inmate Operation of a Vehicle While on Work Release:

- A. An inmate must secure advance approval from a unit staff member or authorized contractual personnel if he/she wishes to operate a vehicle for employment purposes while on work release.
- B. An inmate operating a motor vehicle for employment/work purposes must have a valid and proper driver license (See DOC policy 1.5.A.8 [Inmate Operation of Vehicles](#)).
 - 1. An inmate on work release shall voluntarily surrender his/her driver license to the DOC or contractual staff person upon request.
 - 2. Each work release inmate shall have their driver license in their immediate possession at all times when operating a motor vehicle (See SDCL § [32-12-39](#)).
- C. An inmate who wishes to operate a vehicle as part of their employment must have the ability to provide proof of adequate automobile insurance coverage as required by SDCL § [32-35-113](#) or be insurable through the employer's insurance provider (See SDCL § [24-8-9.1](#)).
- D. Inmates will operate vehicles for approved employment related purposes only. Not for personal reasons or for pleasure.

8. General Rules and Conduct for Inmates on Work Release:

- A. Inmates must agree to sign and follow all rules, regulations and agreements that apply to their particular work release situations (See Attachments [1](#), [2](#), [3](#), [4](#), [5](#), [7](#), [9](#), [11](#) and [12](#)) as per Administrative Rule [17:50:01:28](#)).
- B. Employers must agree to sign and follow all rules, regulations and agreements that apply to their employment of a work release inmate(s) (See Attachments [4](#), [5](#) and [8](#)).
- C. Inmates on work release may attend religious activities in the community as described in and in accordance with DOC Policy 1.5.F.3 [Community Religious Activity Guidelines](#).
- D. Inmates participating in the Work Release Program are subject the rules and regulations of the employer, the facility and the DOC. In the case where the employer's rules and regulations directing inmate/employee conduct in the workplace are less restrictive than the DOC [Work Release Rules and Regulations](#) (See [Attachment 2](#)) pertaining to inmate conduct, the DOC rules shall apply.
- E. A urine sample or breath analyzer test may be administered upon a work release inmate at any

time by DOC staff (See DOC policy 1.3.A.8 *Drug Testing, Sanctions and Treatment*).

- F. A work release inmate, their possessions and areas assigned to the inmate at their place of employment (work area, locker, equipment, tool boxes, vehicles, etc.) are subject to search at any time by DOC staff.
- G. Inmates who violate the provisions of this policy or the rules of the Work Release Program may be subject to disciplinary action, termination from the Work Release Program and/or criminal prosecution.
- H. An inmate's access to the community is limited to approved and authorized Work Release Program related purposes only.

9. DOC Staff Responsibilities for the Work Release Program:

- A. Unit staff will verify any extended work hours or changes to the inmate's schedule directly with the employer.
 - 1. Normal working hours for inmates on work release will be between 5:00 AM and 11:30 PM Monday-Sunday.
 - 2. Any change to the inmate's work schedule must be approved by the designated unit staff member.
- B. Work release inmates will normally be back on their unit by 12:00 AM. The appropriate Deputy/Associate Warden or designated staff member must approve any exceptions.
- C. A unit staff member will ensure the employer is contacted if an inmate does not go to work due to illness, or other approved reasons.
- D. During the inmate's second week of employment, the unit manager will ensure telephone contact is completed with the employer.
 - 1. During the third week of employment, the unit manager will ensure a contact visit is completed with the employer.
 - 2. This meeting may include the inmate if he/she is available.
- E. During the remainder of the time the inmate is employed through the Work Release Program with the employer, the unit manager will ensure the inmate's employer is contacted at least once a month by facility staff.
 - 1. Physical spot checks at the inmate's place of employment will be completed by DOC staff as time allows.
 - 2. Unit staff shall contact the employer anytime they become aware an inmate has received a verbal or written reprimand, been placed on a work improvement plan, or received other notice, written or verbal, that adversely affects the inmate's employment.
- F. DOC staff may contact the employer periodically to verify the inmate's presence at the job site.
- G. Casemangers should verify the inmate's earnings by reviewing payroll deposits to the inmate's institutional account at least one (1) time per month.
 - 1. Any lapses in the inmate's regular payroll deposits, a pattern of delayed or irregular payroll

deposits or significant changes in the amount deposited will be reported to the unit manager.

- H. If an inmate's location cannot be verified for a one (1) hour time period, or the inmate fails to return to their housing unit within one (1) hour of their scheduled time of return and they have not received authorization from a unit staff member for a late return, the inmate will be considered and Emergency Response procedures will be initiated (See SDCL § [24-8-6](#)).
 - 1. It is not necessary to wait one (1) hour before initiating Emergency Response steps if it is clear the inmate has walked away or is absent without proper authorization.
 - 2. DOC conducting an on-site visit or an employer who determine or have reason to believe a work release inmate has walked away from their assigned job site/location shall immediately report the walk away/unauthorized absence to the respective DOC control room.
 - 3. Inmate walk aways shall be immediately reported to the Secretary of Corrections and the Community Services Director in accordance with DOC Policy 1.1.A.3 [Reporting Information to DOC Administration](#).
- I. The unit manager will ensure employment/employer contacts are documented and maintained on file (See [Citrix Inmate Records Database – Work Release](#)).
- J. The Community Service Director will be notified immediately whenever an inmate is removed from the Work Release Program.

10. Inmate Compensation for Work Release Employment:

- A. Work release inmates will be paid wages that meet or exceed federal and state minimum wage requirements.
 - 1. Inmates are not to be used as a cut-rate labor force.
 - 2. The earnings of inmates are not subject to garnishment, attachment, or execution, either through the employer or an agent authorized to hold or transmit such funds (See SDCL § [24-8-10](#)).
- B. Work release inmates must sign the [Work Release Assignment of Check](#) form (See [Attachment 3](#)) and a revised [Inmate Financial Worksheet](#) (See [Attachment 9](#)).
- C. Paychecks will be made payable to the inmate and mailed to the DOC Administrative Office (See SDCL § [24-8-8](#)). Inmates on work release from the Community Alternatives of the Black Hills (CABH) will have their paychecks sent to CABH.
 - 1. Each pay stub must include the hours worked, gross wage, net wage, FICA and withholding tax.
 - 2. At no time will work release inmate receive a paycheck/bonus directly from the employer or receive an advance against a paycheck, unless authorized by the Community Service Director.
 - 3. Inmates who are removed from the Work Release Program for reasons of misconduct will have any work release earnings received by the DOC subsequent to their removal from the Work Release Program retained in their DOC inmate account and paid to them upon their release to parole, suspended sentence or discharge.
 - 4. Any debts incurred due to the removal from the work release program, any outstanding work release expenses on debts incurred while on work release, and any current disbursement

obligations will be deducted from the inmate's work release earnings prior to the earnings being retained in the inmate's account.

