

POLICY PROCEDURES AND STANDARDS FOR
PROGRAMMING OFFENDERS



DIVISION OF PROGRAM SERVICES
NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

PHILOSOPHY

The overriding goal of Program Services within the New York State Department of Corrections and Community Supervision is to meet all of the identified program needs of every offender prior to his/her release back into the community.

These programs, which are mandatory if a need is identified, include: education until attainment of a High School Equivalency Diploma; preparation for employment through completion of a vocational training program; completion of a Substance Abuse Treatment program; completion of the Aggression Replacement Training program; and completion of the Sex Offender Counseling and Treatment Program.

In addition, every offender is expected to complete the three phases of Transitional Services and also to accept a work assignment.

It is the responsibility of the Executive Staff at each facility to manage the appropriate and timely placement of offenders within needed programs to accomplish this goal while, at the same time, ensuring that the vital operational needs of the facility are met.

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GUIDELINES FOR PROGRAMMING OFFENDERS

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It is the policy of the Department of Corrections and Community Supervision that:

1. Directive #4803, Offender Program Placement, is closely followed when programming offenders.
2. Program Committee will assign all offenders to the KIPY system.
3. All paid and unpaid Departmental programs are to be entered in the KIPY system.
4. Offenders who refuse program assignments may be subject to administrative action. Offenders refusing therapeutic programs should not be placed in work assignments earning more than Grade 1 non-industry pay.
5. All offender work assignments are paid assignments and not volunteer work assignments unless otherwise stated in Directive #4802 - Inmate Payroll Standards.
6. Offender pay is based on the level of skill, education, and responsibility required to successfully perform the duties of the specific assignment and subject to program availability.
7. All Offender Progress Reports – Form 3250 (see appendix) are to be completed, at a minimum, on a quarterly basis.
8. All offenders should be programmed for two paid modules per day, normally 30 hours per week. No Offender should be paid for more than two modules without the approval of the Assistant Commissioner of Program Services.
9. Offenders may be assigned to therapeutic, educational, and vocational programs on a non-paid basis when they are already assigned to two paid work modules.
10. Every Offender without a verified high school credential will have an identified academic need and will attend a school program until the offender obtains a High School Equivalency Diploma. Achievement of the High School Equivalency Diploma is the only means by which an offender can satisfy the academic need. Exceptions to this Academic Attendance Policy are to be found in Directive #4804 -- Academic Education Program Policies (see appendix).
11. To be assigned to a grade 3 job an offender must possess a verified high school diploma or equivalency or have documented proof that he/she functions at or above the 9.0 grade level in reading and mathematics and is enrolled in a High School Equivalency Diploma program. If no program slots are available in the facility High School Equivalency Diploma program, the facility may assign an offender who is at or above the 9.0 reading and mathematics levels to a grade 3 job if he/she is on the High School Equivalency Diploma Required Program List. When an offender is reached on that list, he/she must enroll in the program in order to retain the grade 3 assignment.
12. To be assigned to a grade 4, 5 or any Industries job (except Industry 1 messhall worker), an offender must possess a verified high school diploma or equivalency.
13. Offenders are not to be assigned to more than one module of vocational programming, except offenders in a Department of Labor Apprenticeship Training Program.

14. Offenders trained in vocational shops or possessing specialized trade skills may be considered for placement in facility maintenance jobs consistent with their skills and security interests of the facility. **(See O-NET).**
15. Medical codes are not to be used as flags to designate program eligibility but only to indicate the offender's medical status.

PAYROLL SYSTEM

KIPY is the Department's system to make all offender assignments, create and maintain required program lists and to input payrolls to ensure interaction with ICAS. ICAS (Inmate Commissary and Accounting System) is the system that registers all offender monetary transactions.

The establishment and monitoring of work assignments is the responsibility of the Deputy Superintendent for Programs. Responsibility for timely and correct processing of offender payroll in the Business Office rests with the Deputy Superintendent for Administration.

Master Job Organization Table (MJOT)

The MJOT is a listing of all offender jobs according to specific work locations. The Program Committee Chairperson, under the direction of the Deputy Superintendent for Programs, shall have the responsibility for establishing and maintaining the MJOT and the authority to make changes to work locations or the number of items in any work location.

The up-to-date maintenance of the MJOT is a crucial factor since it reflects the program capacity and profile of the facility for offender assignments. Furthermore, Central Office management reports are run from the information organized in the facility MJOT. If the MJOT is not maintained, inaccurate management reports are generated.

