Minnesota Department of Corrections

Division Directive:	**204.010**	**Title: Offender Assignment and Compensation Plan**
Issue Date:	**12/20/16**	
Effective Date:	**1/3/17**	

AUTHORITY: Minn. Stat. §§241.01, subd. 3a(b); 243.23, subd. 3; and 243.88

PURPOSE: To provide for an offender assignment and pay plan; maintain consistency between adult correctional facilities; contain costs whenever possible; and facilitate the budget process.

APPLICABILITY: Minnesota Department of Corrections (DOC); all adult correctional facilities and MINNCOR

DIRECTIVE: Adult facilities maintain a written plan for work program assignments and the pay plan. The offender workday will approximate the workday in the community, whenever possible.

DEFINITIONS:

Above average evaluation – an evaluation consisting of four or more above average marks and no below average marks.

Administrative reassignment – facility-initiated assignment transfer or reassignment for the convenience of the facility in situations including such examples as a shortage of offender workers in a particular area or a special project.

Allocation for Offender Assignment (attached) – a report generated by each facility documenting allocated jobs; offenders currently assigned to each allocation; and the variance between the allocation and assigned. Also includes totals for authorized idle, segregation, in-house segregation, unassigned idle, and temporarily unassigned.

Application (attached) – the process an offender uses to request assignment or reassignment.

Assigned offender – as defined in Division Directive 202.110, "Status Overview and Summary – Adult Facilities."

Assignment – any work or program in which the offender receives a wage for participation.

Authorized idle (AI) – as defined in Division Directive 202.110, "Status Overview and Summary – Adult Facilities."

Average evaluation – an evaluation containing no below average marks.

Behavior initiated assignment – reassignment to a new job due to the offender's negative behavior including such examples as positive urinalysis or poor facility adjustment.

Below average evaluation – an evaluation containing one or more below average marks.

Certified assignments (MINNCOR) –assignments requiring certification or special training/skills completed through an approved training curriculum and approved by the MINNCOR executive team.

Idle Offenders Memorandum (sample attached) – a monthly report generated by each facility utilizing the Allocation for Offender Assignment to document the total number of offenders on idle status.

Intermittent assignment – any designated work, program, or education assignment limited to a specified period or for a special project with an anticipated end date.

Job description – written expectations of job duties provided to an offender prior to his/her assignment.

Literacy mandate – all DOC offenders must have a verified general educational development (GED) or high school diploma issued in the United States or a foreign equivalency as defined in Division Directive 204.040, "Education."

Literacy target group – offenders who have not satisfied the DOC literacy mandate.

Medical placement – as defined in Division Directive 202.110, "Status Overview and Summary – Adult Facilities."

MINNCOR bridge – a pre-employment training and education program for a select group of adult offenders to assist their successful transition back into the community and private employment through the state work release program.

OnTrack – a vocational and MINNCOR partnership program offered to offenders to provide education and on-the-job training for specific industries.

Reception – as defined in Division Directive 202.110, "Status Overview and Summary – Adult Facilities."

Required programming – treatment applications, such as alcohol and other drugs, sex offender, or behavioral modification required by legislation or department policy.

Temporarily unassigned (TU) – as defined in Division Directive 202.110, "Status Overview and Summary – Adult Facilities."

Testing/screening – selection process requirements determined by an assignment area.

Unassigned idle (UI) – as defined in Division Directive 202.110, "Status Overview and Summary – Adult Facilities."

Unassigned idle – education (UI-ED) – as defined in Division Directive 202.110, "Status Overview and Summary – Adult Facilities."

Unauthorized lay-in – as defined in Division Directive 202.110, "Status Overview and Summary – Adult Facilities."

PROCEDURES:

A. Determining offender assignments/placing offenders

1. Facilities post vacancies or place offenders in work/programming assignments based on facility and offender needs. Facilities utilize the application process and, when applicable, the factors outlined below.

2. The assignment committee/coordinator determines all offender assignments and considers the following when placing offenders:
   a) Application for assignment;
   b) Interview process, if applicable;
   c) Needs of the facility and security;
   d) Offender's work experience/history/attainment of GED or high school diploma;
   e) Racial diversity;
   f) Offender's past disciplinary action;
   g) Offender's classification score;
   h) Relevant incompatibility issues;
   i) Literacy mandate;
   j) Any required programs;
   k) Offender's ability to apply;
   l) Skills screening, if applicable; and
   m) Length of remaining sentence.

