

## 1.5.A.5 Work Release

### I Policy Index:



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### 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. The DOC shall promulgate rules necessary for placement, supervision and confinement of Work Release inmates, and administration of the Work Release Program, pursuant to Chapter 1-26.

#### **Minimal Non-Direct Supervision:**

Periodic checks on an inmate. Most activities are 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 policies 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, 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 offenders who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated) or a factual basis exists that a crime for which they were charged or convicted/adjudicated of involves sexual violence or sexual abuse and who have been identified as having a Sexual Behavior Issue (SBI) (designated by sexual behavior code of 2) (See DOC policy 1.4.B.9 [Sexual Behavior Issue 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 and utility 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.

**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 as 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 as MN custody through use of "exceptional" actual risk behavior are not eligible for work release.
- B. Inmates identified as a "sex offender", in accordance with DOC policy, will not participate in the Work Release Program.
- C. Inmates with an active felony warrant(s), pending charges, pending sentencing documents for additional felony convictions, or with holds/detainers noted on the warrants check located in the inmate's legal file and/or the Holds / Warrants / Detainers Module in the adult Comprehensive Offender Management System (COMS), are not eligible to participate in the Work Release Program.
  1. Includes holds issued by the Federal Immigration and Naturalization Service (INS).
  2. Designated staff will conduct an updated warrants search at the time which an inmate's work release application is being reviewed by staff and when the inmate is being considered for placement in the Work Release Program.
  3. Questions concerning warrants, charges, holds, detainers, etc. will be referred to DOC Central Records staff.
- D. Inmates will serve a minimum of thirty (30) consecutive days at a minimum custody DOC facility prior to placement in the Work Release Program. This requirement may be waived on a case-by-case basis by the Warden or Community Service Director.
- E. Inmates meeting one (1) of the following standards are eligible for the Work Release Program:

1. Inmates with no prior felonies serving an old system sentence for a non-violent crime are eligible when within twelve (12) months of their parole eligibility date.
2. Inmates with multiple felonies 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 who are in overall substantive compliance with their Individual Program Directive (IPD) are eligible when they are within twelve (12) months of their initial parole date. Inmates who have been assessed as "Non-Compliant" with any element of their IPD are not eligible (See DOC policy 1.4.B.1 [Individual Program Directives \(IPD\)](#)).
4. Inmates who waive their parole appearance or request "**no action**" are eligible when they are within (12) months of their flat date.
  - a. If an inmate has the "**no action**" clause removed, they will be eligible when they are within (12) months of their set parole date.
- F. Inmates sentenced to prison under a suspended execution of sentence (SES), or suspended imposition of sentence (SIS), may be eligible if approved by the Warden or Community Service Director.
- G. Inmates serving a sentence for a violent crime, or accessory to a violent crime, on their current admission is ineligible (See [Crime Codes and Classification](#)).
- H. Inmates who are contractual work release or community placement violators are ineligible for four (4) months from the date of their return to DOC custody.
- I. Inmates who are institutional work release, institutional support, or community service violators are ineligible four (4) months from the date of their removal from the program.
- J. Inmates who are unable to obtain employment during their approved job search period may be ineligible four (4) months from the end of the job search period.
- K. Inmates who are past their initial parole date due to non-compliance, or who have sustained a suspended sentence or parole violation, may be eligible provided they are within twelve (12) months of their next discretionary parole date or flat date at the time of application, and the following do not apply:
  1. The inmate has been found guilty of committing any of the following Offenses in Custody (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 or been removed from chemical dependency, moral recognition therapy (MRT), or Thinking for a Change (T4C) programming. If an inmate is accepted back in the program and completes the required programming, the inmate may be considered eligible for work release.
4. The inmate has, in the last year of employment or work assigned, a documented report indicating a refusal to work or quitting a job (with or without a disciplinary report), or a work-related level H, M or L disciplinary report.
5. If, in accordance with SDCL § 24-15A-28, the Parole Board **revoked** the inmate's parole or suspended sentence for violating condition 1 (only applies if weapons were involved or assaultive behavior), or condition 4 (weapons), or condition 14 (assaultive behavior), of the inmate's supervision agreement while serving his/her current admission (See Parole OM 7.4.G.3 [Initial Interview Supervision Agreement and Suspended Sentence Supervision](#)), the inmate is ineligible for work release.
  - a. Any documented assaultive behavior or actions involving weapons may be considered when determining work release eligibility.