The Deputy Superintendent for Program Services should review, and update as required, the MJOT every *six months*. This review should include the following:

1. ***The facility's Program Plan and Staffing Analysis should be reviewed and updated to ensure it meets facility needs and staffing levels. The Program Committee Chairperson should make corresponding changes to the MJOT. Vacant temporary items should be deleted if it is determined they are not necessary.***
2. Academic and Vocational program enrollment is based on class size and cannot exceed the safe capacity.
3. Whenever possible, offenders should be moved from temporary items to vacant permanent items for which they qualify. In performing this task, it should be noted that the current 90-day pay cycle would need to be manually calculated.
4. All offenders must be removed from programs that have been eliminated and offenders should not be assigned to any programs that are not in operation (***including academic and vocational programs that are suspended during summer recess***).
5. Double encumbered items and offenders with three paid modules should be eliminated, unless valid waivers approved by the Assistant Commissioner of Program Services for the three paid modules are in effect.
6. All work locations should be reviewed to ensure that locations are proportionate in regard to the racial composition of the facility.
7. The current offender wage expenditures and spending projection should be compared to the facility's Inmate Incentive Wages Centralized Account allocation to ensure spending is within or, if possible, under the allocation.

PAYROLL ITEM NUMBERS

In order to be paid for an assignment, an offender must be assigned to a program and listed on a Wage and Time sheet approved by the Program Committee Chairperson. Each assignment within a facility is defined by a payroll item number. The payroll item number is a six-digit number. The first three digits signify the work location, the fourth digit represents the pay grade if the item is a permanent item, and the final two digits represent the position within the job title.

With the exception of Industrial Food Service, Farm and Recycling items, no industrial job titles should be created without the consent of Central Office Division of Industries.

Single module items are the standard since offenders have varied academic, vocational, and therapeutic programmatic needs that must be met as offenders are reached on the respective Required Program List. Full time items should be limited to only those jobs that must be full time, such as Community Service items, where offenders remain in the community all day.

The Deputy Superintendent for Programs (DSP) has overall responsibility for the MJOT. The DSP may appoint a grade 22 or equivalent to serve as the Program Committee Chairperson. Wage time sheets, derived from KIPY, are provided weekly for each program location. The location supervisor submits the completed wage and time sheet to the Deputy Superintendent for Programs or designee at the end of each payroll period. The wage and time sheets are checked for accuracy by program staff and then forwarded to the Inmate Accounts office for processing.

Offender Job Titles and Grades

Based on the O-NET, the Department has standardized offender job titles and allocated respective pay grades based on the skill and knowledge necessary to perform the job. The job titles with respective pay grades and job description are listed in KIPY. All shop codes can be displayed in KIPY, menu D, section Y. All title codes can be displayed in KIPY, menu A (***Sections A-C***).

PROGRAM ORIENTATION

A program orientation is the process of providing offenders with the rules and regulations of the facility as well as information about all program and work opportunities available at the facility. This should be accomplished on a one time only basis as part of Phase I of the Transitional Services Program (shop code 690). If the offender previously completed Phase I Transitional Services, the offender is to be assigned to Facility Orientation (shop code 036).

Guidelines

1. Every offender shall receive a program orientation prior to his/her initial assignment.
2. Each facility shall have a standard program presentation developed to explain their programming opportunities.

PROGRAM COMMITTEE

The Program Committee is responsible for the placement into and the removal of offenders from programs and work assignments at each facility. It is the center for all offenders programming and the place where questions regarding offender programming and payroll are addressed. The Program Committee is responsible for maintaining an updated and accurate Master Job Organization Table (MJOT) and is responsible for updating program information on the KIPY System. The Program Committee shall be organized as follows:

1. A Program Committee Chairperson (SG-22 or equivalent - e.g., *(Supervising Offender Rehabilitation Coordinator, Education or Vocational Supervisor)*).
2. A representative from security staff. This representative shall be of the rank of Sergeant or higher. In order to maintain consistency and continuity in program decisions, the rotation of security staff assigned to this committee should be limited. Rather, one person and a trained backup should be assigned the responsibility for assisting with program decisions at Program Committee.
3. An education representative -- Education or Vocational Supervisor. If the Education Supervisor or Vocational Supervisor is the Program Committee Chairperson, an Offender Rehabilitation Coordinator or alternate guidance representative, designated by the DSP, should be included.
4. Requests for variation to the above Program Committee representation will be submitted to the Director of Guidance and Counseling for approval.

