

# WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

## GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Doug Percy

Name of Individual Certifying this Document/Proposed Document

DAI Assistant Administrator

Title


Doug Percy

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin  
Office of the Secretary  
Wis. Stat. § 227.112(6)  
DOC-2910 (6/2019)

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 324.00.01	<b>Page</b> 1 of 11
	<b>Original Effective Date:</b> 03/01/83	<b>New Effective Date:</b> 11/26/18
	<b>Supersedes:</b> 324.00.01	<b>Dated:</b> 09/17/18
	<b>Administrator's Approval:</b> Jim Schwochert, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> Chapter 324 Work and Study Release		
<b>Subject:</b> Work and Study Release		

**POLICY**

The Division of Adult Institutions may allow inmates who are housed at minimum security facilities to be considered for work and study release.

**REFERENCES**

Wisconsin Statutes s. 303.065 – Work Release Plan for Prison Inmates  
Wisconsin Administrative Code s. DOC 303.72 – Major penalties  
Wisconsin Administrative Code s. DOC 303.80 – Contested major disposition  
Wisconsin Administrative Code s. DOC 303.81 – Contested major disposition: waiver of due process hearing  
Wisconsin Administrative Code s. DOC 303.84 – Due Process hearing: witnesses  
Wisconsin Administrative Code s. DOC 309.50 – Segregated Account Funds  
Wisconsin Administrative Code s. DOC 309.52 – Canteen  
Wisconsin Administrative Code Ch. DOC 324 – Work and Study Release  
Wisconsin Administrative Code s. DOC 324.13 – Process for termination of work and study release  
Wisconsin Administrative Code Ch. DOC 325 – Temporary Release Under Supervision  
DAI Policy 300.00.02 – Inmate Taxes  
DAI Policy 309.45.02 – Inmate Trust System Deductions  
DAI Policy 309.55.01 – Inmate Compensation Plan  
DAI Policy 325.00.08 – Minimum Custody Inmate Offsite Authorization

**DEFINITIONS, ACRONYMS, AND FORMS**

Close Family Member – An inmate's natural, adoptive, step and foster parents; spouse, children, grandparents, grandchildren or siblings. A parent surrogate is within the definition of parent if an inmate substantiates that a claimed surrogate did in fact act as a parent to the inmate, although the parent surrogate was not an adoptive, foster or step parent.

DAI – Division of Adult Institutions

Data Entry Jobs – Employee entering or updating data into a computer system.

DOC – Department of Corrections

DOC-370 – Work/Study Release

DOC-371 – Offender's Statement of Financial Obligations

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DOC-372 – Work Release Agreement

DOC-372A – Study Release Agreement

DOC-2570 – Inmate Offsite Review

DOC-2571 – Community Site Assessment

DOC-2571A – Community Site Visit Checklist

GED – General Equivalency Diploma

HSED – High School Equivalency Diploma

Primary Programs – Substance Use Disorder, cognitive based programs, domestic violence, sex offender treatment, education, anger management.

Study Release – Study Release means a release program for educational purposes in a technical workshop, or program designed to improve an inmate's skills and abilities.

Telemarketing Jobs – Employee making calls and contacts with potential customers to market their products or services.

VUNA – Voluntary Unassigned

Work Release – Work Release means a program that grants to selected inmates the privilege of leaving the confines of state correctional facilities to participate in employment programs. Work release applies only to placement for employment.

Work Release Compensation – Includes work release wages, tips, paid leave, workers compensation, unemployment compensation, bonus or cash gifts from the work release employer.

Work Release Lay-Off – A lay-off is a period of forced inactivity by the work release participant.

Work/Study Release Eligible – The inmate is classified community custody, has met the criteria for work/study release and has the approval of the Warden/Superintendent to participate in a work/study release assignment. An inmate may be eligible but not placed or active in the program.

Work/Study Release Participant – Community employer or educator who is approved by the Warden/Superintendent to be involved in the center work or study release program.

Work/Study Release Placement – An inmate is actively reporting to a work/study assignment and has consent from the work release participant and Warden/Superintendent. Work release placement is not effective until the first day an inmate is

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actively reporting to a work release assignment. Study release placement is not effective until the first day reporting to the scheduled class attendance.

