



# **INMATE WORKER'S HANDBOOK**

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## **INTRODUCTION TO THE BUREAU OF CORRECTIONAL ENTERPRISES**

### **Background:**

Wisconsin's Bureau of Correctional Enterprises (BCE) includes operations in agriculture, industries, logistics and transition. The bureau provides opportunities for inmates to work, learn and earn. Working inmates contribute to the safety of employees, visitors and other inmates in a correctional facility; an inmate must be major violation-free 12 months to apply for a BCE job and must remain free from major violations to keep a BCE job. Learning inmates are better prepared to overcome challenges with people and equipment at work and elsewhere; they are stronger job applicants and able to quickly become valuable employees that Wisconsin employers want to hire and keep on their teams. Earning inmates are able to make more payments toward financial obligations, like restitution to victims of their crimes, child support to dependent families, and to build release accounts that can contribute to more stable and successful lives in their communities.

### **BCE Mission:**

The mission of the Bureau of Correctional Enterprises is to enhance public safety by providing jobs and training for inmates that help them develop marketable skills and experience in financially viable businesses while producing quality products and services to our customers.

### **BCE Vision:**

The Bureau of Correctional Enterprises makes a demonstrable contribution to public safety through our valued staff. We provide training and work experience for inmates that leads to long term success while in prison and in the community upon re-entry. Together, we provide high-quality products and services to our customers.

### **BCE Commitment to Affirmative Action and Equal Employment**

BCE shall promote equal employment opportunity through its practices. The Bureau will periodically gather and review information about the racial/ethnic distribution of inmate workers at each site. The goal of those reviews is to increase the similarities in the composition of BCE's inmate workforce, and the inmate populations, at the facilities where the workers reside. BCE will explore opportunities to provide parity in

employment opportunities for male and female inmates. BCE inmate workers are not considered employees, as defined by State or Federal law, for the purpose of pay, rights, benefits, or working conditions, except as defined in chapter 306 of Wisconsin Statutes, DOC 313, or this handbook.

## PERSONNEL

### **Applying for a Job:**

Any inmate may apply for a BCE position that works in the facility in which the inmate resides (industries operations) or that is offered to inmates who reside in a given facility and have been approved by the warden for off-grounds BCE employment (agriculture or logistics operations).

The following criteria shall be used in the selection of inmate workers:

- Education requirements to be considered for part-time employment, with a minimum of being actively enrolled in a DAI facility's program to earn an HSED, GED or High School Diploma
- Education requirements to be considered for full-time employment with a minimum of an HSED, GED or High School Diploma
- Attitude and willingness to learn
- Experience and training
- Physical or mental ability to perform the essential functions of the position with or without reasonable accommodations
- Past employment record
- Must not have been found guilty of a major rule violation for a minimum of 12 months
- Must not have been terminated (excludes self-termination) by any BCE industry or farm, previously
- Security concerns
- Sentence structure
- Non-eligible if crime (current or past) involves battery or assault of any kind to correctional staff

The BCE Supervisor and/or BCE designee shall interview applicants for positions, have the authority to hire inmate workers and select a qualified inmate applicant consistent with the above established requirements.

### **Posting an Open Position – Entry Level**

Positions will be posted as needed. The position will be posted with a copy of the position description. During this posting, current inmate workers who are interested in the position must express their interest by signing their name to the current posting sheet.

### **Posting an Open Position – Promotion Level**

Inmates may promote through recommendations of BCE staff or postings, to allow interested candidates opportunities for promotion, at the discretion of BCE supervisor.

Promotions may be recommended by BCE specialists, but will not become effective until approved by the BCE supervisor.

An inmate worker who wants to promote into a vacant position, either through a posting procedure or by recommendation of BCE staff, will enter the position at the worker's present pay rate. The inmate must serve a probationary period and the appropriate time in pay grade, before promoting to the permanent position.

Inmate workers will not be promoted if they have received an unsatisfactory performance evaluation within the previous 30 days.

### **Temporary Assignment of Vacant Positions**

During the posting period, the BCE supervisor will have the authority to temporarily assign an inmate to fill the vacancy to ensure job continuity.

### **Hiring/Rehiring an Inmate Worker**

All new hires/rehires shall start at Trainee Level 1 unless the inmate has worked in that shop within the last year. An inmate worker to be rehired may receive a pay grade 2 with the approval of BCE superintendent.

**Probation:**

The probationary period gives BCE supervisors an opportunity to review work performance and gives inmate workers time to become familiar with new job duties. Each inmate worker who has a change in job classification must serve a probationary period.