Staff Guidelines

1. Offender Rehabilitation Coordinator
 - A. Conduct an initial interview within five working days of the offender's arrival at the facility (Directive #4401 – Guidance and Counseling Services, Section III. E. Program Committee).
 - B. Based on the results of the initial interview and the offender's Earned Eligibility Program Plan, the Offender Rehabilitation Coordinator makes appropriate program recommendations to address the offender's program plan needs. After a thorough review of the existing offender program plan, the Offender Rehabilitation Coordinator is responsible for updating and/or correcting any errors in the program plan including but not limited to inaccurate program status codes, misidentified program needs, etc.
2. Program Sergeant or Security Representative
 - A. Determine any program restrictions based on security assessment and advise the Program Committee Chairperson.
3. Program Committee
 - A. Review the offender's program plan needs and facility needs.
 - B. Determine an appropriate assignment for the offender in conjunction with the offender's program plan.
 - C. Ensure that facility work needs are met.

- D. Ensure that offender's name is on the appropriate KIPY Required Program Needs Lists (RPL).

Initial Program Assignment

An initial assignment is the first program assignment an offender receives after arriving at a facility. Whenever possible, an offender should be seen by the Program Committee within five working days of arrival at a new facility. All medical restrictions regarding programming will be determined by the facility medical staff. If an offender is transferred to a facility to serve a disciplinary term and is subsequently sent to general population in that facility, his first program assignment is considered an initial assignment.

Each facility may set a minimum period of time that an offender is expected to serve in an assignment prior to requesting consideration for a new assignment. It is recommended that the minimum time period not exceed 90 days. This should not be construed to mean that an offender has a right to change his or her program at the end of the minimum time period, or that the facility cannot change a program prior to that period.

Change of Assignment

A change of assignment is the process whereby an offender is removed from one paid assignment and placed into another paid assignment. A paid assignment means any assignment in which an offender receives a rate of pay of at least grade 1 or above.

Guidelines

1. Offenders that successfully complete assigned programs will be removed from the completed programs and seen by Program Committee for reassignment when deemed appropriate by the committee chairperson.
2. An eligible offender (an offender who has been in his/her current work program for the minimum time period, as set by the facility) may request a change of work assignment by writing to the Program Committee Chairperson. Requests for a change from one housing unit to a different housing unit are ***not*** the responsibility of program committee. Housing issues should be referred to security since an offender's housing location is typically a matter for the Housing Sergeant(s) of the facility.
3. A change of assignment can be made at any time, in person or in writing for security reasons when deemed appropriate by the Deputy Superintendent for Programs. A change of program can be made at any time, in person or in writing, if it is determined to be in the best interest of the offender, as it relates to an identified need, or is in the best interest of facility operations.
4. An offender request for a change of assignment based on health reasons must be given primary consideration. Upon verification by facility Medical staff, the offender will be suspended from the program immediately and reprogrammed, in a timely fashion, to a program for which the offender is medically suitable.
5. When any program change is made that was not initiated by the offender, the offender will be informed by the Program Committee Chairperson, in person or in writing, of the reason for the change, unless providing the offender with the reason compromises the safety and security of the facility.
6. All requests for assignment changes are sent to the Program Committee where security considerations must be reviewed, the capacity of the shop or the area verified, as well as verifying the accuracy and completeness of the request. A request made by staff should indicate whether the offender is aware of the request. Consultation with the offender's Offender Rehabilitation Coordinator is advised to determine that the satisfaction of the offender's required programs is not affected by the proposed change.

Internal Program Changes

Internal program changes are changes that are made by Program Committee without an appearance by the offender at Program Committee. These changes are often in response to a request by offenders or staff. Examples of these changes are promotions or when an offender has been reached on a Required Program List. If the offender is changed to unassigned, the offender is to be seen the following week at Program Committee for reprogramming.

Internal School Changes

As part of the DOCCS Standards of Operation for academic programs, every Education Supervisor is required to maintain a list of all classes and the grade level requirements for those classes. As a general rule, promotions are made after standardized testing. Standardized testing takes place three times a year. Shock Incarceration, Willard Drug Treatment Center, and some other facilities may test more frequently.

Directive #4806 allows for offenders to be moved to another vocational shop if they do not have the aptitude/skills to complete tasks in the current shop assignment.

An internal school change occurs when a student's job item number must be changed because of placement into another academic class, vocational shop or some combination of both.