3. The assignment committee/coordinator and/or work area supervisor must not discriminate against an offender qualified for an assignment based on disability. Reasonable accommodation is considered if the offender is otherwise qualified for the assignment.

4. The assignment committee/coordinator reviews all staff requests for intermittent assignments.

5. The assignment committee/coordinator must be informed in writing of all offenders placed in any status that interferes with routine assignments including such examples as special duty and segregation.

6. The assignment committee/coordinator uses the Allocation for Offender Assignment (attached) whenever offender assignments are being reconsidered and/or reviewed.

7. The assignment committee/coordinator must be informed in writing of all terminations and the circumstances of the terminations so appropriate reassignments can be made.

8. The assignment committee/coordinator receives the master count sheet and computer reports of all offenders eligible for assignment.

B. <u>Offender assignments</u>

1. All newly committed offenders' are placed in reception status. Offenders are evaluated to determine their program preference, program needs, and the facility needs during this process. Offenders are required to submit applications, if applicable.

2. Offenders are required to remain in an assignment for a minimum of 90 days after placement. The assignment committee/coordinator:
   a) Utilizes temporarily unassigned (TU) status offenders to fill assignments without sufficient applicants;
   b) Only considers unassigned idle (UI) status offenders after all other applicants have been considered; and
   c) May suspend the 90-day waiting period according to facility needs.

3. New applications are accepted after 90 days of continuous assignment in the current job. Offenders are not allowed to withdraw their bid after it has been accepted by the facility. Non-MINNCOR offenders drop to step one and MINNCOR workers drop to step two when starting new positions. This procedure takes effect after the first assignment.

4. An offender who refuses to accept an assignment from the assignment committee/coordinator is in violation of offender discipline regulations.

5. All assigned offenders are required to serve a probationary period of 30 calendar days after beginning each new work assignment. The intent of a probationary period is to determine whether the offender is qualified and capable of completing the duties of the assignment. Conditions of the probationary period may be specified in the work rules provided to the offender. An offender who is released from his/her assignment during the probationary period returns to TU status and does not have termination appeal rights. Probationary terminations are documented on the Termination Notice (attached) and routed for approval.

6. Offenders in the literacy target group are assigned to literacy education programming as openings occur. If an assignment is not available, offenders must be placed on a wait list. Facilities may place wait-list offenders into other work assignments and offenders may retain their current assignment on a temporary basis until an appropriate literacy education assignment is available. Offenders in the literacy target group who refuse placement into educational programming are placed on unassigned idle – education (UI-ED) status. UI-ED offenders are not eligible for other work assignments and face appropriate facility discipline for refusal to work.

7. Specific assignments can be held open for a maximum of ten calendar days due to medical, writ, or "no-fault" absences. Those terminated under this provision are placed on TU status and are immediately eligible to apply for a job after their return. Offenders must start at the beginning step of the pay scale for the new assignment.

8. Specific assignments can be held open for a maximum of five calendar days for segregation or offender-initiated absences. Those terminated under this provision who have received formal discipline are placed on UI status after completion of their segregation sentence and are not eligible to apply for a job for 90 days. Unassigned offenders who serve a disciplinary segregation penalty must, upon completion of the segregation term, be placed on UI status and are not eligible to apply for a job for 90 days. Those terminated under this provision, in which all charges were dismissed, must be placed on TU status and are immediately eligible to apply for a job. The offender starts at the beginning step of the pay scale for the new assignment. The warden/designee may suspend the 90 day period according to facility needs.

9. Offenders assigned to a new job due to a behavior initiated reassignment drop to step one.

10. The facility may waive the pay reduction to step one if an offender is transferred or reassigned to a new job due to an administrative reassignment.
    a) The warden or designee must give written approval for administrative reassignments;
    b) Administrative assignments must not be used as standard procedure and only as an exception; and
    c) Offenders must not receive pay exceeding the scale for the new assignment area.