Work/Study Release Suspension – Work release employer or Warden/Superintendent may withdraw consent for any reason, with or without notice to the inmate. The inmate is removed from the work/study release placement pending termination decision by the Warden/Superintendent. Inmate remains work/study release eligible-non active.

## **PROCEDURE**

### **I. General**

- A. Work and study release applies only to inmates housed in a minimum security facility.
- B. Work and study release are a privilege, not a right.
- C. Inmates are responsible to notify Child Support Agencies to send termination orders to the Business Office once they have an active placement.
- D. Inmates shall file Federal and State income tax returns in accordance with applicable laws and DAI Policy 300.00.02.
- E. For study release, inmates shall ensure DOC personnel have access to their grades and attendance information.
- F. Inmates shall maintain an acceptable level of performance as determined by the DOC.
- G. Inmates shall comply with all work release site safety practices and wear all recommended or required personal protective equipment.

### **II. Community Site Assessment**

Assigned staff shall complete the following:

- A. Document information on DOC-2571.
  1. Determine if location is suitable for work or study release program participant.
  2. Assessment of:
    - a. Proximity to criminal activity.
    - b. Access to taverns, liquor stores and adult entertainment establishments.
    - c. Known to be high crime area such as prostitution or drug activity.
    - d. Work site conditions to include required and recommended personal protective equipment.
    - e. Concealed carry – consideration of options that may impact inmate placement, access and safety.
    - f. For sites being considered for study release, the assessment shall also include the security and monitoring of inmates while participating in study release.

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- B. Conduct annual reviews of sites to ensure reorientation is completed and any updated information is provided by the site.
- C. Conduct an orientation to include rules and regulations, staff access to break rooms, lockers and other inmate accessible areas.
- D. No inmate shall be placed at a site:
  - 1. With a close family member.
  - 2. With any person on the inmate's approved visiting list.
  - 3. Where a potential conflict exists.
  - 4. In telemarketing or data entry jobs that the inmate would have access to:
    - a. Personally identifiable information of members of the public.
    - b. Another individual's financial transaction card numbers, checking or savings account numbers, or social security number.
    - c. Information that would serve to identify a minor.
- E. Work sites that include inmate access or handling of credit cards or cash may be approved by the Warden/Superintendent/designee if the employer agrees to place an inmate in this type of job.
- F. Work release site checks shall be conducted on a monthly basis and documented on the DOC-2571A.
- G. Study release placements site checks shall be completed a minimum of every two weeks and documented on the DOC-2571A.

### **III. Inmate Eligibility**

- A. The facility shall establish an initial observation period before making a decision on work/study release placement.
  - 1. This observation period shall not exceed 30 days from the date the inmate is transferred to the facility from another non-work release facility.
  - 2. This observation period may be reduced for inmates transferred from another work release site and having a positive work release placement.
- B. Designated staff shall evaluate the inmate for eligibility for work release based on the criteria established in DAI Policy 325.00.08 and information included on the DOC-2570.
- C. Identified programming needs take precedence over any work/study release placement. If an inmate has been removed from a work/study release placement for program participation, he/she may be considered for eligibility upon completion of the program.
- D. Designated staff shall evaluate the following to determine the inmate's work/study release eligibility:
  - 1. Criminal history.
  - 2. Conduct.

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3. Available resources.
4. Observation period.

E. Warden/Superintendent approves or denies the work release or study release eligibility and notifies the Work Release Coordinator/designee of decision.

#### **IV. Study Release**

- A. DOC available educational programming is encouraged prior to transfer, unless education needs can be met at a minimum security site.
- B. Study release shall be considered for inmates without a GED/HSED when not offered at the DOC facility.
- C. Centers shall consider assistance in proctoring GED/HSED tests from their coordinated back up institutions. Prior to testing, self-study materials may be made available at the centers.
- D. College credit and/or self-improvement class requests shall be referred for correspondence consideration.
- E. Courses involving inmate loans, time payments or other inmate indebtedness shall not be approved.
  1. State and Federal education grants or scholarships may be obtained for accredited college level correspondence courses.
  2. Any funds from grants not used by the inmate for tuition, fees, course books and materials shall be returned to the sponsoring college's general grant fund.
  3. Funding provided by a family member is an approved form of payment.
- F. Inmates shall receive a confirmed school placement before approval to attend can be granted.
- G. Staff shall advise school administrators of notification requirements for absences.