Guidelines

1. Upon receiving a recommendation for a change of a student's program, the Education or Vocational Supervisor must forward the recommendation, along with written notification and reason for change, to the Program Committee Chairperson.
2. In the academic school, a change of an offender's program predicated on advancement in literacy (or promotion) shall take precedence over another offender's initial assignment to that academic class. In cases where an exception is made, the Education Supervisor's permission is required.
3. If no vacancy exists in the recommended program, the offender shall be placed on a Required Program List on KIPY and may be placed in another assignment until the offender is reachable on the Required Program List. In this situation, meeting any minimum time limit in the interim assignment shall not apply. The offender shall be moved into a school assignment and advised in person or writing by the Program Committee Chairperson of the change in program as soon as he/she is reached on that Required Program List.

OFFENDER REFUSAL TO ACCEPT PROGRAMMING

In accordance with New York State Correction Law Article 7, #171.1 and the Department of Corrections and Community Supervision Policies and Procedures, all medically cleared offenders are expected to accept a program when it is offered by the Program Committee Chairperson.

Refusal to take a particular needed program, such as school or a therapeutic program may result in loss of all available Good Time, area of preference transfer or placement, and/or reduction in pay and/or pay grade.

There are several courses of action that facility personnel may pursue when an offender refuses **ALL** program offerings. However, prior to resorting to any of these actions, all reasonable efforts must be made to counsel the offender to accept a program. If an offender refuses to accept **ALL** recommended programs, administrative action will be taken and may include, but is not limited to, the following:

1. Assign the offender to the most appropriate program. For example, an offender may be assigned to a work crew due to start the following week. If the offender refuses at that time to report to work, the offender will receive a misbehavior report for out of place and refusing a direct order by the staff supervisor in the assignment area. The offender will be seen again by Program Committee. If the offender still refuses to accept an available program, the offender will receive a misbehavior report for refusing programs (180.18). Some facilities have found this is an effective method because the offender may experience a change in attitude when it is time to report to the program.

If, after this process, a misbehavior report is finally written for refusing to program, the progressive nature of the disciplinary system has been clearly followed and sufficient documentation for transfer or, in the case of a maximum facility, limited privilege, has been established.

2. When an offender refuses to accept a program, a Program Refusal Notification Form #3617 (see appendix) must be completed, filed and a chronological entry made in the Guidance Unit Folder. The offender's name shall be deleted from the Required Program List for the program refused.
3. If the offender is refusing any program that is associated with satisfying any of his program needs as identified in his program plan, an Unscheduled Inmate Review should be generated to record the refusal in the program plan under the corresponding need. ***A notation should be made in the refusal section of the UIR indicating the program and date of refusal.***
4. Assignment to limited privilege programs.
The Program Committee Chairperson may place an offender who refuses all assignments in limited program status without a hearing. Please refer to Directive 4803, Offender Program Placement.
5. Offenders housed at medium or minimum classified facilities that refuse required programs at two consecutive scheduled Quarterly Reviews and are currently confined at an area of preference facility are to be recommended by an Unscheduled Transfer Review out of the offender's area of preference.

ASSIGNMENTS WITH SPECIAL CRITERIA

It is not unusual for facilities to have work locations that are considered security sensitive and an offender must meet certain criteria to be programmed to these locations. Some criteria that facilities have used are as follows: six months without a discipline report, satisfactory work report for 90 days at another work location, no escape or weapons on record, no record of sex offenses, etc. Offenders assigned to sensitive locations within a facility should be reviewed to determine continued suitability in those positions. It is good policy to review the program assignments that are high profile every six months. The program assignments referenced here are law library clerks, ministerial service clerks, tool clerks in maintenance or vocational shops, administrative building runners, etc. The offenders assigned to these programs should be rotated to ensure a number of offenders get the opportunity to experience these assignments while at the same time maintaining security. As offenders spend extended lengths of time in a particular assignment there is a greater chance for the offender to be viewed as having "power or influence" by the other offenders. Additionally, there is an increased potential for offender manipulation of the area.

Offenders assigned to these sensitive areas accept these assignments with the understanding they may be removed from that assignment at any time for security or programmatic reasons.

Offenders are not to be allowed to work in areas, such as the Mess Hall, that require medical clearances, until the Program Committee has verified the clearance with facility Medical staff.

Working with security (generally the Program Sergeant), the Program Committee Chairperson will identify each work location in which it is necessary to have offenders screened by security prior to assigning offenders to that area.

In cases where more than one shift of offenders may be assigned, it is also possible for assignment criteria to change with each shift. This generally happens because security coverage varies from shift to shift or other influencing factors may change with the time of day. With the advice of security personnel, the Program Committee Chairperson shall develop the specific criteria necessary for an offender to work in the identified work locations. If the criteria for a work location changes with the shift, then a set of criteria for each shift should be developed for the work location.