11. Employment preference
    a) Vocational graduates have preference for related facility support/MINNCOR assignments and enter at step two of the pay range. This is a one-time deviation from the pay plan.
    b) Offenders who earn their high school or GED diploma have hiring preference for other education-related assignments (e.g., vocational programs, tutor, or clerk).

C. Pay ranges

Steps	1	2	3	4	5	6	7	8
Base	$0.25	$0.50	$0.75	$1.00				
Pre-Advanced					$1.25	$1.50		
Advanced							$1.75	$2.00
Certified					$1.25	$1.50	$1.75	$2.00

1. Reception status
   All Minnesota court commitment offenders in reception status and pre-sentence investigation (PSI) holds, excluding release violators, have a one-time $15.00 advance placed in their spending account and a $15.00 obligation created for repayment of the advance. The advance accommodates their needs for the first 28 days of incarceration. The obligation must be repaid from money received from any source including compensation and receipts.

2. Base pay (steps one – four)
   Intermittent workers and most non-MINNCOR workers begin at step one and with positive evaluations advance through step four. MINNCOR workers begin at step two and with positive evaluations advance through step four.

3. Pre-advanced/advanced/certified (steps five – eight)
   MINNCOR, computers for schools, and private company offender workers are authorized to earn pre-advanced and advanced pay. No more than 20% of the offenders may advance through step six (pre-advanced) and no more than 10% of the offenders may advance through step eight (advanced). Calculation of percentages does not include certified assignments. All pre-advanced and advanced placements are contingent on the offender's written request and supervisor recommendation. Certified reassignments are excluded from these percentages.

4. Flat rate
   a) All offenders enrolled in education and treatment assignments are paid a flat rate of $0.50 per hour. Pay raises are not applicable to this assignment. Written feedback to offenders is provided on an "as needed" basis through evaluations or a grading format.

   b) The Challenge Incarceration Program (CIP) pays $2.50 per day. Evaluations are not required for this assignment.

   c) Aftercare treatment programming
      Offenders attending approved aftercare treatment programming are eligible for a flat rate of $.50 per hour, up to a maximum of seven hours per day.

d) All offenders participating in the department's pre-release program/class are paid at the rate of $0.50 per hour. Upon program/class completion, the offender reverts to the regular work assignment and pay, as if there were no interruption. If unemployed at the time of assignment to the program/class, the offender is paid at the flat education rate of $0.50 per hour. At facilities where pre-release is mandatory, an offender refusing pre-release assignment is terminated from his/her current assignment.

5. Special activities
Tour guides, referees/umpires, youthful offender program mentors, and offender representative group members are paid $1.00 per event. Approval must be obtained from the applicable budget manager prior to the event. An offender assigned to bio-hazardous waste cleanup receives $2.00 per event.

6. Institution Community Work Crew (ICWC), Sentencing to Service (STS), and Hennepin County STS Homes Crew
Offenders participating in these programs are paid $1.00, $1.25 and $1.50 per hour. Offenders assigned to the Red Wing recycling crew who have reached the top of the range receive additional increases of $.25 at the next two fiscal quarter dates, provided they receive satisfactory evaluations. This $.50 increase is reimbursed according to the income contract negotiated with the City of Red Wing. Offenders participating in the MINNCOR bridge program are paid a flat rate of $3.00 per hour, unless it is interstate pay. All deductions are in accordance with Policy 300.100, "Offender Accounts." All other aspects of the pay plan continue to apply including the evaluations and other procedures outlined in this directive. All screening, referral and assignments follow contract conditions established with participating agencies.

7. Piece work
Each facility using this range must ensure the piece work rates and progressions coincide as closely as possible to the hourly base rate applicable to the work area. MINNCOR piecework assignments must fall within the guidelines for base pay, pre-advanced and advanced placements.

8. Tutors and editors
Tutors and editors are hired at $0.50 per hour and may advance through step six.

9. Transfers between facilities
Offenders transferring from one facility to another, begin at step one of pay.

10. Holiday pay
Offenders who work a holiday are paid at the regular rate of pay.

11. Extended hours
a) Extended hours are only authorized by the division head/industry director in pre-arranged and/or emergency situations. Offenders may work extended hours in areas other than those they are permanently assigned if they obtain advance approval from the supervisor of the extended hours area and are qualified to perform the work.

b) Offenders who fail to report for extended hours may be subject to a work rule violation(s) and the failure to report will be taken into consideration when preparing the offender's next evaluation and pay increase.