- D. When an inmate on work release has his/her parole release date confirmed by Central Records, or when the inmate is within approximately one (1) week of being released from DOC custody, facility staff will send the employer a check assignment cancellation form (See [Attachment 6](#)).
1. Employer payroll checks issued prior to the scheduled release date on the check assignment cancellation form will be sent to the DOC.
 2. Employer payroll checks issued after the scheduled release date on the check assignment cancellation form will be released to the inmate.
 3. If it appears a work release inmate releasing to parole supervision owes the DOC money for involvement with the work release program, (advances, room and board, etc.) the parolee's parole agent will ensure the DOC debt is included in the inmate's budget/obligations. A copy of the parolee's budget plan will be sent to the respective DOC business office.
 4. All work release inmates who owe the DOC money are required to provide his/her forwarding address/contact information and acknowledge in writing he/she owes the debt and he/she will make a good faith effort to settle the debt (See [Attachment 7](#)).

11. Medical Care for Work Release Inmates:

- A. Inmates on work release are financially responsible for their medical care (including medical, dental, optometry, lab, x-rays, medications, or other related medical expenses (See DOC policy 1.4.E.10 [Inmate Medical Co-Pay](#)).
1. Work release inmates will sign the [Medical Expenses for Work Release Inmates](#) form acknowledging their obligation for medical expenses (See [Attachment 12](#)).
 2. Work Release inmates will be charged according to the fees listed in the [Medical Expenses for Work Release Inmates](#) form (See [Attachment 12](#)) for any appointment they initiate with Health Services wherein they fail to provide notice to Health Service staff informing he/she can not attend the appointment. Notice to Health Services staff is required at least twenty-four (24)-hours prior to scheduled day and time of the appointment.
 3. If a work release inmate is not able to pay a medical obligation in full, all funds in the inmate's commissary, savings and work release accounts, as well as any other amount over \$500 in the frozen account will be applied towards the medical obligation. This process will typically occur one time.
 - a. If a work release inmate has on-going medical obligations they cannot pay, the above process of sweeping the commissary, savings and work release accounts, as well as any amount over \$500 in the frozen account will occur one time.
 - 1) After the one time occurrence of sweeping the aforementioned accounts, work release inmates will make a minimum of \$20 per month payment towards the obligation. The remaining amount will be added to the inmates IFR as cost incurred.
 - b. If a work release inmate has a medical obligation which they cannot pay as a result of an acute (not on-going), the process of sweeping the aforementioned accounts will occur one time.
 - 1) If a work release inmate has a medical obligation they cannot pay as a result of a separate subsequent acute issue, the Warden shall have the discretion to authorize a

subsequent sweep of the commissary, savings, and work release accounts as well as any amount over \$750 in the frozen account.

- c. The Warden may, at his/her discretion, exercise the above procedure on any medical case a work release inmate may encounter.
- B. Work release inmates are required to apply for health insurance coverage and/or dental insurance through their employer, if health and/or dental insurance is offered as a benefit and it has been determined the inmate is eligible to receive the benefit(s).
- C. It is the responsibility of the work release inmate and his/her employer to file claims for Workman's Compensation injuries. If a work release inmate sustains a work-related injury or requires health care services, the inmate will contact his/her employer immediately so the employer can assist in the payment of the related claim(s).
- D. Work release inmates housed in a DOC facility will initially access non-emergency medical care through DOH Health Services and non-emergency psychiatric services through DSS staff at that facility, regardless of whether or not they have health insurance coverage through their employer or are eligible for program health benefits.
 1. Emergency medical care will be accessed through available community resources if the inmate is housed in the community (jail or contract facility) or through DOH Health Services if the inmate is housed in DOC facility when the emergency services are required.
 2. If a work release inmate is referred for medical services outside the DOC facility by Health Services, the inmate is financially responsible for all expenses incurred.
 3. If a work release inmate who has health/dental insurance coverage through his/her employer wishes to initiate a medical appointment outside of DOC Health Services, he/she will be required to provide proof of health/dental insurance to DOC Health Services.
 - a. Outside referrals and access to off-site medical services or specialists must be pre-approved by the on-site prison physician or designated health service staff.
 4. An inmate who wishes to initiate a medical appointment outside of Health Services will sign the [Work Release Health Service Waiver](#) (See [Attachment 11](#)) thereby agreeing to be financially responsible for all current and future costs associated with the proposed appointment and any follow-up medical appointments.
- E. Work release inmates housed in a county jail or contract facility will access medical care as determined by jail staff/the contractor and the DOC. Inmates are responsible for any medical expenses incurred while housed at the county jail or contract facility.

12. Employer Eligibility:

- A. Employers must be a legitimate business or company that provides workman's compensation insurance and full-time employment (minimum of 35 hours a week). Multiple part-time jobs may be allowed in the event full-time work is not available and workman's compensation insurance is provided.
- B. Inmates may not be self-employed as they are required to work under supervision.
- C. Inmates may be employed in a "family business" if the criteria outlined above in points A and B of this section are met.

- D. Employers, specifically owners and supervisors who have previously been incarcerated in a South Dakota DOC facility are not automatically barred from participating in the Work Release Program.
1. The appropriate Deputy/Associate Warden, designated staff or the Community Service Director must approve placement of work release inmates with an employer who was previously incarcerated.
 2. The appropriate Deputy/Associate Warden, designated staff or Community Service Director retains the right to terminate a relationship with an employer who compromises or may compromise the security and/or good order of the institution.
- E. Employers hiring inmates to work on projects receiving federal funding must comply with the following (See [Attachment 8](#)):
1. Employers requesting inmates to perform any trade, craft or skill for which a local union, central body, or similar unit organization regularly engages in collective bargaining on behalf of more than twenty percent (20%) of those engaged in the trade, craft, or skill within the county in which the work will actually be performed, must have consulted with representatives of the corresponding union.
 2. If the unemployment rate of the county in which the work will actually be performed exceeds four percent (4%), pursuant to the most recent calculations published by the Labor Market Information Center, South Dakota Department of Labor, the employer must demonstrate to the South Dakota DOC that their employment of inmates will not displace employed workers, impair existing contracts for services, and that non-inmate applicants of equal skills and abilities for the position(s) are not available.
- F. Inmates on work release may not be employed by local, state or federal governments.