DIVERSITY MANAGEMENT/REASONABLE ACCOMMODATION

In accordance with ACA standards and the Miles v Santiago lawsuit, the facility Executive Team and the Program Committee Chairperson will work together to ensure that the Department's policies regarding Diversity Management and Reasonable Accommodation are implemented. No areas should be significantly disproportionate concerning race. This is especially true of certain work locations, such as Facility Maintenance, or the Libraries, that are considered prime work locations. The Program Committee will make a conscientious effort to have these prime work locations reflect the racial distribution of the facility and that such assignments are available to all offenders that meet the requirements of the assignment.

Offenders that the Program Committee perceives as victim prone need to be reasonably accommodated when assigned a program.

KIPY REQUIRED PROGRAM LISTS

When required or requested assignments are filled, a Required Program List established in KIPY is utilized to place offenders into the program in a consistent and logical manner. These KIPY Required Program Lists should be reviewed regularly by the Program Committee to ensure their accuracy and viability. Placement in therapeutic, vocational, and academic programs should be made based on the offender's earliest release date. KIPY menu C subsection D orders the lists by Earliest Release Date, Merit Date, or Supplemental Merit Date.

This system provides information to facility and Central Office staff regarding program availability and when offenders can be expected to be placed in a required or requested assignment.

When program plans are established or revised, facility staff is required to make appropriate changes to all pertinent records, including Required Program List(s). If an offender refuses a needed program, the offender's name must be deleted from the program's Required Program List in order to maintain the integrity of the list. An offender's name should only be active on one vocational program RPL. In the event that Required Program Lists become extremely lengthy and the likelihood of reaching offenders for program placement prior to their Earliest Release Date is minimal, the Program Committee Chairperson is responsible for immediately notifying the Deputy Superintendent for Programs of the problem and the offenders affected.

ADMINISTRATIVE REMOVAL FROM PROGRAMS

An administrative removal from a program differs from a change in program in that the removal is not initiated by the offender. Like all program changes, a removal from programs must be accompanied by notification to the offender, appropriate documentation and the correct removal end code must be entered into the KIPY System. All KIPY end codes and the automated KGNC status codes to which they convert, can be found in KIPY menu M, subsection 3.

Negative Administrative Removals

The Program Committee Chairperson may remove an offender from a program upon receiving a verified valid reason **in writing** (See Appendix, Program Removal Form), from a staff person. Valid reasons for program removal include, but are not limited to, the following:

1. *Documented* Poor performance
2. *Documented* Lack of cooperation
3. *Documented* Poor attendance
4. *Documented* Disruptive behavior
5. Disciplinary removal resulting from a referral from a Tier 3 hearing officer.
6. An offender who becomes a threat to himself, others around him, or to physical property.

Removals from academic and vocational programs, expected to exceed 90 days, require that the appropriate waiver form be reviewed and signed by the Deputy Superintendent for Programs. The waiver is good for only one year and, during this period, it is to be reviewed quarterly by the assigned Offender Rehabilitation Coordinator. At the end of one year, the issue is to be reviewed for the proper course of action. The offender may request to return to school or vocation at any time during this period, however, the final decision will be made by the Education Supervisor and Program Committee Chairperson and approved by the Deputy Superintendent for Program Services.

Disciplinary Absences/Removals – Refer to Directive 4802, section C. 4

Guidelines for Recommending Removal

1. Staff must counsel the offender regarding his/her inappropriate behavior. The counseling must be specific, verbal and in writing with the offender receiving a copy of the written Inmate Counseling Notification, form #3407 (see appendix).
2. It is recommended that a request for program removal be initiated only after the offender has been counseled twice for the same deficiency within a reasonably short period of time (3 weeks).
3. The staff member recommending removal of an offender from a program must submit the recommendation for program review along with copies of the Inmate Counseling Notification to his/her immediate supervisor.
4. The supervisor has the responsibility to review the recommendation and interview the offender concerning his/her behavior. Based on the results of the interview, the supervisor may or may not recommend removal. If the supervisor recommends removal, ***the recommendation along with all supporting documentation will be sent to the Program Committee Chairperson.***
5. The Program Committee has the authority to approve or disapprove the removal of the offender from the program. If the Program Committee Chairperson approves the removal, the offender is to be called to the Program Committee and offered available program alternatives. The offender is also advised as to the reason for his/her removal from the program as long as releasing this information does not compromise the safety and security of the facility.