12. No-pay status
Offenders are not paid when away from the work area. The offender is only paid for the actual time worked at the assignment.

13. Medical lay-in
Offenders on medical lay-in/authorized idle (AI) are on no-pay status. Only offenders who sustain a work-related injury are paid at their regular rate of pay for the remainder of the day of injury. Offenders are not paid for subsequent days of medical lay-in.

14. Offenders refusing treatment, refusing to transfer for treatment, or failing a mandated treatment program are charged with a Rule 510 violation. In addition to the appropriate discipline sanction, these offenders are reduced to step one pay on their current assignment (refusals) or are required to start at step one pay on their new assignment (failures). These offenders then progress through the normal pay range.

15. Idle status
Any offender on idle status is not paid.

16. Exception to pay range
If a pay range does not meet the needs of the facility, the warden may request permission for an exception. The request must be submitted in writing to the assistant commissioner for facilities for approval. If approved, offenders assigned to the specific pay status may be eligible for the amended pay range.

D. Interstate assignments

1. Offenders working on products sold in interstate commerce may be eligible for interstate pay. Offenders are required to have above average evaluations to qualify for and maintain an interstate assignment.

2. Offenders assigned to the interstate program receive the rate of pay determined annually by the Minnesota Department of Employment and Economic Development. There are three levels of withholding for interstate assignment positions. The base level withholds a maximum of 80% of the gross wage; pre-advanced level withholds a maximum of 74% of the gross wage; and advanced level withholds a maximum of 64% of the gross wage. All deductions are in accordance with Policy 300.100, "Offender Accounts."

3. No more than 20% of the interstate assignments may be in the pre-advanced level, no more than 10% in the advanced level. The remaining 70% are in the base level and remain there until an opening exists in the pre-advanced level. Certified assignments are excluded from these percentages and may advance if the criteria are met. Movement from base level to pre-advanced or from pre-advanced to advanced level is determined by the area supervisor based on the offender's work performance and evaluations. Certified reassignments are excluded from these percentages.

4. Offenders are paid one and one-half times their normal rate of pay for hours worked in interstate assignments in excess of forty hours per week. Hours worked in non-interstate assignments are excluded in the calculation of hours.

E. Progressive discipline

Staff generally use progressive discipline (see the Assignment Discipline Record form, attached) in an attempt to correct an offender's behavior; however, the severity of an incident may warrant quicker progression through the steps including immediate termination. Work violations affect the offender's performance evaluation and any violation may be subject to a formal discipline report. The assignment discipline record is used to document verbal warnings, written warnings, and suspensions.

1. Verbal warning: a verbal reminder of a program rule violation that may result in an evaluation reduction.

2. Written warning: a written reminder of a program rule violation resulting in a below average evaluation under the behavioral expectations category.

3. Suspension: a job suspension that includes removal from the program area. Staff must complete an incident report(s) where applicable.
   a) A suspension results in a below average evaluation;
   b) The offender is not paid while on suspension; and
   c) The length of suspension is commensurate with the severity of the rule infraction.

4. Termination: a termination results in the offender being immediately removed from the program area and placed on UI status. Staff must complete an incident report where applicable and a Termination Notice form (attached).
   a) The offender drops to the starting rate of pay when assigned to a new job;
   b) The offender does not receive pay for hours missed during the appeal; and
   c) The offender is not eligible to apply or be assigned to a job for 90 days or as determined by the needs of the facility.

5. Job actions affecting offender prison industry enhancement certification program (PIECP) wages:
   a) An offender receiving PIECP wages must have due process before a job action affecting wages (e.g., suspension, demotion, or termination) is implemented;

   b) The offender must immediately receive a copy of the Notice of PIECP Wage Action (attached);

   c) The staff serving the notice must ask the offender if he/she wants to appeal the action and must check the corresponding box on the notice form;

   d) If the offender chooses not to appeal, the wage action takes effect immediately;

   e) If the offender chooses to appeal, the offender has one day following receipt of the wage action notice to submit a kite contesting the action; and

   f) The industry director or designee (a supervisor not directly involved in the wage action) reviews the PIECP Wage Action Notice and the offender's kite, and

provides written notice to the offender of the decision. The industry director's or designee's decision is final. PIECP wages are paid until the decision is made.

