1.5.A.5 Work Release

I Policy Index:

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 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 commitction 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 manger 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 inmates 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.
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 worksite, 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 worksite/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 to 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 policy1.4.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 insurably 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 “violator” 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 “Fund 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 F. “DOC staff may contact the employer periodically to verify the inmate’s presence at the job site” in Section 9. Deleted G. “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 2nd” 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.
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.
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.

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   a. Placing mouse on the word “here” above
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   c. Click the left button of mouse.

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

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   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.
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.
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.
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.
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.
Attachment 8: Documentation of Compliance with Executive Order 12943

The *Documentation of Compliance with Executive Order 12943* 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 *Documentation of Compliance with Executive Order 12943* 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 *Documentation of Compliance with Executive Order 12943*.

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

![Documentation of Compliance with Executive Order 12943 form](image)

<table>
<thead>
<tr>
<th>DOCUMENTATION OF COMPLIANCE WITH EXECUTIVE ORDER 12943</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employer:</td>
</tr>
<tr>
<td>Is there a local union or similar unit organization which regularly engages in collective bargaining on behalf of crews that 20 percent of those engaged in the work the inmate will be doing within the county in which the work will be performed?</td>
</tr>
<tr>
<td>[ ] Yes [ ] No</td>
</tr>
<tr>
<td>If yes, have representatives of the corresponding union been consulted?</td>
</tr>
<tr>
<td>[ ] Yes [ ] No</td>
</tr>
<tr>
<td>Department for Corrections:</td>
</tr>
<tr>
<td>Based on the SD Department of Labor &quot;Job Labor Analysis,&quot; whether the unemployment rate of the county in which the work will actually be performed?</td>
</tr>
<tr>
<td>[ ] Yes [ ] No</td>
</tr>
<tr>
<td>The unemployment rate of the county in which the work will actually be performed is more than 4%:</td>
</tr>
<tr>
<td>[ ] Yes [ ] No</td>
</tr>
<tr>
<td>Employer:</td>
</tr>
<tr>
<td>Does the employment of the inmate worker displace employed workers?</td>
</tr>
<tr>
<td>[ ] Yes [ ] No</td>
</tr>
<tr>
<td>Does the employment of the inmate worker impair existing contracts for services?</td>
</tr>
<tr>
<td>[ ] Yes [ ] No</td>
</tr>
<tr>
<td>Are there non-inmate applicants of equal skills and abilities for the position available?</td>
</tr>
<tr>
<td>[ ] Yes [ ] No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employer Signature</th>
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</thead>
<tbody>
<tr>
<td>DOC Staff Signature</td>
<td>Date</td>
</tr>
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Revised: 12/29/2015
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.
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.
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.

![Work Release Health Service Waiver Form](image)