Neutral Administrative Removal

An administrative removal of an offender from a program may occur for the primary reason that an offender cannot physically attend the program. Reasons for an offender's inability to attend a program may be as follows:

1. ***Documented*** Medical reasons
2. Placed into protective custody
3. Placed into administrative segregation
4. Temporarily not in the facility (e.g., out-to-court)

Guidelines for Administrative Removal

1. An offender should not be penalized by an administrative program removal.
2. Each facility shall establish a list of critical jobs with the maximum time that each position can be left vacant before it impacts on the operation of the facility.
3. Based on the above criteria, an administrative removal may occur when it is known that an incumbent offender will be or has been absent for the identified period of time. In any event, an offender may be removed after 7 working days of absence.
4. See Directive #4802 – Inmate Payroll Standards, Section III. B. Special Situations for Continuation of Inmate Pay (see appendix).

Temporary Suspension from Programs in Contemplation of Removal

If it is determined that the offender's continuation in the assignment presents a danger to the safety and/or security of the facility, an offender's program may be temporarily suspended by an area supervisor with the approval of the Deputy Superintendent for Security and notification to the Deputy Superintendent for Programs and the Program Committee Chairperson. This suspension requires that the area supervisor complete the recommended Program Restriction Memo (See Appendix). During the suspension, the offender will receive his job rate of pay if the suspension was not for disciplinary reasons.

Guidelines

All conditions that precipitated the temporary suspension must be investigated by the Program Committee Chairperson and a decision given in a timely manner regarding retention in the program or removal from the program.

Offender Notification of Removal

If the facts from the investigation merit the removal of the offender from the program, the Program Committee will remove the offender from the item and schedule the offender to be seen at the Program Committee for reprogramming. The Program Committee Chairperson will inform the offender of the reason for the removal as long as the offender's awareness of the reason does not compromise the safety and security of the facility.

Readmission to Academic, Vocational or Therapeutic Programs

Removal and readmission to Academic, Vocational, and Therapeutic Programs may have special requirements and require specific documentation. Removal from Academic and Vocational Programs requires a waiver (see appendix) signed by the Deputy Superintendent for Program Services. The end code should be descriptive of the reason for the waiver, e.g. failure to progress, medical, or disciplinary. The KIPY end code will create a UIR auto-ipy that will record the corresponding status code in the KGNC system. For example, offender is removed from school for medical/psych reasons and an approved waiver is issued. The end code would be 17 which would generate a UIR indicating a MPU status code under the academic need. The status code WVR should be manually noted on all subsequent UIR or Quarterly Reviews while the waiver is in effect. The KIPY waiver is good for only one year. During this time, it is to be reviewed quarterly by the offender's Offender Rehabilitation Coordinator. At the end of one year, the issue is to be reviewed for the proper course of action. Waivers and procedures can be found in Directive #4804 – Academic Education Program Policies and Directive #4806 – Vocational Education (see appendix). Procedures for readmission to therapeutic programs may be found in their respective policy and procedure manuals.

OFFENDER PAY

Offender Payroll Standards

The offender payroll standards are set by Directive #4802 - Inmate Payroll Standards. The directive standardizes terminology in relation to offender payroll and establishes the guidelines for payment of offender wages. This document is a resource for answering most offender questions pertaining to wages. It is recommended that all personnel involved in the programming of offender familiarize themselves with the contents of this directive.

Offender Pay Scale (non Industry)

Grade 1	Step 1	\$. 1000	Longevity step 2+ yrs.
	Step 2	\$. 1167	
	Step 3	\$. 1333	
Grade 2	Step 1	\$. 1583	
	Step 2	\$. 1750	
Grade 3	Step 1	\$. 2000	
	Step 2	\$. 2167	
Grade 4	Step 1	\$. 2416	
	Step 2	\$. 2583	
Grade 5	Step 1	\$. 3333	

Grade 5 is a flat rate of \$2.00 per day with no incremental steps. A facility can have one grade 5 for every 300 inmates or fraction thereof. The appointment of offenders to a grade 5 position requires the approval of the Superintendent or their designee.

See appendix for the Industries Inmate Wage Plan and the Food Service Incentive Wage Program.

Offender Promotions

Promotion to a higher pay grade occurs when an offender is removed from an item and placed into a **new item** at a higher pay grade. The primary responsibility for recommending an offender for promotion lies with the work location supervisor.