Inmate workers shall serve a probationary period during which the inmate worker's employment may be terminated under s. DOC 313.11 (1) (a) or (b).

- Inmate workers shall not receive incentive pay during their original probationary period.
- The duration of the probationary period for any position shall be established by BCE management, so as to provide adequate time for the average inmate worker to learn the duties of the position.
- The BCE supervisor may extend the probationary period for an additional 30 days if the inmate worker has not demonstrated satisfactory performance, but can reasonably be expected to obtain satisfactory performance during the additional 30 days.

**Performance Evaluation:**

Each inmate worker's performance shall be evaluated as often as required, to ensure the inmate worker is meeting performance and productivity expectations. The performance evaluation shall be completed using the manufacturing/enterprise resource planning (MRP/ERP) system used at the BCE location, and include the specific skills and expectations of the position based upon, but not limited to the criteria below:

- Quality of performance of assigned duties
- Productivity level
- Initiative
- Attitude
- Contributions beyond usual job duties

- Safety
- Attendance

The BCE supervisor or BCE designee shall evaluate each inmate worker's performance as part of the performance evaluation process and will meet with the inmate worker to discuss job performance.

A performance evaluation must be completed upon the completion of probation, at regular intervals, and prior to any pay rate change.

If an inmate worker's evaluation indicates performance below expectations, the BCE supervisor shall meet with the inmate worker to address the performance problem.

Copies of the performance evaluation shall be distributed to the inmate worker, the BCE supervisor, the social services file, and the inmate worker's personnel file.

**Position Classification:**

Each position is assigned a classification on the basis of job duties and responsibilities. The position description (PD) is the primary document used to assign duties and responsibilities and, as such, is used in determining the appropriate classification of a position.

Each classification is assigned to a pay grade according to the skill, effort, and responsibility required for the position. Each inmate will receive a copy of his/her position description and may discuss any questions with their BCE supervisor/specialist.

**Personnel Records:**

A personnel record or file is maintained throughout each inmate's employment by BCE. This file will contain a copy of the original application for employment, performance evaluation records, and any disciplinary records. After termination, the inmate worker personnel file will be sent to BCE Transition office.

## DISCIPLINE AND WORK RULES

### **Discipline and Work Rules for Inmate Workers:**

Chapter DOC 303 applies to all inmate workers. BCE staff shall report rule violations in accordance with DOC 303. In addition to DOC 303, industry shops, logistics and farm/dairy have established work rules which include but are not limited to:

- Disobedience, insubordination or refusal to carry out written or oral instructions, directions or assignments
- Abusing, striking or deliberately causing mental anguish or injury to others
- Unauthorized use, abuse, destruction or removal from the work site of state-owned or leased property including, but not limited to keys, tools, shop or business equipment, products or materials
- Unauthorized use of state provided or leased services including, but not limited to telephone, computer or mail services
- Inattentiveness or negligence in the performance of job duties and responsibilities
- Violation of any health and safety rule, procedure or instruction including, but not limited to shop or machine procedures, farm or dairy machine procedures or the use of PPE
- Failure to provide accurate and complete information when required by BCE personnel including, but not limited to, application data, production information, time cards and reports

- Unauthorized disclosure of proprietary information including, but not limited to production, design, engineering and business documents
- Possession of weapon(s) or the manufacture or alteration of material, with the intent of making the material suitable for use as a weapon
- Reporting for work, or while at work, manifesting any evidence of having used or being under the influence of an intoxicating substance, as defined in s. DOC 303.02(11), or in possession of an intoxicating substance or drug paraphernalia or device, as defined in s. DOC 303.44
- Disorderly conduct, including but not limited to, the use of loud, profane or abusive language, horseplay and gambling
- Unauthorized solicitation, for any purpose, while on duty or on BCE property
- Unauthorized posting, changing or removal of posted material or unauthorized distribution of written material
- Entering or permitting others to enter restricted areas without authorization, or failing to comply with posted instructions.
- Tardiness and/or excessive absenteeism.

If an inmate worker is found guilty of any DOC 303 OR DOC 313 policy violation, termination may result.

### **Work Site Rules, Procedures and/or Policies:**

Each BCE location shall develop rules, procedures, and policies covering but not limited to, the following topics:

- Personal business, horseplay and/or cleanup times
- Taking breaks
- Possession of personal items at work
- Definition of “on time” for use in determining tardiness
- Tool control
- Health and safety
- Additional institution or shop specific rules
- Any other rules, procedures and policies and procedures related to the unique operation of that particular BCE location

### **Equipment, Tools and Keys:**

Some positions may require inmate workers to have special equipment, keys or tools. Inmate workers are responsible for maintaining this equipment in good operational condition. Inmates may be assessed a replacement charge as part of the discipline process. Any problems should be reported immediately to the inmate worker’s supervisor.