13. Reports and Record Keeping:

- A. The Community Service Director will be responsible for compiling an annual fiscal year report of the Work Release Program.
1. The report is due one month after the close of the fiscal year with copies being forwarded to the wardens and the Secretary of Corrections.
 2. The report will include the following statistics:
 - a. The total number of inmates who participated in the Work Release Program during the fiscal year.
 - b. The total number of inmates removed from the Work Release Program during the fiscal year.
 - c. The number of inmates released to parole or suspended sentence, or discharged from the Work Release Program during the fiscal year.
 - d. Financial information that will include, but not limited to wages, taxes, and room and board paid.
- B. The Community Service Director will maintain records of the Work Release Program and upon request, will release this information to unit staff, the Wardens and the Secretary of Corrections. These records will include but not limited to the following:
1. Annual fiscal year report statistics; and

2. Copies of all signed agreements concerning the inmate's participation in the program.

V Related Directives:

SDCL §§ [24-2-22](#), [24-8-1](#), [24-8-3](#), [24-8-4](#), [24-8-6](#), [24-8-8](#), [24-8-9](#), [24-8-9.1](#), [24-8-10](#), [24-8-11](#), [24-8-13](#), [32-12-39](#), [32-35-113](#), and [24-15A-32](#).

Administrative Rule [17:50:01:28](#)

DOC Policy 1.1.A.3 -- [Reporting Information to DOC Administration](#)

DOC policy 1.1.B.2 -- [Inmate Accounts & Financial Responsibility](#)

DOC Policy 1.1.E.4 -- [Release Notification Requests](#)

DOC policy 1.3.A.8 -- [Drug Testing, Sanctions and Treatment](#)

DOC policy 1.3.C.2 -- [Inmate Discipline System](#)

DOC policy 1.3.C.11 -- [Offender Obligations](#)

DOC policy 1.4.B.1 -- [Individual Program Directives \(IPD\)](#)

DOC policy 1.4.B.2 -- [Male Inmate Classification](#)

DOC policy 1.4.B.9 -- [Unconvicted Sex Offender Review](#)

DOC policy 1.4.B.14 -- [Female Inmate Classification](#)

DOC policy 1.4.E.10 -- [Inmate Medical Co-Pay](#)

DOC policy 1.5.A.8 -- [Inmate Operation of Vehicles](#)

Parole OM 7.4.G.3 -- [Initial Interview, Supervision Agreement and Suspended Sentence Supervision Agreement](#)

VI Revision Log:

September 2003: Added B under Medical Care section. Added # 17 to Attachment 2. Revised policy statement. Added references to DOC policies 1.1.B.2, 1.3.C.2, 1.4.B.1 and 1.4.B.2.

Moved financial responsibility information into a separate section. Revised inmate eligibility dates from time to placement rather than time to application. Added specific application time frame. Revised the inmate compensation criteria on removal from work release. Noted that SES/SIS will not participate in the work release program.

December 2004: Added definition of sex offender. Changed Work Release Coordinator to Community Service Director. Added restrictions on sex offenders. Added references to SDCL. Revised work release rules and regulations. Updated attachment 8. Added attachment 9. Added requirement that facility staff have to contact the employer if the inmate is not going to work.

December 2005: Revised the policy statement. Added a reference to SDCL § 24-15A-32 to the definition for Violent Offenders. Added a provision for \$30 in start up costs for inmates.

Clarified when inmates will start to be charged for housing and meal costs. Added a statement on inmate responsibility for debts/obligations incurred while on work release. Changed inmate compensation section to clarify money may be frozen if an inmate is removed from the work release program for reasons of misconduct. Revised attachments 2 and 6. Added reference to DOC policy 1.3.C.11. Added Warden/Director of Community Services discretion to allow SIS/SES inmates to participate in work release. Revised the 60 day minimum facility housing standard. Revised the section on medical care. Added attachment 10.

March 2006: Added a definition for vehicle. Added a section on inmate operation of a vehicle while on work release. Added reference to DOC policy 1.5.A.8. Added a reference to the Citrix database. Added guidelines for the background check on the transport person.

March 2007: Revised the definition of Senior Security Officer. Added a restriction that inmates are not work release eligible if they have an active 4-34 Notice or medical hold. Added a restriction on work release inmates of opposite genders working at the same business location. Added a requirement that a work release inmate may have to pay the total cost of room and board. Clarified work release inmate use of vehicles. Revised the responsibility for medical care for work release inmates. Added a reference to DOC policy 1.4.E.10. Clarified information kept for record keeping purposes. Revised the timelines for work release eligibility on parole

violators or suspended sentence violators. **Revised** attachments 2 and 8. **Added** a provision that inmates on job search normally have two weeks to find a job. **Added** eligibility language for those inmates who were unable to find a job and want to reapply for work release. **Added** restrictions on transport personnel. **Added** language that inmates who have less than sixty days to serve are not eligible for work release.

August 2007: **Added** a definition for Unit Staff Member. **Clarified** the 60 day eligibility is for inmates at a contractual facility. **Replaced** the term "facility staff" with "Unit Staff Member".

Revised attachment 5. **Added** restrictions on inmates having extra money deducted from their paychecks. **Revised** the requirements for inmates with a medical hold.

January 2008: **Deleted** the restriction on inmates participating in a retirement plan. **Revised** the guidelines for advancing work release start-up expenses. **Revised** attachments 2, 4 and 8.

Other minor style/format changes made throughout the document.