#### **V. Work/Study Release Procedure**

- A. Designated staff shall investigate financial obligations, review costs, establish methods of payment and document these obligations on DOC-371.
- B. The Work Release Coordinator/designee shall supervise the inmate's placement, investigate disciplinary problems, and report all findings to the Warden/Superintendent/designee.
- C. Rules shall be explained to the inmate and they are required to sign a completed DOC-372.

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- D. Designated staff shall advise work release participants of responsibilities and provide appropriate orientation. School administrators shall be advised of notification requirements for absences.
- E. Inmates are not allowed to participate in any union activity outside of the actual placement site.
- F. Employers shall ensure all work release compensation is sent to the Business Office, even after an inmate's release from incarceration. Compensation shall be by business check, money order or direct deposit.
- G. Each facility shall identify designated staff who shall notify the Business Office of the inmate's work release placement and assign the proper job assignment to track work release status. Required information includes:
  - 1. Date placement is to begin.
  - 2. Site of placement.
  - 3. Date of suspension, layoff or termination of position.
  - 4. If the inmate continued employment after release.
- H. Facility security staff shall process any disciplinary actions and implement the facility's escape and apprehension procedures for any inmate who:
  - 1. Fails to report to their work/study release placement.
  - 2. Leaves work/study release placement without facility permission.
  - 3. Fails to return to the facility from a work/study release placement.

## **VI. Transportation**

- A. Facility staff shall arrange transportation for the inmate to and from work/school. Inmates shall be transported by:
  - 1. Staff or inmate driver.
  - 2. Approved outside resource.
- B. Assigned staff shall maintain a work/study transport schedule that shall be:
  - 1. Routinely updated.
  - 2. Visible to staff and inmates.

## **VII. Work Release Compensation**

- A. These funds shall be placed in a segregated trust account and shall result in room, board and transportation charges as determined by the DOC.
- B. Work/study release funds may be accessed;
  - 1. While an inmate is on active work/study release.
  - 2. With authorization from the Warden/designee to pay formal financial obligations at the inmate's request directly to the established place of business where the debt is owed.
    - a. Money owed to friends/family members does not constitute a formal obligation unless there is a court decision.

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- b. The distribution priority schedule in 309.45.02 shall be followed for court ordered obligations.
- C. Non-cash bonuses, gifts or work events shall be pre-approved by the Warden/designee.
- D. Cash bonus shall be placed in the inmate's work release account.
- E. Tips
  1. Shall be paid by the work release employer either by separate money order or included in the inmate's regular paycheck.
  2. Personal checks shall not be accepted as tips.
  3. Inmates are not allowed to retain cash tips.
- F. The inmate remains active in work release while on paid leave.
- G. Inmates may only contribute the minimum allowable amount required by the worksite for 401K/Retirement/Pension plans to participate.
- H. Inmates are not allowed to have additional taxes withheld from their wages unless written approval is received from the Warden/Superintendent.
- I. Inmates receiving Worker's Compensation are still employed and continuing to receive work release compensation.
  1. If offered light duty tasks or assignments by the employer, inmates are required work as directed.
  2. Work Release Coordinators shall direct inmate concerns to the company Human Resources Department and act as liaison between the inmate and Human Resources.
- J. Inmates receiving unemployment compensation shall not be considered active, but payments received shall be considered work release compensation. The DOC does not determine eligibility for unemployment compensation.
- K. Inmates who are active in work release may have funds transferred from their work release account to their regular inmate account.
  1. The transfer amount shall not exceed the allowable canteen limit for that period.
  2. The transfer shall occur no less than one time per month and no more than once every two weeks.
  3. Canteen transfers shall not exceed funds available at the time of the transfer.
  4. If a canteen transfer is missed, an inmate shall have two months from the date of the missed transfer to request that money from their work release account be transferred to their regular account.



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- L. Inmates on active work or study release shall not be compensated in VUNA status.

