

STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS

Policy: 391

Subject: Inmate Employment Policy
Effective Date: January 27, 1986 Review and Re-Issue Date:
Supersedes: NEW APA Rule Number:

Recommended for approval by:		Authorized By:	
_____	_____	_____	_____
Signature	Date	Signature	Date

1. Authority:

- 1.1. It is the policy of the Department of Corrections' to develop and promulgate procedures governing the employment of Inmates which shall, in effect, provide reasonable assurances that: No discrimination in work assignments shall be permitted on the basis of race, creed, color or sex; reasonable entrance requirements and rational objective criteria for selecting inmates to participate in work programs shall be established; any entitlement to employment in Industries or other jobs be solely and exclusively regulated by Department of Corrections' and Vermont Correctional Industries' regulations; no Inmate shall be employed nor remain employed unless said Inmate adheres to established Uniform Basic Safety Regulations; written policies for the assignment, promotion, transfer and removal of Inmates to and from job assignments be developed and implemented.
- 1.2. (NOTE: Any and all references to work, employment, jobs, assignments, etc., for the purposes of this Policy, shall be as defined In Inmate Work Policy - 661.)

2. Purpose:

2.1. RESPONSIBILITY

ACTION

2.1.1 Superintendents

To develop, promulgate and monitor procedures which prohibit any discrimination in work assignments on the basis of race, creed, color, or sex.

2.1.2 Director of Program Services, Director of Correctional Industries, Superintendents

To develop reasonable entrance requirements and rational objective criteria for selecting inmates to participate In work assignments.

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Assignments to IWP and CSC work and/or recommendations for employment In the Industries Division shall be consistent with

- 2.1.2.1 The Inmate's case plan as originally approved (or amended and approved);
- 2.1.2.2 The security considerations of the facility and the personal safeguard of other employees and staff;
- 2.1.2.3 The availability of jobs at any period in time (featherbedding is not consistent with the Inmate Employment Policy);
- 2.1.2.4 The individual's physical and mental capacity to perform assigned tasks;
- 2.1.2.5 The availability of financial resources to compensate workers in the form of cash wages or cash credit;
- 2.1.2.6 The willingness of the inmate to participate in such work activity.

Assignments or recommendations for employment as defined above shall be made without discrimination except that preference shall be given, to those inmates, in each case, who have previously met or are currently meeting the goals and objectives as outlined (and previously agreed to) in the inmate's case plan.

More specifically, assignments or recommendations for employment shall be given to inmates that have met, or are currently addressing satisfactorily basic functional literacy requirements. Preference shall be given to inmates having met or currently addressing satisfactory goals relating to preservice uniform safety training and behavioral and interpersonal skills.

2.1.3 Industries Operation Manager

To develop and maintain a written description of typical work activities incidental to the performance of duties In each Industries shop.

To submit this information to casework supervisors in all facilities.

2.1.4 Director of Program Services, Director of Superintendents

To develop minimum requirements for Industries, consideration as an employee (as defined in the Inmate Work Policy - 661.).

To submit this information to casework supervisor in all facilities.

2.1.5 Casework Supervisor

To assist any qualified Inmate, expressing interest in employment In the Industries' Division, with the preparation of a written employment application on a form supplied by the Industries' Division.

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2.1.6 Director of Program Services, Director of Industries, Superintendents

To provide a work environ consistent with sound, generally accepted management practices which promote: the development of positive work attitudes; positive work experiences; safety practices; specific skill development; on-the-Job training; personal gratification; respect for peers; acceptance of supervision and constructive criticism; and the essence of constructive work as a normal, healthy and worthwhile life pursuant.

Consistent with the environmental conditions endorsed above, inmate employees shall be subject to established rules and regulations governing behavior In the work place; be considered for wage increases and changes in job responsibilities; and be subject to termination or reassignment for cause, as may be determined by their supervisory authorities.

2.1.7 Industries Operations Manager, Casework Supervisors, Superintendents

Avoid arbitrary transfers of assignments from one industries' shop to another; avoid, arbitrary transfers from an industries' job to another job in the resident facility; avoid unnecessary call-outs for activities which can be scheduled outside of normal Industries' working hours; avoid callouts for frivolous reasons, sporting activities, etc.

The movement or removal of Inmate employees from full-time Industries' production jobs or dairy operations shall be permitted under the following circumstances:

2.1.7.1 A voluntary request for a lateral transfer by the inmate, in writing on form provided and approved by both the Industries Operations Manager and the Casework Supervisor.

