1.5.A.2 Private Sector Prison Industries Employment

II Policy:

The Department of Corrections (DOC) may contract prison labor to private enterprises and may establish new industries beyond the use and purpose of furnishing goods, products and services to the federal government, state governments and their political subdivisions (See SDCL § 24-7-3).

III Definitions:

None

IV Procedures:

1. Voluntary Participation:

A. Inmates may voluntarily participate in employment certified under the Private Sector Prison Industries Enhancement (PS/PIE) Certification Program.

   1. Prior to participating in a PS/PIE certification program, all inmates will sign the Private Sector Prison Industries Agreement section on the Inmate Financial Worksheet, wherein they acknowledge voluntary participation in the program (See Attachment 1).

   2. Inmates will not be allowed to participate in a PS/PIE industry without signing the Private Sector Prison Industries Agreement section of the Inmate Financial Worksheet.

B. The inmate’s signature on the Inmate Financial Worksheet is an agreement to specific deductions from gross wages and other financial obligations (See Attachment 1).

C. A staff member must sign as a witness in the Private Sector Prison Industries Agreement section of the Inmate Financial Worksheet.

D. No inmate under the jurisdiction of the DOC has any implied right or expectation to work in any particular job or program and inmates are subject to transfer to another job at the discretion of the Warden or the Secretary of Corrections (See SDCL § 24-2-27).

E. The DOC shall require some form of workman’s compensation for inmate workers employed in Private Sector Prison Industries, pursuant to SDCL § 24-7-3.
F. Inmates who are designated "high risk" for institutional job assignment purposes may not be assigned any job within a PS/PIE industry shop. Questions regarding whether an inmate is designated "high risk" shall be directed to unit staff.

2. Identification Documents:

A. PS/PIE staff will verify with DOC central records or unit staff that the inmate has a valid Social Security number issued to them prior to assigning the inmate a job within the PS/PIE program (See DOC policy 1.1.A.7 Offender Identification Procedures).

B. All inmates must have a valid Social Security number prior to being paid wages by the DOC or PS/PIE industry. Questions may be directed to DOC central records staff.

3. Inmate Wages:

A. Wages paid to inmates in the PS/PIE program will not be less than the prevailing wage paid for similar work in the locality in which the work is performed. In the absence of similar work, inmate wages may not be less than the federal minimum wage (See SDCL § 24-7-3).

B. Wage deductions:

1. All inmates participating in a PS/PIE industry may have deductions made to their gross wages for:
   a. Federal, state and local taxes.
   b. Reasonable charges for incarceration costs.
   c. Support of the inmate's family pursuant to state statute, court order, or agreement by the inmate.
   d. Contributions to the South Dakota Victims Compensation Fund (See SDCL § 23A-28B). This amount will be equal to at least 5% but not greater than 20%.

2. Inmates cannot request extra money be withheld from their paychecks if their net paycheck is not sufficient to cover these wage deductions, nor can they have extra money withheld to avoid paying towards other obligations.

3. The total of all deductions from each inmate's gross wages may not exceed 80% of his/her gross wages.

4. Wage deductions will be made subject to the provisions of DOC Policy 1.1.B.2 Inmate Accounts and Financial Responsibility.

V Related Directives:
SDCL §§ 24-2-27, 24-7-3 and 23A-28B.
DOC policy 1.1.A.7-- Offender Identification Procedures
DOC policy 1.1.B.2 – Inmate Accounts and Financial Responsibility

VI Revision Log:
December 2004: Revised the policy statement. Reworded information in the section on Voluntary Participation. Updated attachments 1 and 2.
November 2005: Changed signature block.
January 2007: Combined the Inmate Financial Worksheet with the Voluntary Agreement of Participation. Added a statement that extra payroll deductions are not permitted. Added a requirement for providing a copy of the inmate/workers Social Security Card.

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

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

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

December 2010: No Changes

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

December 2013: Reviewed with no changes.

December 2014: Reviewed with no changes.

December 2015: Reviewed with no changes.

| Denny Kaemingk (original signature on file) | 03/20/2016 |
| Denny Kaemingk, Secretary of Corrections | Date |

Revised: 12/22/2015
Attachment 1: Inmate Financial Worksheet

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

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

1. Click here to access the Inmate Financial Worksheet by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select File/New from the Menu Bar / Select the DOC tab / Select Inmate Financial Worksheet.

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