December 2008: **Revised** formatting of policy in accordance with DOC policy 1.1.A.2. **Deleted** trailers in definition of Vehicle. **Added** reference to Attachment D in ss (N) and added initial relating to work release in ss (O) and **revised** "will be" with "may be" ineligible for the work release program in ss (I) of Inmate Eligibility for the Work Release Program). **Added** new ss (D of Application and Approval Process for Work Release) and reformatted bullets. **Deleted** extension of 1 week from ss (B1a) and **revised** ss (B1b) stating they may be ineligible vs being removed from the work release program within Work Release Placement Proceedings. **Revised** ss (A) to cover all medical care, **added** statement regarding occurring one time in ss (A2), **added** new ss (A, A2a1, A2b1, A2c), **deleted** statement regarding residual amount from medical obligations will be listed as an obligation, **revised** procedures of collecting a minimum \$20.00 per month in ss (A2a1) and **replaced** to be determined by agency with contractor and DOC in ss (E) all within Medical Care for Work Release Inmates. **Added** drivers license #, SSN and birth certificate to Attachment 1. **Added** language to # 26 in Attachment 2 regarding forfeit opportunities for the Work Release Program. **Added** language regarding agree to the procedures in paragraph 1 on pg 1, **deleted** statement on matching with suitable employment, **added** statement regarding pay stub must accompany in second full paragraph on page 2 and **added** statement preventing holiday gifts in first full paragraph on pg 3 with Attachment 4. **Deleted** statements regarding obtaining a copy of drivers license, proof of insurance, attaching background check to form and **added** statement regarding background check approval and insurance verification. **Revised** titles of Attachments 1, 3, 4, 6, 7 and 11 to be consistent with policy attachments and WAN.

December 2009: **Revised** title of DOC policy 1.4.B.2 and **added** reference to DOC policy 1.4.B.14. **Added** ss (4 and 4a) regarding "no action", **added** Mental Health when referencing holds in ss (N), **deleted** initial when referencing work release in ss (O) and **added** contractual in regards to a facility within ss (O) all within Inmate Eligibility for the Work Release Program. **Added** statement regarding inmate may be allowed to receive employment after two weeks if a previous application is responded to within ss (B1), **added** ss (B1c) regarding 60 day extension, **replaced** mainframe computer with inmate records and will with may in ss (B3), **added** ss (B3a) regarding inmate records being checked, **added** reference to labor union membership in ss (C2), **deleted** reference to "one time" regarding an advance for work release start-up expenses in ss (E) and **added** ss (E1a) that this advance may be issued each time provided previous advances have been paid back all within Work Release Placement Proceedings, **Added** new ss (B1 and B2 of Financial Responsibility for Inmates on Work Release) regarding inmates joining a labor union or obtaining a retirement plan. **Added** reference to 18 or older in ss (A4c) and **added** reference to "work" associate of the opposite sex within ss (B2) both within Transportation Arrangements for Work Release Inmates, **Replaced** discharged with released in ss (D) and **added** inmate's budget plan will be sent to the business office in ss (D3) both within Inmate Compensation for Work Release Employment, **Added** eligible for program health benefits with ss (D of Medical Care for Work Release Inmates). **Added** new # (28 within Attachment 2) regarding use of the internet. **Added** reference to computers and internet restrictions, **added** reference to benefits and inmates joining a labor union, and **added** reference to inmates earnings and SDCL 24-8-10 all within Attachment 4. **Replaced** 1 year with six months regarding payment and **replaced** discharge with release both within Attachment 7.

January 2011 Added SS 3. a. b. & c. to Section 1 A. **Removed** from Section 1 H. "two week" from the job search period. **Deleted** "require a consult from" Health Services and **Added** "must be approved" to N in Section 1. **Removed** "In the event the inmate is not eligible according to the section on Inmate Eligibility, the inmate will be notified by the case manager of the reason for the ineligibility" from Section 2 A. **Added** 1. and a. describing the warrant check requirement to Section 2 A. **Revised** B. in Section 2. **Added** new section to C in Section 2. "In the event the case manager determines an inmate is not eligible to participate in the Work Release program, as set forth by in the "Inmate Eligibility" section of this policy, the case manager will notify the inmate of the reason(s) they are ineligible. **Moved** language in B. to C. and C. to D. and D. to E. Language in previous E. became new SS F. in Section 2. **Added** hyperlink to DOC Policy 1.1.E.4 to SS E. in Section 2. **Removed** "and allowed two (2) weeks to obtain employment." from Section 3 B. 1. and **Replaced** with "Each inmate is allowed job search for a minimum of two (2) weeks. If an inmate is unable to obtain employment during the two (2) week period, the Unit Manager may grant an extension" **Removed** "allow an inmate to continue on job search" and **Replaced** with "for a period to be determined by the Unit Manager". **Removed** "If after two (2) weeks the inmate has not been able to secure employment the" **Replaced** with "An inmate who is removed from job search may still". **Removed** from Section 3 1. A. "The unit manager may grant an extension of time for good cause". **Replaced** with "Inmates housed at contract facilities are allowed a minimum of two weeks on job search". **Removed** from Section 3. 1. C. job search "and" **Replaced** with "but" **Removed** "finding" employment and **Replaced** with "securing". **Removed** "business" location and **Replaced** with "work release" location in Section 3 4. **Added** hyperlink SDCL 24-8-11 and DOC Policy 1.1.B.2 to B. in Section 4. **Changed** 2. In Section 4. to f. **Added** 3. "Inmates on work release may make a charitable donation from their net earnings through their spend account." to Section 5 B. **Added** "as set forth by SDCL 24-8-9" to C. in Section 5. **Removed** "may be" required and **Replaced** "are" and **Added** "unless granted a waiver by the Secretary of Corrections" and **Added** hyperlink "SDCL 24-8-11" to E. in Section 5. **Added** "or approved community member" to 4. in Section 6. **Added** f. to Section 6. 4. **Deleted** "Through the" facility staff **Added** "may transport inmates". To Section 6. 5. **Deleted** 6. a. b. c. d. in Section 6. **Added** "or community member" to B. 2. in Section 6. **Added** hyperlink to SDCL 32-35-113 to C. in Section 7. **Deleted** D. in Section 7. **Added** hyperlink to Administrative Rule 17:50:01:28 to Section 8 A. **Added** E. "Inmates on work release may attend religious activities in the community (See policy 1.5.F.3 Community Religious Activity Guidelines) to Section 8. **Removed** "a contact is made with the employer by telephone at least monthly by facility staff and **Replaced** with "the employer is contact at least once a month by staff" in Section 9 E. **Added** hyperlink (SDCL 24-8-6 and DOC Policy 1.1.A.3 Reporting Information to DOC Administration to Section 9 G. **Added** hyperlink (SDCL 24-8-8) in Section 10. C. **Added** "access the internet" to page 1, 9. of the Work Release Rules and Regulations (Attachment 2). **Added** "approved transporter" to 13 of Attachment 2. **Added** "knowingly" to 16 of Attachment 2. **Added** "minimum" of two (2) weeks and **Added** "If after two (2) weeks I have not obtained employment, I understand the Unit Manager may, at his/her discretion, grant me an extension for a period to be determined by the Unit Manager." to page 2, 30 of Attachment 2. **Added** "Employers shall contact the DOC if an inmate will have internet access for the purpose of completing their job duties" to page 1, in Telephone and Computer Usage section, Attachment 4. **Added** section "Inmate Operation of Vehicles" to page 1, of Attachment 4. **Added** "Inmates must be paid on a regularly scheduled basis, as designated in advance by the employer. Employers shall pay all wages due at least once each calendar month unless otherwise provided by law pursuant to SDCL§ 60-11-9." "Holiday or one-time bonuses must be in the form of check or direct deposit and made payable to the Department of Corrections. Inmates cannot receive gift cards, accept gifts of cash, or accept gifts of any kind." on page 2 of Compensation and Benefits on Attachment 4. **Added** "Employers shall provide proof of insurance" to Attachment 4, page 2. **Added** "Normal working hours for inmates on work release will be between 5:00 AM and 11:30 PM." to the Work Schedule section on page 2 of Attachment 4. **Added** "Normal working hours for work release inmates will be between 5:00 a.m. and 11:30 p.m. Any changes to this schedule must be approved by unit staff" to Attachment 5. **Added** "If an inmate's location cannot be verified of a one (1) hour time period, or the inmate fails to return to their housing unit within one (1) hour of their scheduled time of return and they not received authorization from unit staff for a late return, the inmate will be considered on escape status and escape procedures will be initiated." To attachment 5. **Added** "Copy: Parole Agent" to bottom of Attachment 7.