6. Appeals:
   a) Verbal and written warnings cannot be appealed;

   b) Offenders may appeal suspensions by submitting a kite to the appropriate department head/designee within 24 hours of receipt of suspension paperwork;

   c) Offenders may appeal terminations by submitting a kite to the appropriate division head/designee within 24 hours of receipt of termination paperwork;

   d) Appeals must be responded to within five working days;

   e) If the appeal is upheld, the offender is returned to his assignment at the same rate of pay;

   f) Offenders do not receive back pay; and

   g) If the appeal is denied, the offender remains on UI status.

F. <u>Record keeping information</u>

1. Raises
   Offenders are considered for pay raises each fiscal quarter. Offenders starting a new job assignment must be employed a minimum of 60 calendar days in an evaluation period to be eligible for a raise. The 60-day period includes holidays and the day of the evaluation. Eligibility for raises is based on satisfactory evaluations. Pay raises are effective the first day of the new pay period following the end of the quarter.

2. Evaluations
   a) Evaluations (attached) are due on the last working day of the quarter. Evaluations must be completed at least annually after the offender works one year in the same assignment or is receiving the top pay for said assignment.

   b) Any below average evaluation results in denial of a raise. Two consecutive below average evaluations result in the loss of $0.25 per hour. Each consecutive below average evaluation thereafter continues to result in the loss of $0.25 per hour until the offender reaches the starting rate of pay. Offenders may be subject to disciplinary action including termination if this process does not improve the offender's work performance.

3. Pay periods
   Offenders are paid every other week, based on a two-week pay period.

4. Hourly pay
   Offenders are paid only for actual hours worked. Payroll records are maintained to reflect the actual time worked on the assignment.

5. Offender payroll timekeeping and timesheets

Hours worked by offenders must be verified by staff. Documentation supporting this verification must be retained by the work area supervisor in support of the hours reported on the timesheet. All timesheets must be completed, signed, and submitted to finance according to the posted deadlines.

G. Offender compensation audits
Facility financial services staff must randomly audit 25% of all compensation centers (timekeepers) annually. This audit includes a random sample of at least 10% of the offenders for each cost center for one pay period. The auditor must submit a written report and distribute findings to the regional finance manager, warden, associate wardens, and others as needed. All over/under payments must be collected from or paid to the offender as appropriate. Excessive findings necessitate a complete review of affected compensation centers.

INTERNAL CONTROLS:

A. Offender compensation audits performed as outlined in policy are retained in finance according to the finance retention schedule.

B. All assignment applications are retained by the offender assignment coordinator for two years.

C. All evaluations and assignment discipline forms as well as associated reports are maintained by the applicable living unit officer or work area supervisor and retained for four years or until the compensation audit is completed.

D. All forms and documents related to offender allocation and idle reports are retained indefinitely.

E. The PIECP form is retained by the PIECP coordinator for four years or until the compensation audit is completed.

REVIEW: Annually

REFERENCES:

Policy 300.100, "Offender Accounts"
Division Directive 204.011, "Offender Advancement in MINNCOR Pay Scales"
Division Directive 300.300, "Incident Reports"
Policy 303.010, "Offender Discipline"
ACA Standards 4-4448 to 4-4452; 4-4454; 4-4458; 4-4461; 4-4462; 1-ABC-5A-01 to 1-ABC-5A-04; 1-ABC-5A-07
Policy 303.100, "Grievance Procedure"
Policy 205.140, "Adult Offender Reentry Services and Programming"

SUPERSESSION: Division Directive 204.010, "Offender Assignment and Compensation Plan," 6/30/15.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Application (204.010A)
Allocation for Offender Assignment (204.010B)
Idle Offenders Memorandum – sample (204.010C)
Evaluation (204.010D)
Assignment Discipline Record (204.010E)

Termination Notice (204.010F)
Notice of PIECP Wage Action (204.010G)

/s/
Assistant Commissioner, Facility Services

Instructions
204.010-4LL, "Offender Assignments"
204.010-1OPH, "Offender Assignment"