Guidelines

1. When positions with higher pay grades become vacant in a work location, the work location supervisor should consider qualified offenders who are working in that location in lower pay grades for promotion.
2. Prior to recommending an offender for promotion, the work location supervisor should assess the offender's knowledge, skill and ability to function in the higher pay grade as well as the general work attitude of the offender by reviewing the offender's evaluations.
3. All work location supervisors should ensure that offenders recommended for promotion meet academic requirements as established by Directive 4804 -- Academic Education Program Policies.
4. When recommending an offender for promotion, the work location supervisor should send the following information to the Program Committee Chairperson:
 - a. Offender name and DIN
 - b. Present item number
 - c. Any additional information requested by the Program Committee
5. All requests for an offender promotion should be accompanied by an offender performance evaluation that should support the supervisor's recommendation to promote the offender.

Step In Grade Promotion

A step in grade promotion occurs when an offender is promoted to the next higher pay step that does not exceed the maximum limits of the pay grade. The primary responsibility for recommending an offender for promotion to the next higher step in grade lies with the work location supervisor.

Guidelines

1. An offender is eligible to be considered for a step in grade promotion any time after he has completed a 90-day review cycle in a job item.
2. The recommendation for promotion is made by the work location supervisor completing an Inmate Progress Report (Form 3250) and submitting it to the Program Committee Chairperson.
3. If the recommendation for promotion is denied, the Program Committee Chairperson must notify the work location supervisor and state the reason for disapproval.

OFFENDER PAY REDUCTION

An offender pay reduction may take effect in two ways. An offender may be demoted in pay rate or pay may be withheld for a day or a segment of a day. The primary responsibility for recommending an offender for a demotion lies with the work location supervisor; the staff person in charge of the respective payroll unit.

As stated in Directive #4802 -- Inmate Payroll Standards, an offender may receive a demotion to a lower paying job title or a reduction in grade for diminished efficiency or production.

Guidelines

1. Prior to recommending an offender for a demotion, the work location supervisor must counsel the offender about his/her deficiency. The counseling should be verbal and in writing using the Inmate Counseling Notification form.
2. When recommending an offender for demotion to a lower paying job title, the work location supervisor must follow the same procedure for program removal and send the following information to the Program Committee Chairperson:
 - a. Offender Name and DIN
 - b. Present Item Number
 - c. Supporting Documentation
3. When recommending an offender for a demotion in grade to a lower pay step, the work location supervisor must complete an Inmate Progress Report (Form 3250), and submit it to the Program Committee Chairperson.
4. All recommendations for a demotion either to a lower paying job title or a demotion to a lower pay step in grade must be accompanied by supporting documentation in the form of counseling notifications and an offender program evaluation.
5. If a recommendation for a demotion is denied, the Program Committee Chairperson must notify the work location supervisor and state the reason.

Withholding of Pay

The option of withholding an offender's pay was primarily instituted to mitigate the following two situations:

1. In minimum and certain medium security facilities, it is not always practical to issue discipline reports for offenders who occasionally refuse to work. These facilities have limited keeplock capacity.
2. Many times an offender may already be at the lowest pay level (grade 1, step 1) or may be a student in school (grade 2, step 1). In these cases, a demotion to a lower pay grade is impossible.

Guidelines

1. Prior to submitting a request to withhold an offender's pay, the work location supervisor must counsel verbally and in writing, using the Inmate Counseling Notification Form to advise the offender as to his/her unsatisfactory work performance, and that the offender's pay may be withheld.
2. Pay may be withheld for the portion of the day (am, pm or evening) or for the full day if the offender did not adequately perform his/her tasks for the full day.
3. To withhold an offender's pay, the work location supervisor must complete the Payroll Adjustment Form, #2758 (see Appendix) and forward it to his/her immediate area supervisor to continue the review process.

Payroll Adjustments

In the event an offender has been **overpaid or underpaid for any reason**, the owning facility is responsible for payment or adjustment.

The Program Committee will research the discrepancy. This may require getting information from other facilities; however, the owning facility is responsible for investigating the matter. When the Program Committee has determined the amount due the offender or the facility, the Program Committee will notify Inmate Accounts of the amount of the adjustment to be applied to the offender's account.