March 2012 **Deleted** The provisions described in letter "F" of this section still apply to letter "J" and **Replaced** "and the following do not apply" in Section 1 L. **Added** 1-4 to Section 1 L. **Added** "or

removed from the Work Release Program” to Section 2 E. **Added** a. “Records staff will be immediately notify the unit/case manager if a response is received from a victim regarding and inmate who has been approved for work release” in Section 2 E. **Deleted** “may complete this check through their appropriate unit staff member” and **Replaced** with “staff may contact their facility contact person to request a check of DOC records regarding a potential employer” in Section 3 B. 3. c. **Deleted** d. in same section. **Deleted** “approved” and **Added** “or other agency of the state designated by the Secretary of Corrections” to Section 4 A. **Added** “shall be in the order set forth below” to Section 5 A. 1 and **Changed** subsection to B. 1-5. **Added** 1. to Section 4 B. **Deleted** “Work release inmates are required to pay for the cost of room and board at the rate established by the Secretary of Corrections unless granted a waiver by the Secretary of Corrections from Section 5 B. **Added** 4. “Payments on Restitution” and renumbered items that follow in Section 5 B. **Added** “and have a valid driver license and automobile insurance” to Section 6 A. 4. c. **Replaced** term “halfway house” with “contract facility throughout the policy. **Deleted** “An inmate on Work release will not operate a vehicle while his/her license is surrendered” and **Replaced** with “Each work release inmate shall have their driver license in their immediate possession at all times when operating a motor vehicle” in Section 7 B. 2. **Added** “or be insurable through the employers insurance provider” in Section 7 C. **Deleted** C. and D. in Section 8 (already listed in attachments). **Deleted** “Any time an inmate is having problems on the job, a contact visit with the employer will be required” and **Replaced** with “Unit staff shall contact the employer any time they become aware an inmate has received a verbal or written reprimand, been placed on a work improvement plan, or received other notice, written or verbal, that adversely affects the inmate’s employment.” in Section 9 E. 2. **Added** (including medical, dental, optometry, lab, e-rays, medications or other related medical expenses)” to Section 11 A. **Added** 2. “Work Release inmates will be charged according to the fees listed in Attachment 12 for any appointment they initiate with Health Services wherein they fail to provide notice to Health Service staff informing he/she can not attend the appointment. Notice is required at least twenty-four (24)-hours prior to scheduled day and time of the appointment” to Section 11 A. **Renumbered** subsections that followed. **Added** “and/or dental insurance” to Section 11 B. **Added** “and non-emergency psychiatric services through DSS staff” to Section 11 D. **Added** 1. “Inmates are responsible for all medical expenses described in DOH policy P-C-06A Medical Expenses in the amounts specified” to Section 11 D. **Added** “when the emergency services are required” to Section 11 D. 2. **Added** a. “Outside referrals and access to off-site medical services or specialists must be pre-approved by the on-site prison physician” to Section 11 D 4. **Added** Attachment 12.

July 2012: Revised definition of Sex Offender. **Added** “sentence in accordance with SDCL for violating condition 1 (only applies if weapons were involved or assaultive behavior” to Section 1 L. 4. **Added** “Work release eligibility for” and **Deleted** “the eligibility requirements for each parole date to be work release eligible” and **Replaced** with “one of the following” in Section 1 O. **Added** 1. and 2. to Section 1 O. **Deleted** “violation” and **Replaced** with “suspended sentence violator” and **Added** “or suspended sentence” to Section 2 C. **Added** new G. and G. 1 to Section 9 and **Renumbered** items that followed.

January 2013: Added “or accessory to a violent crime” in Section 1 F. **Added** “institutional support or” in Section 1 J. **Added** “or their flat date” and **Added** “at the time of their application” in Section 1 L. **Added** “This advance will create a credit obligation in the inmate’s account” in Section 3 E. **Deleted** “second” in Section 3 E. 4. **Deleted** “housing and meals and **Replaced** with “room and board” throughout Section 4. **Deleted** “will” and **Replaced** with “may” and **Deleted** “jail or contract facility” and **Replaced** with “board of country commissioners not to exceed the average daily prisoner cost of the facility. The rate must be” in Section 4 D. **Deleted** “to accumulate on” and **Replaced** with “after their first paycheck is received after the” in Section 4 E. **Deleted** “Necessary” and **Replaced** with “Credit obligations which include” in Section 5 B. 2. **Added** D. to Section 7. **Added** D- H in Section 8. **Deleted** “on escape status and escape” and **Replaced** with “and Emergency Response procedures” in Section 9 H. **Added** 1-3 to Section 9 H. **Deleted** “Inmates will receive the regular competitive wage for the job performed” and **Replaced** with “Work release inmates will be paid wages that meet or exceed federal and state minimum wage requirements” in Section 10 A.