#### **VIII. Work Release Expenses**

- A. Work Release Coordinator shall provide a copy of DOC-371, DOC-372 and DOC-370, if appropriate, to the Business Office.
- B. By signing DOC-372 inmates authorize DOC to determine payment and withholdings for any known obligations.
- C. Facility staff shall include any information found to support the set-up of the following obligations:
  - 1. County or other state court ordered obligations.
  - 2. Civil judgments.
  - 3. Child support arrears.
- D. The Business Office shall confirm the costs owed and establish automated deductions when appropriate for:
  - 1. Court ordered obligations.
  - 2. Supervision fees arrears.
  - 3. Obligations identified on DOC-371.
- E. With consent of the Warden/Superintendent, inmates may have deductions taken from wages to:
  - 1. Join a trade union in conjunction with placement.
  - 2. Enroll in employer paid family health insurance for dependent coverage only. The inmate may not access this benefit.
  - 3. Enroll in a retirement program, only at the minimum level required by the employer.
  - 4. Pay work release expenses required by the job directly to the employer (i.e., tools, uniforms.)
- F. Room, board and transportation charges shall be deducted from work release compensation as outlined in DAI Policy 309.45.02.
  - 1. Tax shall be included in the board charges.
  - 2. The Business Office shall prorate the last check received if some of the hours earned occurred after release and termination from the inmate's work release placement.
- G. DOC shall review the percentages for the current room, board and transportation charges annually and may make changes as needed.

#### **IX. Removal from Work/Study Release Placement**

- A. Inmates shall not participate in job actions or strikes. Work placement shall be temporarily suspended until the job action or strike is resolved.

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- B. If Health Services determines an inmate is unable to perform the duties of the work/study release placement and the injury is not job related, the inmate shall be removed from the placement.
- C. Current work/study release placement ends when an inmate leaves that facility. Continued work/study release eligibility and placement shall be reviewed at the new facility by the Warden/Superintendent.
- D. Identified programming needs take precedence over any work/study release placement. If an inmate has unmet programming needs, he/she shall be removed from their work/study release placement when that programming becomes available and may reapply for eligibility upon the completion of the program.
  - 1. An inmate who refuses a primary program and is currently on work release shall be removed from work release for a minimum of 90 days and placed in VUNA status.
  - 2. Inmates who refuse a primary program shall be placed in VUNA status and shall be postponed for work release consideration for a minimum of 90 days.
- E. If identified programming is available at the current site, the inmate may be allowed to continue their work/study release assignment if it does not interfere with programming.
- F. The work release employer may withdraw consent for any reason, with or without notice to the inmate.
- G. A work/study release placement may be terminated by the Warden/Superintendent in response to documented adverse community reaction to the placement.
- H. Inmates who are negatively removed from work release or study release shall be placed in VUNA status and shall not be compensated for a minimum of 90 days.
- I. Types of work release lay-offs:
  - 1. Short term lay-off – A lay-off of 21 calendar days or less in duration with a tentative return to work date. Inmate shall remain in active work release status throughout the short term lay-off.
  - 2. Permanent lay-off – A lay-off is deemed permanent when the work release participant has not been given a tentative date of return or a short term lay-off has exceeded 21 days. Placement is deemed terminated due to withdraw of consent to the placement by the work release employer.
- J. If the placement site is laying off workers (downsizing the workforce), the employer shall withdraw consent. Inmates shall not continue to work at a

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placement site if non-inmate workers performing similar work at that same site are losing their jobs.

- K. A work release placement may be terminated by the Warden/Superintendent based on changes in an inmate's program need, negative work evaluation or the inmate's conduct.
  - 1. Inmates who are negatively removed from work release shall be placed in VUNA status and shall not be compensated for a minimum of 90 days, unless releasing to general population from a restrictive status.
  - 2. The Warden/Superintendent may waive the 90 days VUNA status for an inmate negatively removed from a work or study assignment if required by facility operational needs.
  
- L. Failure of the inmate to comply with provisions of the DOC-372.
  
- M. The duration of the study release has expired.

**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Jim Schwochert, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
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<b>Chapter:</b> 324 Work and Study Release		
<b>Subject:</b> Work and Study Release		
<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES**

**DEFINITIONS, ACRONYMS, AND FORMS**

**FACILITY PROCEDURE**

- I.
  - A.
    - 1.
      - a.
  - B.
  - C.
- II.
  - A.
  - B.
  - C.