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 current admission is the admission starting 01/01/10.

- L. Inmates are ineligible if found to have committed a major offense in custody in the last four (4) months (See [Inmate Living Guide](#)). Eligibility begins four (4) months from the completion date of the sanction.
- M. Inmates are ineligible if they committed five (5) minor rule violations in a three (3) month period (See [Inmate Living Guide](#)).
- N. 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 within 12 months of their term expires date, and meet the eligibility requirements on the consecutive sentence(s) to be eligible.
- O. Inmates with a medical/behavioral health hold must be approved by Health Services/Behavioral Health staff before participating in work release.

## 2. Application and Approval Process for Work Release:

- A. Inmates applying for work release may initiate the application process up to thirty (30) days prior to their work release eligibility 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 application can be approved, a warrants check must be completed. Inmates with an active warrant(s), pending charges, pending sentencing documents for additional felony convictions, holds or detainers are not eligible for placement in work release.

- a. An active felony warrant is defined as a felony charge which an inmate has not yet been sentenced and the jurisdiction issuing 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 work release, the case manager will notify the inmate and provide a brief explanation why they are ineligible.
- C. If the inmate is currently serving a sentence for a parole or suspended sentence violation, the unit manager or case manager will submit the application and any/all violation reports pertaining to their current sentence to the Deputy Warden or his/her designee for review and final approval.
- D. Once a decision is reached, the application 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 the names of inmates approved for or removed from work release are submitted to the Classification and Transfer office for victim/interested party notification purposes (See DOC Policy 1.1.E.4 *Release and Status Change Notification Requests*).
  1. Records staff will immediately notify the unit manager/case manager if a response is received from a victim or interested party.
- F. Inmates who meet the eligibility requirements per this policy are not entitled work release. No inmate has any implied right or expectation to participate in any specific program (See SDCL § 24-2-7).

### 3. Work Release Placement Proceedings:

- A. Unit staff will initiate work release placement proceedings for inmates approved to participate in the program.
- B. Each inmate approved for work release will be assigned a unit staff member.
  1. Inmates 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 currently work release eligible.
    - a. Inmates housed at a contract facility are allowed a minimum of two (2) weeks on job search.
    - b. Inmates who are unable to obtain employment may be ineligible for work release placement for four (4) months following removal from work release.
    - c. Inmates releasing to the Community Transition Program (CTP), or those paroling locally (as determined by the unit manager) on job search but who have not secured employment, may be allowed to continue on job search if they are within sixty (60) days of their release date.
  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.
    - 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.

- b. Unit staff may complete the records check for work release inmates housed in a DOC facility.
        - c. Contract facility staff may contact their DOC contact person to assist with a DOC records check.
        - d. In the event unit staff is unable to complete the records check, staff may seek assistance from the Community Service Director.
  4. Work release inmates of opposite genders will not be allowed to be placed at the same employment location without approval from 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](#) (See [Attachment 2](#) and [Attachment 4](#)).
1. The inmate will be present at the initial meeting. All necessary forms relating to participation in work release must be completed.
  2. During the initial meeting, unit staff and/or the inmate will inquire about the benefits offered by the employer; i.e. health insurance, retirement accounts, labor union membership.
  3. The initial meeting may take place at the employer's site or the inmate's housing unit.
- D. A work release inmate 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 subaccounts to pay for approved work release start-up expenses may be granted a loan (credit obligation), as described in DOC Policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#).
1. The work release loan may only be used to pay approved work release start-up expenses.
    - a. A loan may be issued each time an inmate is placed on work release status, provided any previous loan has been paid in full.
  2. The loan must be approved in full by unit staff (no partial loans).
  3. Work release start-up expenses may include clothing (including footwear and headwear), transportation costs, work supplies, etc.
  4. The inmate must repay the work release loan in accordance with the provisions set forth in DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#).