South Dakota Department Of Corrections
Policy
Distribution: Public

1.5.A.5
Work Release

Denny Kaemingk (original signature on file)

03/07/2013

Denny Kaemingk, Secretary of Corrections

Date

Attachment 1: Application for Work Release

The **Work Release Application** 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 **Application for Work Release Program** 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 **Work Release Application**

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Work Release Application Please refer to DOC policy 1.5.A.5 Work Release	
WORK RELEASE APPLICATION			
Name	Number	DOB	
SS#	<input type="checkbox"/> Old / <input type="checkbox"/> New / <input type="checkbox"/> Mixed Sentence	<input type="checkbox"/> Prior PV? Date of PV	
Offense		Sentence	
Sentenced from? City		County	
Education (Highest grade completed)			
Initial Parole eligibility date		Next Parole Date	
Do you have a driver license?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Do you have access/availability to your social security card?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Do you have access/availability to your birth certificate?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Work History (Last three jobs before incarceration)			
Equipment/Training (What can you do?)			
Do you have a job lined up?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Name of firm		Phone	
Address			
I respectfully ask permission of the Department of Corrections to locate and secure employment. I hereby authorize that my records, or any portion thereof, be revealed to prospective employers and assistance groups or individual persons, at the discretion of such persons; and hereby exempt such authorized from any and all liability thereof. I agree to abide by all rules and regulations concerning my assignment to the Work Release Program.			
Inmate's Signature		Date	
<input type="checkbox"/> Recommend Approval	<input type="checkbox"/> Recommend Denial		
Unit Manager Signature		Date	
Deputy/Associate Warden or Warden Signature		Date	
Revised: 12/22/2008 Page 1 of 1			

Attachment 2: Work Release Rules and Regulations

The **Work Release Rules and Regulations** 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 **Work Release Rules and Regulations** 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 **Work Release Rules and Regulations**.

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

South Dakota Department of Correction Attachment: Work Release Rules and Regulations
Policy Please refer to DOC policy 1.5.A.5
Distribution: Public Work Release

WORK RELEASE RULES AND REGULATIONS

1. I will obey all Department of Corrections (DOC) rules and regulations.
2. I will obey all Federal, State and local laws and ordinances of the community in which I reside and work.
3. I will not possess or use any alcohol, tobacco, narcotics, synthetic drugs or other illegal substances.
4. I will submit to a urinalysis test, breath analyzer test or any other test approved to determine chemical use when requested.
5. I will cooperate with DOC and contract facility/jail staff and be guided by their advice in all matters affecting my involvement with the Work Release Program.
6. I understand my person, possessions, living quarters and work site are subject to search at any time and I will be held responsible for any contraband found on my person, in my possessions, in my living quarters and at my work site.
7. I agree that I will not store or conceal contraband (including tips and/or other currency) at my work site or anywhere else in the community.
8. I will comply with any specific order, special limitation and/or condition imposed on me by the Work Release Program.
9. I will secure advanced approval from DOC staff or authorized contract facility/jail staff, if at any time, I wish to:
 - A. Operate an automobile or any other motorized vehicle for work related purposes.
 - B. Change employment.
 - C. Modify an approved work schedule.
 - D. Access the internet.
10. I will not:
 - A. incur debts by borrowing or installment buying.
 - B. Open or use a checking account or credit card account.
 - C. Use a savings account without prior approval by unit staff.
 - D. Leave the approved job site.
 - E. Purchase, lease, rent or possess a cellular/mobile telephone.
11. I will voluntarily surrender my driver's license to the DOC or contract/jail staff upon request. I will not operate a motor vehicle without a valid and proper driver license or when my license is surrendered or not in my possession.
12. I will not operate a vehicle if I am uninsurable or do not have adequate auto insurance coverage through my employer or my own insurance provider, as required by state law.
13. I will report to work at pre-determined times using only approved routes. I will return directly to my housing unit using only the approved routes within the approved time frame. If I am released from my job earlier than scheduled, I will have my employer notify my housing unit and I will return directly to my housing unit.
14. I will utilize only transportation means that have been approved by DOC staff or contract/jail staff

Revised: 03/07/2012 Page 1 of 3

South Dakota Department of Correction Attachment: Work Release Rules and Regulations
Policy Please refer to DOC policy 1.5.A.5
Distribution: Public Work Release

15. I understand that I am responsible for contacting my employer immediately regarding any work-related injuries and for filing any required Workers' Compensation claims as a result of a work-related injury.
16. I understand that I am required to provide at least twenty-four (24) hours notice to health services if I am unable to attend any scheduled health/dental appointment and that I may be charged a fee for any appointment miss if I have not given adequate notice to health services.
17. I will not knowingly associate, correspond or communicate with any people who are on parole or probation without the consent of my unit staff.
18. I understand I am not to have family or friends visit my work site. If family or friends show up at my work site, I will not deviate from my work duties to visit in length with them or take breaks with them.
19. I understand and agree not to bring any unauthorized item(s) to the housing unit.
20. I understand and agree that if I am unable to obtain employment during the specified job search period or I am terminated from my employment due to my actions or my job performance, I will be removed from the Work Release Program.
21. I understand and agree that if I am removed from the Work Release Program, any work release earnings received subsequent to my removal from the program will be retained in my account and paid to me upon parole or discharge. I further understand and agree that any debts incurred by me due to my removal from the Work Release Program, any outstanding work release expenses and current disbursement obligations will be deducted from my work release earnings prior to being retained in my account.
22. I understand and agree to call my assigned housing unit if an emergency necessitates a change from my approved activities.
23. I understand I am to follow my approved work schedule and that any change to my work schedule must be approved by my unit staff or contract/jail staff.
24. I understand and agree I am not to leave the site of my employment during job hours unless I have prior approval from DOC or contract/jail staff.
25. I understand that if I fail to report to work or report back to my housing unit at pre-determined times, this will constitute an escape. If my actions cause the DOC to initiate escape procedures I understand that I forfeit any further opportunity to be involved with the Work Release Program under my current admission.
26. I understand I am required to carry health and/or dental insurance if such insurance is offered through my employer and I am eligible to receive the insurance.
27. I understand and agree to wear appropriate and customary clothing to my job.
28. I will not use the telephone at work unless authorized by my employer as part of my job or in the case of an emergency.
29. I understand that the use of the internet is strictly prohibited unless approved through my employer and DOC for authorized work purposes only.
30. I understand the following deductions may be made from my paycheck:

Revised: 03/07/2012 Page 2 of 3

South Dakota Department of Correction Attachment: Work Release Rules and Regulations
Policy Please refer to DOC policy 1.5.A.5
Distribution: Public Work Release

- Financial obligations and disbursements as required by law or as ordered by the court.
- Health insurance, if offered by the employer and I am eligible to receive this benefit.
- Retirement, provided the retirement plan is a condition of employment and confirmed in writing by the employer. I understand that only the minimum amount required under the retirement plan may be deducted from my paycheck and contributed to the plan.

