

1.5.A.2 Private Sector Prison Industries Employment

I Policy Index:



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Supersedes Policy Dated: 01/11/2014
Affected Units: Adult Institutions
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Office of Primary Responsibility: DOC Administration

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)

Denny Kaemingk, Secretary of Corrections

03/20/2016

Date

Attachment 1: Inmate Financial Worksheet

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

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

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

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

The image shows two side-by-side screenshots of the 'INMATE FINANCIAL WORKSHEET' form. The form is a complex grid with many fields, some of which are shaded gray to indicate where information should be entered. The form is titled 'INMATE FINANCIAL WORKSHEET' and contains various sections for inmate information, financial data, and program participation. The left screenshot shows the top half of the form, including sections for 'INMATE FINANCIAL WORKSHEET', 'INMATE INFORMATION', 'INMATE FINANCIAL INFORMATION', and 'INMATE PROGRAM PARTICIPATION'. The right screenshot shows the bottom half of the form, including sections for 'INMATE FINANCIAL INFORMATION', 'INMATE PROGRAM PARTICIPATION', and 'INMATE FINANCIAL INFORMATION'. The form is a complex grid with many fields, some of which are shaded gray to indicate where information should be entered.