#### **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 § [24-8-4](#)).
- B. Inmates participating in work release housed at minimum custody level units, may be required to pay room and board costs based on a percentage rate established by the Secretary of Corrections (See SDCL § [24-8-11](#) and DOC Policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#)).

- C. Inmates housed in county jails or contract facilities may be required to pay room and board costs based on a percentage rate established by the DOC, or as established in the applicable contract.
- D. The room and board costs for inmates housed in county jails or contract facility may begin to accrue the day the inmate is transferred to the county 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 earnings received through employment toward any fixed obligations listed within the Inmate's Financial Responsibility (IFR), in accordance with DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility*.
- B. Priority of fixed obligation disbursements shall be in the order set forth below, pursuant to SDCL § 24-8-9:
  - 1. Room and board charges to 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. The balance, if any, will be retained in the inmate's institutional frozen subaccount and paid to the inmate upon release to parole, suspended sentence, transfer out-of-state or discharge from the DOC.
- C. Unit staff is responsible for reviewing each work release inmate's obligations and developing/maintaining the inmate's IFR (See [Attachment 9](#)).
  - 1. Unit staff may allow an inmate to join a labor union, provided this is a condition of employment. Inmates will pay any union dues from their spend subaccount.
  - 2. Inmates may participate in an employer provided retirement plan if 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 the retirement plan.
  - 3. Inmates may make a charitable donation from their net earnings. The donation shall be paid from their spend subaccount.
- D. Inmates unwilling to make payments toward their financial obligations, as set forth in SDCL § 24-8-9, will not be allowed to participate in work release.
- E. Inmates are responsible for all credit obligations and debts incurred while on work release.
- F. Inmates who violate the provisions of this policy or other expressed rules of the Work Release Program are subject to disciplinary action, termination from work release and/or criminal prosecution.
- G. Any paychecks received after an inmate's termination from work release will be deposited in the inmate's subaccounts, subject to DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility*

and used to pay room and board, credit obligations and fixed obligations. The balance of the deposit, if any, shall be placed in the inmate's frozen account.

## **6. Transportation Methods for Work Release Inmates:**

A. Approved transportation methods for work release inmates include:

1. Walking;
2. Riding a bicycle;
3. Public transportation;
4. A work associate of the inmate who provides the inmate transportation as part of their work duties (is being compensated by the employer when transporting the inmate);
5. An approved member of the community;
  - a. A criminal background check will be completed by the DOC.
    - 1) The senior security officer or designee will determine if the person's criminal background check is acceptable.
  - b. Persons with a qualifying criminal history who are eighteen (18) years of age or older, possess a valid driver license and automobile insurance, and the same gender as the inmate, may be approved to transport a work release inmate.
  - c. The person must complete the [Work Release Transportation Person](#) form (See [Attachment 10](#)).
6. Facility/contract staff (provided sufficient personnel and vehicles are available).

B. Inmates may not be provided with a motor vehicle to transport themselves to and from work.

C. Persons who charge inmates for transportation are subject to licensing/reporting requirements set forth by the Department of Revenue.

D. Transportation methods not approved for work release inmates include:

1. Transport by an inmate's spouse.
2. Transport by a community member of the opposite gender.
3. Transport by a person not approved by the DOC.

E. Transportation methods must be pre-approved by the supervising authority.

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

A. Inmates will not operate motor vehicles on a public highway. A public highway is defined as all streets, alleys, public roads, public thoroughfares or highways.

B. The Warden or his/her designee may grant exceptions and approval on a case by case basis.

- C. Inmate operation of motor vehicles will be in accordance with DOC policy 1.5.A.8 *Inmate Operation of Vehicles*.