### **Use of State Computer Systems:**

Inmate workers must review, understand and abide by DAI policy 309.56.01 and sign form DOC-2839.

Inmates shall be permitted to use EdNet and OTIS networked devices solely for BCE production purposes. All inmate computer account credentials shall be disabled when terminated, or when access is no longer required for BCE jobs. Inmates may be allowed access to software manuals for the purpose of BCE production only.

**Use of State Phones by Inmate Workers in BCE Agriculture:**

State telephones are to be used for official BCE use only as instructed by BCE staff. Any personal or unauthorized use of a state telephone or modem is a violation of work rules and subject to disciplinary action or termination.

## **INMATE PAY PLAN**

### **Pay Day:**

The pay period is two weeks in length. It starts on a Sunday and ends on a Saturday. Inmate workers are paid on the Friday following the end of the pay period.

Monies earned during the bi-weekly pay period are credited to the inmate's account at the DAI facility where the inmate worker resides. The institution business office is solely responsible for crediting the inmate accounts. BCE has no control as to when inmate accounts are credited. Each payday, inmate workers will receive an earnings statement. Inmates are responsible for retaining their earning statements, as duplicates are not available. Inmate workers should review their earnings statements carefully. Any discrepancies in earnings should be discussed immediately with a BCE supervisor. There will be no state, federal or social security taxes withheld. Final earnings will also be sent to the institution business office for forwarding.

### **Compensation:**

Inmate workers shall be paid for hours worked, regardless of his/her scheduled hours.

Inmate workers will not be paid for lunch time.

Each inmate worker shall be paid a base wage established by BCE. Pay adjustments (incentive pay) based on BCE policy may be added to the base wage.

Inmate workers in industries and logistics positions will be paid an overtime rate of one and one-half times the base wage for hours worked in excess of 40 hours per week.

Inmate workers in agriculture positions will receive an add-on of \$0.02 per hour, for hours worked on Saturdays and Sundays.

Inmate workers shall be paid at the institution involuntary unassigned rate, for the regular scheduled hours during any layoff as specified in the layoff section of the inmate worker handbook.

When an inmate worker is injured in the performance of job duties and is unable to work, the inmate shall continue to receive the base wage (for normally scheduled work hours) until the inmate worker returns to work, or is terminated or removed as allowed in DOC 303 or DOC 313. An inmate worker may return to work when a department health care professional determines s/he may return to work without medical restrictions.

An inmate worker shall be paid at the inmate worker's current base wage for all hours absent from work (for normally scheduled work hours) when removed pending investigation or placement into TLU status unless terminated or removed under discipline policy DOC 303 or a work rule violation.

Inmate workers may be paid piece-rate wages.

**Work Day:**

BCE shall establish the regular work day for full-time, part-time and temporary positions.

An inmate worker may not be absent from the worksite during work hours unless the BCE supervisor approves the absence. The BCE supervisor may approve absences for necessary programming that cannot be scheduled during non-work hours.

**Labor Unions:**

Inmate worker labor unions are prohibited.

**Base Pay:**

Base pay ranges are established in BCE policy and posted at each BCE location so that base pay may be changed without requiring existing handbooks to be discarded and new handbooks to be printed.

**Incentive Pay:**

Incentive pay may be added to an inmate worker's base pay after s/he has successfully completed the original probationary period. Incentive pay will be based on the inmate's performance evaluation. Incentive will increase the inmate worker's pay rate up to, and including, the maximum of the pay grade with incentive.

- The incentive will go into effect no sooner than the beginning of the next week. Incentives will not be made retroactive.
- Specialists and sergeants may recommend to a BCE supervisor that an inmate worker receive incentive pay. Incentives will not become effective until approved by a BCE supervisor.
- An inmate worker's pay rate may not exceed the maximum established for the pay grade. Inmate workers may be paid piece-rate wages as determined by Bureau Management.

**Holiday Pay:**

Inmate workers in industries and logistics positions are paid twice their current pay for hours worked on state holidays. Shop closures, including state holidays will result in a layoff at the applicable compensation.

Inmate workers in agricultural positions receive an add-on of \$0.02 per hour for hours worked on state holidays.

**Night Differential for Industries and Logistics:**

Inmate workers are paid an additional \$0.15 per hour for hours worked between 6:00 p.m. and 6:00 a.m. This differential is not calculated into overtime, paid leave, layoff, holiday or accident pay.