2.1.7.2 A request for transfer originated by the Industries Operations Manager of the Casework Supervisor and mutually agreed upon, for reasons which appear to be in the best interest of the inmate, the Industries Division and/or other employees and staff.

2.1.7.3 Termination of employment for cause such as violation of safety rules, unsatisfactory performance, etc. Such termination can be effected unilaterally by the Industries Operation Manager.

2.1.7.4 Transfer to another facility.

2.1.7.5 Discharge from custody.

(NOTE: The above references to transfer of assignments does not in any way, restrict temporary reassignment by the Industries Division, on a daily basis or as need arises from time to time, to assist

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other Industries' shops in the performance of their duties.)

2.1.8 Director of Industries, Superintendents

A permanent record, as would be logically found in a payable register, will be maintained to certify the employment and compensation of each employee as defined by the Inmate Work Policy - 661.

2.1.9 Director of Industries

Inmate performance evaluations and opportunities for promotion to higher wage scales will be an integral part of the employment policy and consistent with policies relating to work and wages (Inmate Work Policy - 661, and Resident Wage System - 663).

Inmates entering employment in any Industries manufacturing unit or dairy operation shall serve a probationary period of no less than 12 work weeks (six full pay periods, plus any fraction thereof).

NOTE: Initial probationary period may be extended for a maximum period of four weeks at the discretion of the Industries' Operations Manager.

During the initial probationary period, inmate employees will be evaluated at the end of each month. Ratings will be based on the following categories:

2.1.9.1 Observance of rules in the work place, particularly safety regulations.

2.1.9.2 Relationship with others, including fellow employees and staff.

2.1.9.3 Quality of work.

2.1.9.4 Care of tools and equipment.

2.1.9.5 Reliability, punctuality.

2.1.9.6 Production output.

2.1.9.7 Appropriate dress and personal appearance.

Each category shall be rated on an above satisfactory/satisfactory/unsatisfactory basis. Any satisfactory must be accompanied by a written recommendation for improvement in the specific area(s). Satisfactory categories may also include references to specific areas where performance has improved or is constantly above average.

A standard evaluation form will be provided and must be used during the probationary period and for monthly evaluations thereafter.

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An Inmate may be terminated at any time during the probationary period, at the discretion of his/her immediate supervisor, with the written approval of the Industries Operations Manager. At the conclusion of the probationary period, an inmate receiving an overall satisfactory rating shall be advanced to Step 2 of the basic wage plan.

Supplemental and/or meritorious wages are possible as described on pages three and four of the wage plan. The Industries Operations Manager may approve recommendations by supervisors for meritorious wages. This provision is reserved strictly for highly exceptional situations and must receive written final approval by the Director of Industries.

Advancement to subsequent steps of the wage plan will be contingent upon maintaining an overall rating of satisfactory. The rating must be satisfactory on a continuous basis except that one overall unsatisfactory rating month will extend by one month an increase to the succeeding step in the wage plan. Inmates receiving overall unsatisfactory ratings for two consecutive months shall be automatically terminated and forfeit any wage seniority status accumulates to date.

Inmates transferred to another facility for programmatic reasons, or to accommodate routine Department movement, shall, if re-hired at the new facility and maintains satisfactory ratings, be entitled to retain seniority rights to the wage scale in effect at the time of transfer or re-hire, whichever is lower.

Inmates receiving approval for lateral transfer from one Industries' shop to another, at the same facility, on the basis of personal preference of the Inmate, shall forfeit any longevity as it relates to the wage plan and shall re-start at entry level, Step One.

2.1.10 Superintendents, Casework Supervisors

In order to provide qualified inmates with reasonable opportunities for work, training, education and other available personal development programs, it is the intent of the Department of Corrections that participation in such activities be structured to avoid arbitrary interruption of programs continuity due strictly to security classification changes; and conversely, to avoid retaining an Inmate in an activity such as a CSC for longer than three aggregate months, which may preclude participation in another program.

2.1.11 Superintendents/Health Care Specialists

Provide procedures to ensure that inmates are (within sound medical practice) physically and mentally able to perform work assigned and ensure that any medical restrictions which may be placed on individuals are integrated into the overall work

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program, and housing considerations placed on inmate activity.

- 3. Applicability/Accessibility**
 - 3.1.**
- 4. Policy**
 - 4.1.**
- 5. Training Method**
 - 5.1.**
- 6. Quality Assurance Processes**
 - 6.1.**
- 7. Financial Impact:**
- 8. References**
- 9. Responsible Director and Draft Participants**