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

- A. Inmates must agree to follow all rules, regulations and agreements applying to their particular work release situation (See Attachments 1, 2, 3, 4, 5, 7, 9 and 11) in accordance with Administrative Rule 17:50:01:28.
- B. Employers must agree to sign and follow all rules, regulations and agreements that apply to employment of a work release inmate(s) (See Attachments 4, 5 and 8).
- C. Inmates may attend religious activities in the community, as provided in DOC policy 1.5.F.3 *Inmate Community Religious Activity Guidelines*.
- D. Inmates are subject to the rules and regulations of the employer, the facility and the DOC. In the case where the employer's or non-DOC facility rules and regulations directing inmate conduct are less restrictive than the *Work Release Rules and Regulations* (See Attachment 2) set forth by the DOC, the DOC rules shall apply.
- E. A urine sample or breath analyzer test may be administered upon an inmate at any time by DOC staff or contract staff (See DOC policy 1.3.A.8 *Offender Drug Testing, Sanctions & Treatment*).
- F. An 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 or contract staff.
- G. Inmates who violate the provisions of this policy or the rules of the Work Release Program are subject to disciplinary action, including and up to termination from work release and employment.
- H. An inmate's access to the community is limited to approved and authorized work release purposes only.
1. Any inmate who fails to return to the facility following a work assignment or temporary leave for job search, or whose whereabouts cannot be accounted for after steps have been taken to locate him/her, may be considered "escaped". Second degree escape is a Class 5 felony (See SDCL § 22-11A-2.1) and SDCL § 24-8-6, "The failure of an inmate to return to or return from planned employment, the seeking of employment, or vocational training constitutes escape, and such inmate shall be charged therefor".

## **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 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 unit staff.
- B. Inmates will normally be back to the unit by 12:00 AM. The appropriate Deputy Warden must approve any exceptions.
- C. A unit staff member will ensure the employer is contacted if an inmate is unable to work due to illness or other approved reasons.

- D. Unit staff will initiate contact with the employer to ensure employer and inmate compliance with the requirements of the Work Release Program. Contact is defined as a job site visit, phone contact or face-to-face meeting. The unit manager will ensure employer contacts are documented in COMS. All employers are subject to the following DOC initiated contact:
1. A job site visit or face-to-face contact will be made during the second week of employment following the inmate's initial employment.
  2. A minimum of one monthly contact for each inmate on work release for the duration of time the inmate is employed by the employer.
  3. 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.
  4. DOC staff may contact the employer periodically to verify the inmate's presence at the place of employment.
- E. If a work release inmate cannot be accounted for, or is suspected of departing from his/her assigned worksite without authorization, or fails to return to his/her housing unit within one (1) hour of their scheduled time of return; or there is reasonable suspicion the inmate has escaped, DOC staff will immediately contact the Warden or his/her designee.
1. The Warden has the discretion to implement any steps he/she deems appropriate to determine the status of the inmate. Steps may include but are not limited to, search of the work site, contacting the employer, contacting friends or family of the inmate, etc.
  2. DOC staff will not implement escape procedures unless authorized by the Warden or his/her designee.
  3. Upon confirmation a work release inmate has escaped, designated DOC staff will notify the Secretary of Corrections and Community Services Director of the escape in accordance with DOC Policy 1.1.A.3 [Reporting Information to DOC Administration](#).
- F. DOC staff conducting an employer contact or employers/inmate supervisors who have reasonable suspicion a work release inmate has escaped, or those who have visually observed the unauthorized departure of an inmate from their assigned work site/place of employment, shall immediately contact the respective DOC control room.
- G. Case managers should verify the inmate's earnings by reviewing payroll deposits into 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, shall be reported to the unit manager.
- H. The Community Service Director will be notified whenever an inmate is removed from work release or has their employment terminated due to disciplinary action, or escape/walk away.

## **10. Inmate Compensation for Work Release Employment:**

- A. Wages paid to the inmate by the employer will meet or exceed federal and state minimum wage requirements.
1. Inmates may not be used as a cut-rate labor force.