PAYROLL PROCESSING

KIPY is the means used by the Deputy Superintendent for Programs or the Program Committee Chairperson for initiating all payroll changes. Payrolls are processed on a weekly basis. The payroll period runs from Monday through Sunday. Payroll changes are made Friday through Thursday with all changes posted Thursday evening. These changes become effective on Monday of the following week. **When a holiday falls on a Thursday, the offender payroll must be posted by C.O.B. Wednesday, the day before the Thursday holiday.**

Recording Time

The Wage Time Sheet is the instrument used for recording days or hours worked and for computing earnings. The supervisor in charge of a work location is responsible for the timely preparation, accuracy, and submission of the Wage Time Sheet. The program location supervisor will record the payroll data for each offender assigned to that work location on a Wage Time Sheet for the beginning of each payroll period. On a daily basis, the supervisor enters the days or hours worked by each offender in the appropriate column of the Wage Time Sheet. The left side of the Wage Time Sheet should never be written on at the work location since it is the area where exceptions are recorded. All Wage Time Sheets are signed by the program location supervisor and the completed form is sent to the Deputy Superintendent for Programs or the Program Committee Chairperson for processing. All wage and time sheets must be submitted in a timely manner, no later than Tuesday, to ensure proper posting for the payroll cycle. If a payroll is lost or not returned, all offenders on that payroll will receive their full pay.

Overtime

Prior approval is required from the Deputy Superintendent for Programs or in his/her absence, the Watch Commander, if an offender is compelled to work an extra day or time period beyond his or her normal workday or workweek. Work Details resulting from tier hearings require no such approval. All approved payments for the normal workweek and necessary overtime will be at the regular rate of pay.

Payroll Lag

Offender's earnings are calculated and paid on a one-week lag. At any one time, the payroll flow encompasses three weeks. The three weeks in process are termed the "previous", "current", and "next," respectively. The previous week's payroll is the one that is being calculated and paid. The current week payroll is the one on which an offender's daily time worked is being recorded by the work location supervisor. The next week payroll is the one on which job changes approved by the Deputy Superintendent for Programs or his/her designee during the current week becomes effective.

Protocol for running the offender payroll when holiday falls on a FRIDAY:

When payrolls cannot be printed and distributed on Friday due to a holiday that occurs on Friday it will be necessary to make arrangements to have the Inmate Wage and Time Sheets printed and distributed to the work locations prior to the start of programs on Monday.

In addition, there are several work locations that must be informed of the names and DIN's of the offenders that will be on the Wage and Time Sheet prior to Monday. Minimally this includes all outside clearance and food service shops. Once these critical areas have been determined, Program Committee will print KIPY-menu B-15 for each shop and distribute these reports to the affected areas no later than COB Thursday.

Protocol for running the offender payroll when holiday falls on a THURSDAY:

When a holiday falls on a Thursday, MIS will run the payroll after the close of business on Wednesday. This means that all KIPY changes must be made by the COB on Wednesday. Facilities will print their payrolls on their normal day: Friday.

APPENDIX

The most current directives can be found on the DOCCS website and printed if needed.

1. **DIRECTIVE #4802 – INMATE PAYROLL STANDARDS**
2. **DIRECTIVE #4803 - OFFENDER PROGRAM PLACEMENT**
3. **DIRECTIVE #4804 - ACADEMIC EDUCATION PROGRAM POLICIES (INCLUDING WAIVER FORM)**
4. **DIRECTIVE #4806 – VOCATIONAL EDUCATION (INCLUDING WAIVER FORM)**
5. **INDUSTRIES INMATE WAGE PLAN – IND 12002**
6. **FOOD SERVICE INCENTIVE WAGE PROGRAM (SECTION 18)**
7. **FORMS:**

PAYROLL ADJUSTMENT FORM - FORM #2758
INMATE PROGRESS REPORT – FORM #3250
INMATE COUNSELING NOTIFICATION – FORM #3407
PROGRAM REFUSAL NOTIFICATION – FORM #3617
REMOVAL FROM PROGRAMS MEMO
RESTRICTION FROM PROGRAMS MEMO

8. **ADDITIONAL RESOURCES:**

***THE BLUE BOOK – INMATE JOB ASSIGNMENTS** (provides job title codes and job descriptions).*

***O-NET (formerly the DICTIONARY OF OCCUPATIONAL TITLES)** (provides standardized job title descriptions for all jobs taught in the Department of Correctional Services and Community Supervision vocational programs).*

DIRECTIVE #2612 - INMATES WITH SENSORIAL DISABILITIES

DIRECTIVE #2614 - REASONABLE ACCOMMODATIONS FOR INMATES WITH DISABILITIES

DIRECTIVE #4950 - GUIDELINES FOR THE SELECTION OF INMATES FOR OUTSIDE ASSIGNMENTS

INMATE PROGRAM ASSOCIATE POLICY AND PROCEDURE MANUAL

KIPY MANUAL – available upon request from Central Office Guidance

LISTING OF SHOP CODES -- See KIPY D, Y

LISTING OF JOB TITLE CODES -- See KIPY A

KIPY REPORTS GUIDE– available upon request from Central Office Guidance