31. I understand if I am unwilling to make payments towards my financial obligations that I will be removed from the Work Release Program.
32. I will not receive my paychecks or ask for an advance against them.
33. I understand I may be required to pay for housing and meal costs (room and board) at the rate established by the DOC or the contract/jail facility.
34. I understand I am financially responsible for my medical care (including medical, dental, optometry, lab, x-rays, medications and other related medical expenses).
35. I understand I am allowed a minimum of two (2) weeks to obtain employment after I have been placed on job search. If after two (2) weeks I have not obtained employment, I understand the Unit Manager may, at his/her discretion, grant me an extension for a period to be determined by the Unit Manager.
36. I agree to immediately notify DOC staff or contract/jail staff of any contact I have with law enforcement while on work release, i.e. traffic offense, questioning by law enforcement regarding the commission of a crime, or any investigation being conducted by law enforcement.
37. I will report to DOC staff or contract/jail staff any adverse work related reports I receive from my employer, to include, but not limited to, verbal reprimands, written reprimands, work improvement plans or any other notice, either verbal or written, that adversely impacts my employment.

I, _____, have received a copy of the rules and regulations for the Work Release Program of the Department of Corrections. This is to certify that I have read and fully understand that participation in the Work Release Program does not cancel or modify any of the customary rules for my conduct while I am within the institution.

Inmate Signature: _____ Date: _____
Inmate Number: _____
Staff Signature: _____ Date: _____

Revised: 03/07/2012 Page 3 of 3

Attachment 3: Work Release Assignment of Check

The **Work Release Assignment of Check** 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 **Work Release Assignment of Check** 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 **Work Release Assignment of Check**.

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Work Release Assignment of Check. Please refer to DOC policy 1.5.A.5 Work Release	
WORK RELEASE ASSIGNMENT OF CHECK			
I hereby assign and transfer to the Department of Corrections, herein after designated as assignee, all wages and other funds that I have earned or may earn from my involvement in the Work Release Program pursuant to SDCCL § 24-8-8.			
I authorize said assignee to take and receive the same, endorse my name thereon, and collect the money on such check and credit me with the amount so received; and if such check more than pays my indebtedness, the balance will be paid to me upon my parole or discharge. This assignment and authorization is to remain in full force and effect until I am no longer involved with the Work Release Program unless sooner released in writing by said assignee.			
Inmate Signature	<input type="text"/>	Date	<input type="text"/>
Inmate Number	<input type="text"/>		
Staff Signature	<input type="text"/>	Date	<input type="text"/>
All checks earned are to be made payable to the Work Release Inmate. And mailed to: Community Service Director South Dakota Department of Corrections 3200 East Highway 34 Suite 4 Pierre, SD 57501-5070			
Revised: 12/22/2008		Page: 1 of 1	

Attachment 4: Work Release Information for Employers

The **Work Release Information for Employers** 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 **Work Release Information for Employers** 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 **Work Release Information for Employers**.

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

Attachment 5: Work Release Schedule

The **Work Release Schedule** 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 **Work Release Schedule** 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 **Work Release Schedule**.

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Work Release Schedule Please refer to DOC policy 1.5.A.5 Work Release			
WORK RELEASE SCHEDULE					
Inmate Name:		Number:			
Company Name:					
Address:					
Phone Number:					
Job Title:		Contact Person:			
Transporter:					
Inmate Signature:		Date:			
Employer Signature:		Date:			
Day	Date	Time You Will Leave The Unit	Time You Will Arrive At Work	Time You Will Leave Work	Time You Will Arrive Back @ Unit
FRI					
SAT					
SUN					
MON					
TUE					
WED					
THU					
The above schedule must be completed by the Inmate in conjunction with his/her employer. The schedule runs Friday through Thursday and must be turned in by Thursday afternoon to reflect the hours you will work the following week.					
If an Inmate does not return within an hour of the scheduled time, escape procedures will be initiated.					
Revised: 12/29/2008		Page 1 of 1			

Attachment 6: Work Release Check Assignment Cancellation

The **Work Release Check Assignment Cancellation** 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 **Work Release Check Assignment Cancellation** 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 **Work Release Check Assignment Cancellation**.

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Work Release Check Assignment Cancellation Please refer to DOC policy 1.5.A.5 Work Release
--	---

WORK RELEASE CHECK ASSIGNMENT CANCELLATION

To: Employer _____
Address _____
City _____
State & Zip _____

This notice is to inform you that _____ will discontinue his/her
(work release inmate's name)
involvement with the Work Release Program on _____
(date)

This is an official notice of cancellation of check assignment for the above named inmate. Please discontinue sending his/her paycheck to the Department of Corrections and remove the Department of Corrections as the designated assignee of the above named inmate's earned wages. Should the above named inmate remain employed with your business on or after the date listed above, their name may appear on their paycheck and their paycheck may be issued directly to them. Thank you for your cooperation and participation with the Work Release Program.

Reason for termination from the Work Release Program:
_____ Discharge
_____ Parole
_____ Disciplinary/misconduct

Sincerely,

Name _____
Position _____
South Dakota Department of Corrections
Address _____
City _____
State & Zip _____

Revised: 01/31/2013 Page 1 of 2

Attachment 7: Work Release Acknowledgement of Debt

The **Work Release Acknowledgement of Debt** 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 **Work Release Acknowledgement of Debt** 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 **Work Release Acknowledgement of Debt**.

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Work Release Acknowledgement of Debt Please refer to DOC policy 1.5.A.5 Work Release
--	--

WORK RELEASE ACKNOWLEDGEMENT OF DEBT

Inmate (name): _____ (ID number): _____

is scheduled to discharge on (date): _____. It is projected he/she will owe \$_____ to the Department of Corrections as a result of his/her involvement with the work release program.