2. The earnings of work release 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. Inmates must sign the [Work Release Assignment of Check](#) form (See [Attachment 3](#)) and a revised [Inmate Financial Worksheet](#) (See [Attachment 9](#)) prior to participating in work release.
- C. Paychecks will be made payable to the inmate and mailed to the DOC Administrative Office (See SDCL § 24-8-8). Payroll may be completed via direct deposit.
1. Each pay stub must include the hours worked, gross wage, net wage, and all federal and state withholding taxes.
  2. At no time will work release inmates receive a paycheck or bonus directly from the employer. Inmates may not receive an advance against a paycheck unless authorized by the Community Service Director.
  3. Inmates removed from work release for misconduct will have any work release earnings received by the DOC, subsequent to their removal from work release, frozen.
    - a. All room and board costs and credit obligations, including work release expense loans, will be deducted from the inmate's work release pay check(s). The spend and savings account will be bypassed in the distribution formula. Deductions will apply towards fixed obligations and any remaining funds will be frozen.
- D. When an inmate's parole release date has been confirmed by Central Records, and the inmate is within approximately one (1) week of being released from DOC custody, unit staff will send the inmate's employer a [Check Assignment Cancellation](#) form (See [Attachment 6](#)).
1. Employer payroll checks issued prior to the scheduled release date noted on the Check Assignment Cancellation form will be sent to the DOC.
  2. Employer payroll checks issued after the scheduled release date noted on the Check Assignment Cancellation form will be released to the inmate.
  3. All work release inmates releasing to parole supervision who have credit obligations at the time of their release will have the credit obligation written off and the amount transferred to "costs incurred" (See [Attachment 7](#)).
  4. Payments on these "costs" shall be made directly to the DOC Administration office until the amount is paid in full. The expectation is that the total amount due be repaid within six (6) months of the date of the inmate's release, dependent upon the financial plan developed by the parole agent and parolee.

## 11. Medical Care for Work Release Inmates:

- A. Inmates on work release are financially responsible for medical expenses and co-pay fees in accordance with DOC policy 1.4.E.10 [Medical Co-Payment Fees](#).
- B. Inmates are required to apply for health insurance coverage and/or dental insurance through their employer, if these benefits are available and the inmate is eligible to receive the benefit(s).
- C. It is the responsibility of the inmate and his/her employer to file claims through workman's compensation for work related injuries. If an 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 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 operate a legitimate business (registered with the Department of Revenue), provide workman's compensation insurance and offer full-time employment. Inmates may be approved for multiple part-time jobs in the event full-time employment is not available, or supplement full-time employment through part-time employment.
- B. Inmates may not be self-employed as they are required to work under supervision.
1. Employers must have a supervisor assigned and on duty to provide supervision of the work release inmate during their scheduled work hours.
- C. Inmates may be employed in a "family business" if the criteria outlined in A. and B. of this section are met.
1. Employers previously been incarcerated for a felony conviction(s) are not automatically barred from participating in the Work Release Program.
  2. The Deputy Warden or Community Service Director may approve employers with a previous felony conviction.
- D. The Deputy Warden or Community Service Director may terminate employment of a work release inmate with an employer who compromises the safety and security of the inmate.
- E. Employers hiring inmates to work on projects receiving federal funding must comply with Executive Order 12943 (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 shall 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 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, release this information to unit staff, Warden and 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 §§ [22-11A-2.1](#), [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 and Status Change Notification Requests](#)

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

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

DOC policy 1.4.A.2 -- [Inmate Admission](#)

DOC policy 1.4.A.3 -- [Sex Offender Management Program](#)

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 -- [Sexual Behavior Issue 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](#)

DOC policy 1.5.F.3 -- [Community Religious Activity Guidelines](#)

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

[Crime Codes and Classification](#)

[Inmate Living Guide](#)

## 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 is 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 cannot 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 county 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.

