



# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>10-109J</b>	<b>PAGE NUMBER</b>  <b>1 of 6</b>
		<b>SUBJECT:</b>  <b>PROGRAMS AND SERVICES: Offender Work Assignments</b>	
<b>Approved By:</b>    Secretary of Corrections		<b>Original Date Issued:</b> <span style="float: right;"><b>10-13-16</b></span>	
		<b>Replaces Version Issued:</b> <span style="float: right;"><b>N/A</b></span>	
		<b>CURRENT VERSION EFFECTIVE:</b> <span style="float: right;"><b>10-13-16</b></span>	

<b>APPLICABILITY:</b>	_ ADULT Operations Only	<input checked="" type="checkbox"/> JUVENILE Operations Only	_ DEPARTMENT-WIDE
-----------------------	-------------------------	--	-------------------

## POLICY STATEMENT

Offenders shall be provided routine, regularly established work assignments which are designed to occupy their time in a productive manner and, to the extent possible, to provide opportunities to develop, maintain, and/or improve vocational skills, work habits, self-confidence and other job related attitudes. (ACA 2-CO-5A-01; ACI 3-4395, 3-4397) Offenders shall be assigned to jobs in the facilities as aides, or as part of work details or maintenance crews. Evaluation of offender performance in facility jobs or industries shall be considered a major indicator of progress toward fulfillment of the program plan. Offenders shall be compensated for participation in work assignments. Such compensation shall be based upon the established skill classification of the assignment. Offenders working directly for a private industry in a facility based private industry shall be paid the higher of either the federal minimum hourly wage or the local prevailing wage for similar types of work or its equivalent if paid as piece work. (ACI 3-4398, 3-4407)

A work plan shall be developed by each juvenile correctional facility which classifies work assignments depending on the nature and function of the work or activity and provides an adequate number of positions to meet the realistic placement and workload needs of the facility's programs and operation and the needs of industrial and private enterprise employment programs. (ACI 3-4399, 3-4404) Each facility shall determine the security requirements and programmatic needs of offenders to be eligible for placement in industries and private enterprise employment programs; (ACI 3-4398, 3-4403) the job site coordinator shall be responsible for all work assignments, with input from staff. Adequate provisions shall be included in the work plan for employment of handicapped offenders. (ACI 3-4396)

Educational services for offenders shall take priority over facility work opportunities. Any offender who has not obtained a high school diploma or GED shall have education as their primary assignment during school hours. If their school schedule allows, offenders may work throughout the school day. Offenders who have obtained their diploma/GED may work any shift. Offenders shall not be permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor. (3-JTS-5D-18)

Any offender may be moved from one job classification to any other classification, and may be paid incentive pay commensurate with that classification. Such a decision shall be based upon the job coordinator's recommendation, in collaboration with the unit team and judgment of the offender's performance and shall follow consultation with the work area supervisor.

Offenders applying for a job on a work crew that works outside of the facility's secure perimeter shall require approval from the superintendent prior to being assigned to the work crew.

## **DEFINITIONS**

Area Supervisor: staff member, to include employee and contractors, who supervises offenders in their daily duties on a work assignment.

Facility Clinical Health Authority: The physician Site Medical Director responsible to the Regional Medical Director for all clinical matters and to the Health Services Administrator for all administrative matters.

Facility Support: Assignments in which offenders are engaged in operational support activities, e.g., food service, laundry, maintenance, porters, etc.

Facility Job Site Coordinator: Facility staff member designated by the Superintendent to oversee offender work assignments.

Private Industry Employment Program: The term used to refer generally and collectively to private prison based and private non-prison based employment programs.

Program: Required or voluntary activities and/or instruction directed toward the advancement of education, employment skills, risk reduction, and behavioral health, which are ultimately intended to contribute to facility management and assist the offender in leading a law-abiding lifestyle.

Work Assignment: The job or program activity assigned to an offender by the facility job site coordinator as necessary to meet the needs of the facility work plan or to satisfy the elements of the offender's case plan.