**Minimum Time in Pay Grade:**

The minimum time in pay grade is the shortest amount of time an inmate worker has to work in a particular pay grade before advancing to the next pay grade. The minimum time in pay grade is calculated to coincide with the inmate worker's date of hire. Any exception to this policy must be approved by the Bureau Director or Industries Chief prior to submission and approval of any pay increase.

**Shutdown and Layoffs:**

The Bureau Director, Industries Chief or BCE Superintendent or Supervisor has the authority to lay off inmate workers when necessary due to business conditions. Layoffs may previously been referred to as downtime. Layoffs may result from situations including, but not limited to, production slowdowns, state holidays, institution training days, shop closures due to weather and BCE or institution staffing shortages.

If a layoff is for a period of ten (10) consecutive working days or fewer, the affected inmate worker shall receive the institution involuntary unassigned pay rate for the normal scheduled hours during the layoff period.

If an inmate worker on layoff has not been reemployed after ten (10) consecutive working days, the inmate worker may be removed from employment.

If the inmate worker is removed from employment due to layoff and called back to the same position within 60 calendar days following removal, the inmate worker shall return at the most recent previous base pay without incentive pay.

### **TERMINATION AND REMOVAL**

BCE may end an inmate worker's employment through termination or removal from a BCE position.

*Voluntary Termination:* An inmate worker may voluntarily remove himself/herself from BCE employment with the approval of the BCE supervisor. The inmate worker must complete the scheduled work shift in process at the time of the request for voluntary termination, or be subject to disciplinary action under DOC 303.

*During the Probationary Period:* A BCE supervisor may terminate an inmate worker's employment during probation due to poor performance or conduct, or for any other reason deemed appropriate by the BCE supervisor.

*Discipline Violation:* A BCE supervisor may terminate an inmate worker's employment for violations of DOC 303 and/or BCE work rule violations.

*Inadequate Performance:* An inmate worker may be terminated for inadequate performance as determined by an evaluation completed per the Performance Evaluation section of this handbook.

*Unable to Work:* An inmate worker who is determined to be unable to work due to a health condition by a department health care professional maybe removed from employment if the health condition exceeds 30 days.

*Transfer or Release:* A BCE supervisor shall remove an inmate worker

from employment in preparation for, or upon the inmate's transfer to another facility, or release to the community.

*Security and Safety:* An inmate worker's employment may be terminated by the applicable Correctional Enterprises Superintendent or Supervising Officer 2 if the inmate worker is perceived to be a threat to security or safety.

*Exceeds period or work assignment:* The BCE supervisor may terminate an inmate worker's employment when the inmate worker's employment has met the maximum work assignment time period established in BCE policy.

A BCE supervisor shall document the following, when an inmate worker is terminated or removed:

- Name and DOC# of inmate worker
- Date of termination or removal
- BCE location name
- BCE Supervisor's name
- Reason for termination or removal

A copy of each termination will be placed in the inmate worker's BCE file and the social services file at the facility where the inmate worker resides.

## **TRANSITION PROGRAM**

The Transition Program is designed to help inmate workers capitalize on work experiences and skills acquired during BCE employment, so they may be better prepared to succeed in their efforts to find and keep jobs in their communities. The Transition Program is available to inmates who have worked in any of BCE's agriculture, industries or logistics operations.

### **Eligibility Requirements:**

- Must have worked in an industries position at least six (6) months OR must have worked for in an agriculture or logistics position at least 30 days
- Must not have been terminated from BCE employment for a DOC rule violation, work rule violation, poor work performance, or failure to complete probation
- Employment must have occurred within 5 years of release date

### **Enrollment Process:**

The Transition Program is a voluntary program. Inmate workers are not required to participate.

- Upon hire, each inmate worker receives a New Hire packet, introducing him/her to the program.
- Eligible inmate workers will receive an Enrollment packet from program staff
- Eligible inmate workers must return the forms included in the Enrollment packet to program staff

## **SUGGESTION/COMPLAINT PROCESS**

### **Inmate Suggestions:**

Inmate workers are encouraged to submit their suggestions for improvements to BCE staff.

### **Inmate Complaint Procedure:**

The Inmate Complaint System is the department's official procedure for managing inmate grievances. Complaints filed through this system will be processed through the formal complaint procedure and BCE staff will be involved as needed. The BCE Director reviews the recommendations of the inmate complaint examiner for each complaint submitted by an inmate worker.

Inmate workers are encouraged to attempt to resolve problems informally with BCE specialists or the supervisor. This is not mandatory, but may be the expedient way to address minor problems. BCE staff can address problems or complaints that directly relate to BCE operations.

Inmate workers should refer to facility procedures if they wish to file an inmate complaint.