**April 2013:** **Deleted** 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 per day for room and board” in Section 4 B. **Added** “costs based on a percentage rate established by the DOC. (The facility’s rate...)” and **Deleted** “The rate must be approved by the Community Service Director” in Section 4 D. **Deleted** “Work release inmates who have disbursement obligations cannot have their union dues payable through a company payroll deduction. and **Deleted** “net earnings” in Section 5 B. 1. **Added** E. to Section 5. **Added** “who provides the inmate transportation as part of their work duties (is being compensated by the employer while transporting the inmate)” in Section 6 A. 4. **Added** 5. “An approved member of the community” to Section 6. A. **Added** new B. and C. to Section 6. **Deleted** “work associate” from Section 6 D. 2. **Added** 1. to Section 8 H. **Moved** G. to I and **Renumbered** subsections in Section 9. **Added** “terminated or escaped” to Section 9 J. **Deleted** “Funds will be retained in the inmate’s account and paid to them upon their release to parole, suspended sentence or discharge” in Section 10 C. 3. **Deleted** “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” and **Replaced** with “All room and board costs and credit obligations, including work release expense loans will be deducted from the inmate’s work release pay check, the spend and savings account will be bypassed in the distribution formula, deductions will still apply towards fixed obligations and any remaining funds will be frozen” and **Deleted** “retained in the inmate’s account” and in Section 10 C. 4. **Deleted** 3. “If it appears a work release inmate releasing to parole supervision owes the DOC money for involvement with the WR program, the parolee’s parole agent will ensure the DOC debt is included in the inmate’s obligations. A copy of the parolee’s budget plan will be sent to the respective DOC business office” in Section 10 D. 3. **Deleted** “owe the DOC money are required to provide his/her forwarding address/contact information and acknowledgement in writing he/she owes the debt and he/she will make a good faith effort to settle the debt” and **Replaced** with “releasing to parole supervision who have credit obligations at the time of their release will have the credit obligation written off and the amount transferred to “costs incurred” This information will be included on the inmate’s IFR and forwarded to the inmate’s assigned parole agent” in Section 10 D. 3. **Added** 4. to Section 10 D. **Deleted** 2. & 3. and 3. a. b. c. in Section 11 (refer to Inmate Medical Copay policy). **Deleted** 2. “If a work release inmate is referred for medical services outside the DOC facility by HS, the inmate is financially responsible for all expenses incurred” in Section 11.

**December 2013:** **Added** “and utility” to definition of “Vehicle”. **Deleted** F. “A copy of all approved Work Release Applications will be sent to the Community Service Director for statistical purposes” in Section 2. **Deleted** “During the inmate’s second week of employment, the” and **Added** “make contact with the employer” and **Deleted** “telephone contact is completed with the employer” and **Replaced** with

“program compliance” and **Added** “Contact is defined as either a physical job site visit, phone contact of facility face-to-face meeting” in Section 9 D. **Deleted** “During the third week of employment, the unit manager will ensure a contact visit is completed with the employer” and **Replaced** with “A physical job site visit or facility face-to face contact will be made during the second week of employment for each inmate beginning new employment” in Section 9 D. 1. **Deleted** “This meeting may include the inmate if he/she is available” and **Replaced** with “A minimum of one monthly contact for each inmate on work release is required for the duration of the time the inmate is on work release” in Section 9 D. 2. **Added** 3. 4. and 5. to Section 9. **Deleted** 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 unit staff” in Section 9. **Deleted** 1. “Physical spot checks at the inmate’s place of employment will be completed by DOC staff as time allows” in Section 9 E. **Deleted** “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 of verbal, that adversely affects the inmate’s employment” in Section 9. E. **Deleted** F. “DOC staff may contact the employer periodically to verify the inmate’s presence at the job site” in Section 9. **Deleted** H. “The unit manager will ensure employment/employer contacts are documented and maintained in the COMS” in Section 9. **Deleted** “terminated or has escaped from Work Release” and **Replaced** with “work release due to disciplinary action or escape/walk away” in Section 9. J. **Deleted** “Inmates on work release from the Community Alternatives of the Black Hills will have their paychecks sent to CABH” in Section 10 C. **Deleted** “or when” and **Replaced** with “and” in Section 10 D. **Deleted** D. and all reference to medical care and **Added** reference to Inmate Medical Co-Pay policy.

**December 2014:** **Deleted** H. in Section 1. **Added** “If an inmate is accepted back into programming and completes the required programming, the inmate may be considered for work release” in Section 1 K. 3. **Added** 4. to Section 1 K. 3. **Added** a. to Section 1 K. 5. **Deleted** “when a slot is available” in Section 3 A. **Deleted** 6. Payments of personal debts and obligations upon proof and the discretion of the inmate” in Section 5 B. 6. **Deleted** “The contribution amount shall be paid from the inmate’s spend subaccount” in Section 5 C. 2. **Added** “Payroll may be done via direct deposit in Section 10 B. **Deleted** “This information will be included on the inmate’s IFR and forwarded to the inmate’s assigned parole agent” in Section 10 C. 3. **Deleted** “minimum of 35 hours a week) and **Added** “as defined by the employer” and **Added** “or supplement their full-time employment through part-time employment” in Section 12 a. **Added** 1. to Section 12 B.