Work Detail Assignment: Specific job/work activities required for facility support and industries as described in the facility work plan.

## **PROCEDURES**

### **I. Facility Work Plan (ACI 3-4394)**

- A. Each superintendent shall ensure the development of a facility work plan, which shall be submitted to the Deputy Secretary of Juvenile Services for approval.
  - 1. Work assignments shall be classified according to the nature and function of the work performance and shall, to the extent possible, approximate the workday in the community. (ACI 3-4400)
  - 2. The facility work plan shall provide for an adequate number of positions to meet the realistic workload of the facility's operational needs and the needs of industrial and private employment ventures.
  - 3. Where applicable, the work plan shall incorporate advice and assistance of labor, business and industrial organizations to assist in providing skills relevant to the job market. (ACI 3-4404)
- B. The facility work plans shall be reviewed and approved no later than July 1st each year by the Deputy Secretary of Juvenile Services.

### **II. Incentive Pay (ACI 3-4407)**

- A. Offenders shall receive incentive pay only for hours worked on work assignments, unless an offender received the disciplinary sanction "work without incentive pay or extra work without incentive pay" as part of a disciplinary case disposition.
  - 1. Offenders shall not receive pay for routine housekeeping activities/details, which are not included in the work plan.
  - 2. Pay levels shall be consistent with current budgetary allocations.

3. Each facility shall create general orders to establish a pay scale that defines starting pay and incremental increases offered as part of the work assignment.
    - a. Kansas Correctional Industry (KCI) pay scale shall be as follows:
      - (1) Pay Grade #1: Hourly pay rate at \$ .25
      - (2) Pay Grade #2: Hourly pay rate of \$ .40
      - (3) Pay Grade #3: Hourly pay rate of \$ .60; and,
      - (4) Pay Grade HAB1: Hourly pay rate of \$3.00
  4. The offender pay period shall be one calendar month.
    - a. All facilities shall be on the same pay cycle.
    - b. Each facility shall establish a mechanism for tracking and reporting hours worked for each offender.
  5. If an offender is placed in a recommended program that disrupts or interrupts their scheduled work assignment, incentive pay shall continue at the rate the offender was receiving for his/her work assignment at the time of placement.
    - a. Offenders who are reassigned from employment with the Kansas Correctional Industries (KCI) to a recommended program shall continue to receive the hourly incentive pay for the time they spend in their recommended program.
- B. Offenders in the following status shall not be eligible for work assignments with incentive pay until assigned or reassigned:
1. Refused a work assignment:
  2. Removed from the last work assignment due to misconduct or poor work performance:
  3. Placement in a restricted housing unit, except:
    - a. Those on protective custody status who are ready, willing and able to work/participate and are unable to work/participate through no fault of their own due to the lack of available work assignments;
    - b. Those in administrative segregation for purposes of medical/behavioral health isolation, except the offenders segregated in accordance with IMPP 10-126D;
    - c. Those offenders in the Restricted Housing Behavioral Health Program or Restricted Housing Treatment Program, as defined by IMPP 20-110J.
    - d. Such offenders shall be paid in the same manner as unassigned general population offenders if any of conditions in a. or b. above apply.
- D. Offenders assigned to Kansas Correctional Industries (KCI) shall be paid on an hourly rate in four (4) pay grades, as previously indicated within pertinent procedures of this IMPP. At the discretion of the Director, KCI, offenders may be paid through an offender wage fund/group incentive program or standard pay grade assignments.
1. The number of hours worked by offenders shall be determined either by time clock card records or time sheets signed by KCI staff.

2. KCI shall provide an accounting of the number of hours worked by each assigned offender to the facility business office at the end of each offender payroll period.
  - a. KCI shall reimburse each facility's offender benefit fund for the amount of KCI offender payroll at least annually.
- E. Offenders assigned to KCI who are engaged in work projects for a private individual corporation, partnership or association, as authorized by K.S.A. 75-5275, shall be paid in accordance with the contract as provided by IMPP 10-128D.
  1. If the contract provides that offenders will be paid by piece rate, rather than an hourly rate, that compensation shall equate to at least the federal minimum wage.