I, (inmate name) _____ acknowledge I owe the Department of Corrections \$_____ as a result of my involvement with the work release program. By my signature at the bottom of this form, I agree to repay the SD Department of Corrections the full amount owed, no later than six (6) months from my scheduled release date.

Inmate (printed name and signature) _____
Date

Forwarding Address

Telephone Number

Staff Witness (printed name and signature) _____
Date

COPY: Parole Agent (if releasing to parole supervision)

Revised: 05/27/2012 Page 1 of 2

Attachment 10: Work Release Transportation Person

The **Work Release Transportation Person** 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 **Work Release Transportation Person** 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 **IWork Release Transportation Person**.

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Work Release Transportation Person Please refer to DOC policy 1.5.A.5 Work Release	
WORK RELEASE TRANSPORTATION PERSON			
DATE:			
INMATE NAME:			
FACILITY:			
JOB SITE#:			
NAME OF COMPANY:			
ADDRESS:			
CITY/STATE:			
TELEPHONE:			
TRANSPORTATION PERSON'S NAME:			
POSITION:			
ADDRESS:			
CITY/STATE:			
TELEPHONE:			
DATE OF BIRTH:			
SOCIAL SECURITY #:			
DRIVER LICENSE NUMBER/STATE:			
NAME OF AUTO INSURANCE CARRIER**:			
BACKGROUND CHECK COMPLETE:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Approved <input type="checkbox"/> Yes <input type="checkbox"/> No
DRIVER LICENSE VERIFIED:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
INSURANCE COVERAGE VERIFIED:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
DATE:		STAFF:	
UNIT STAFF MEMBER/WORK RELEASE COORDINATOR: _____			
*NOTE: A SEPARATE FORM IS REQUIRED FOR EACH PERSON WHO WILL BE TRANSPORTING AN INMATE.			
TRANSPORTER AGREEMENT			
I, _____, Agree to transport Inmate _____			
to and from the job site. I certify that I do have a valid driver's license. I agree that I will take this Inmate directly to work, without any unauthorized stops. I understand that this Inmate is on work release, and as such has limited access to the community. It is my responsibility to come into the unit and identify myself when I pick the Inmate up for work and when I drop the Inmate off from work. I will not provide cash, alcohol, tobacco products, cell phone or any contraband items to the Inmate I am driving.			
_____ Transporter Signature		_____ Date	
Revised: 12/29/2008		Page 1 of 1	

Attachment 11: Work Release Health Service Waiver

The form **Work Release Health Service Waiver** is located on the state's WAN.

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

1. Click [here](#) to access the **Work Release Health Service Waiver** 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 **Work Release Health Service Waiver**.

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Work Release Health Service Waiver Please refer to DOC policy 1.5.A.5 Work Release
WORK RELEASE HEALTH SERVICE WAIVER	
<p>I wish to initiate a medical appointment outside of the Department of Health (Health Services). I agree and acknowledge that I will be financially responsible for <u>all current and future</u> costs associated with the proposed appointment and any follow-up medical appointments. I understand that I can only initiate a medical appointment outside of the Department of Health (Health Services) if I have health insurance coverage through my work release employer.</p> <p>I agree to indemnify and hold the State, and its officers, agents and employees harmless from any and all liability, damages, actions, claims, demands, expenses, judgments, fees and costs of whatever kind or character, arising from, by reason of, or in connection with my medical appointment outside of the Department of Health (Health Services).</p>	
<input type="text"/>	<input type="text"/>
Inmate Name (please print)	Inmate #
<input type="text"/>	<input type="text"/>
Inmate Signature	Date
<input type="text"/>	<input type="text"/>
Health Services verified health insurance coverage with the Inmate's employer:	Date
<input type="text"/>	<input type="text"/>
Health Services Staff Signature	Date
<input type="text"/>	<input type="text"/>
<p>The Inmate will forward the completed form to Health Services. The Inmate cannot initiate the medical appointment outside of the Department of Health (Health Services) until it has been verified that there is health insurance coverage through the employer and this form has been signed by Health Services staff.</p>	
Revised: 12/29/2008	Page 1 of 1

Attachment 12: Medical Expenses for Work Release Inmates

The form *Medical Expenses for Work Release Inmates* is located on the state's WAN.

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

1. Click [here](#) to access the *Medical Expenses for Work Release Inmates* 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 **Meidcal Expenses for Work Release Inmates**.

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Medical Expenses for Work Release Inmates Please refer to DOC policy 1.4.E.10 Inmate Medical Co-Pay
--	---

MEDICAL EXPENSES FOR WORK RELEASE INMATES

Dear Work Release Inmate:

On behalf of the South Dakota Department of Corrections (DOC) and the Department of Health, you are hereby notified of your financial responsibility for any and all medical, dental, optometry, x-rays, pharmaceutical and/or other related medical expenses you may incur while assigned to the Work Release Program.

Work Release inmates housed at a minimum custody DOC unit may access health care through the Correctional Health Services kite system. The medical co-payment costs for these services is as follows:

Nurse Sick Call:	\$2.00
Physician or PA:	\$10.00 * Includes Chronic Care Clinic
Dentist or Hygienist:	\$10.00
Optometrist:	\$10.00
X-ray:	\$20.00
Prescription Medication:	Full cost of medication set by local pharmacy
Laboratory Service:	\$20.00

You may be charged a fee if you miss/skip an appointment which you requested. You are required to provide 24-hour notice to health service staff if you are unable to attend your scheduled appointment.

If you are not able to pay a medical obligation in full, you will be required to forfeit all funds in your commissary, savings and work release accounts, as well as any amount over \$500 in your frozen account. These funds will be applied towards the medical obligation. Any residual amount from the medical obligation will be listed as an obligation on your inmate account. You must also agree in writing to submit a minimum payment of \$20 every month towards the remaining amount owed.

It is your responsibility to notify your employer immediately if you are injured on the job. Medical expenses associated with work related injuries may be covered by Workman's Compensation Insurance. Work Release inmates who have health or dental insurance through their employer, are responsible for filing insurance claims with their insurance provider.

Please sign below acknowledging that you have been advised of this policy and understand it.

The undersigned has read and understands the above stated policy:

Inmate Name: _____	Inmate Number: _____
Inmate Signature: _____	Date: _____
Staff Witness: _____	Date: _____

Revised: 01/29/2013 Page 1 of 1