**April 2015:** **Deleted** P. “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” in Section 1 **Deleted** 1. “An exception may be granted by the Warden for female inmates participating in the Intensive Meth Treatment (IMT) program” and 2. “Contractual” facility includes but is not limited to CABH, the Glory House and MCC” in Section 1 P. **Deleted** 1. “Inmates will sign the Medical Expenses for Work Release Inmates form acknowledging their obligation for medical expenses (See Attachment 12)” in Section 11 A. **Deleted** Attachment 12.

**December 2015:** **Updated** definition of “Sex Offender” **Deleted** “burglary 2<sup>nd</sup>” from Section 1 F. **Deleted** “programming” and **Added** “chemical dependency, moral recognition therapy or Thinking for a Change” and **Deleted** “they were assessed as needing i.e. chemical dependency or education programming” in Section 1 K. 3. **Added** F. to Section 2. **Deleted** C. “The room and board costs for inmates housed at minimum custody level units will not begin to accrue until the day the inmate has started his/her work release job” in Section 4. **Added** “or as established in the applicable contract” in Section 4. C.

*Denny Kaemingk (original signature on file)*

Denny Kaemingk, Secretary of Corrections

03/22/2016

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	
<b>WORK RELEASE APPLICATION</b>			
Name	Number	DOB	
CS#	<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

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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:

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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: \_\_\_\_\_

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### 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	
<b>WORK RELEASE ASSIGNMENT OF CHECK</b>			
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 S.D.C.L. § 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			
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## 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			
<b>WORK RELEASE SCHEDULE</b>					
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.					
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## 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
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**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 \_\_\_\_\_

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## Attachment 7: Work Release Acknowledgment of Costs Incurred

The **Work Release Acknowledgment of Costs of Incarceration** 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 Acknowledgment of Costs Incurred** 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 Costs Incurred**.

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

<p>South Dakota Department of Corrections      Attachment: Work Release Acknowledgement of Debt Policy      Please refer to DOC policy 1.5.A.5 Distribution: Public      Work Release</p>	<p>South Dakota Department of Corrections      Attachment: Work Release Acknowledgement of Debt Policy      Please refer to DOC policy 1.5.A.5 Distribution: Public      Work Release</p>
<b>WORK RELEASE ACKNOWLEDGEMENT OF COSTS INCURRED</b>	
<b>COPY: To parole agent (if inmate is releasing to parole supervision)</b>	
<p>Inmate (name): _____ (ID number): _____ is scheduled to release: _____ . It is projected he/she will owe \$ _____ to the Department of Corrections for costs associated Incarceration. I, (inmate name) _____ acknowledge I owe the Department of Corrections \$ _____ for costs associated with my incarceration. By my signature at the bottom of this form, I agree to repay the SD Department of Corrections the full amount owed.</p>	
_____ Inmate (printed name and signature)	_____ Date
_____ Forwarding Address	
_____ Telephone Number	
_____ Staff Witness (printed name and signature)	_____ Date
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## Attachment 9: 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 displays two side-by-side screenshots of the 'INMATE FINANCIAL WORKSHEET' form. The form is a complex grid with various sections for inmate information, court orders, and financial details. The left screenshot shows the top half of the form, including inmate name, address, and court order information. The right screenshot shows the bottom half, including work release details, private sector industry agreement, and inmate signature lines. Gray boxes indicate where information should be entered.

## 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	
<b>WORK RELEASE TRANSPORTATION PERSON</b>			
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.			
<b>TRANSPORTER AGREEMENT</b>			
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 item to the Inmate I am driving.			
_____ Transporter Signature		_____ Date	
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## 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
<b>WORK RELEASE HEALTH SERVICE WAIVER</b>	
<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>	
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