### III. Assignment to Work

- A. Each superintendent shall publish a General Order specifying procedures for assignment of offenders to work/program activities which comply with the provisions of this IMPP (ACI 3-4395), and which ensures that the facility job site coordinator considers programs and security issues with regard to assignments to industries or private enterprise employment. (ACI 3-4403)
- B. The responsibility for all offender work assignments shall rest with the facility job site coordinator. When making decisions regarding work assignments, the facility job site coordinator shall consider input from all departments, including, but not limited to, unit team, medical, behavioral health, security, education, etc.
- C. To the extent possible, the facility job site coordinator shall attempt to match the physical and mental abilities of the offender to the required tasks of a work assignment.
  1. In the event no such match is available, the facility job site coordinator shall assign the offender to a position with increased or decreased demands in a training capacity.
  2. In the event the offender is, in the determination of the facility Medical Director or designee, limited due to a physical handicap, reasonable accommodations shall be made to provide a work assignment. (ACI 3-4396)
- D. Offenders shall not be denied the opportunity to participate in the elements of their facility case plan due to their assignment to a particular facility work assignment. (ACI 3-4395)
  1. Referrals to such programs shall be made in a timely manner irrespective of the offender's work assignment status.
- E. Offender work detail assignments shall include and be prioritized as follows:
  1. First priority: Facility support assignments;
    - a. Facility operational support;
    - b. Facility maintenance and improvements; and,
    - c. Facility grounds
  2. Second priority: Correctional Industries and Private Industry Employment assignments; and,
    - a. Assignments to private employment positions shall be in accordance with IMPP 10-128D.
- F. The facility job site coordinator shall be responsible for ensuring that work assignments are filled as the availability of offenders allows.

#### IV. Removal from a Work Assignment

- A. Removal of an offender from a work assignment shall be the responsibility of the facility job site coordinator, with input from the area supervisor and the unit team.
- B. Offenders may be removed from a work assignment for cause due to:
  - 1. Refusing to work/participate:
  - 2. Disruptive behavior impeding the work/participation of others;
  - 3. Consistently poor work and/or other program performance/participation;
  - 4. Security considerations; or
  - 5. Refusal to participate in a recommended program at the time of placement.
- C. Except as provided below, if an offender is to be removed from a work assignment for cause, the area supervisor shall prepare a disciplinary report bringing appropriate charges against the offender.
- D. An offender may be administratively removed from a work assignment for inability to perform the work/participate due to:
  - 1. Medical/behavioral health considerations;
  - 2. Lack of job skills and the supervisor is unable to teach these skills; or
  - 3. Lack of the basic aptitude necessary to perform the needed work/activity.
- E. The detail/program supervisor shall submit to the facility job site coordinator a written recommendation for removal of an offender for administrative reasons.
  - 1. Such recommendations shall clearly indicate that the removal is for administrative reasons not related to the offender's conduct or behavior.
  - 2. Such recommendation shall specifically detail the offender's inability to function in the work/program assignment.
  - 3. Reasonable accommodations shall be made to retain offenders on assignments. The facility Medical Director or designee shall review the work assignments and the offender's physical abilities or limitations prior to removal from an assignment for other than conduct or behavior reasons.
- F. Offenders who are removed from a work assignment pursuant to Section IV.D. of this IMPP, shall be offered re-assignment when an alternate work assignment is available if the offender:
  - 1. Is ready, willing and able to work;
  - 2. Does not present security concerns; or
  - 3. Is not restricted due to medical considerations.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any

such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS REQUIRED**

None.

#### **REFERENCES**

K.S.A. 75-5275, 76-2112

IMPP 10-126D, 10-128D, 20-110J

ACI 3-4390, 3-4394, 3-4395, 3-4396, 3-4397, 3-4398, 3-4399, 3-4400, 3-4403, 3-4404, 3-4407

JCF 3-JTS-5D-18

#### **ATTACHMENTS**

None.