

**Directive 394.02 Inmate Worker Wages And Wage Deductions Under PIECP (394.02)**

**STATE OF VERMONT  
AGENCY OF HUMAN SERVICES  
DEPARTMENT OF CORRECTIONS**

**Directive: 394.02**

**Subject:** Inmate Worker Wages And Wage Deductions Under PIECP (394.02)

**Effective Date:** July 1, 2000 **Review and Re-Issue Date:**

**Supersedes:** 2/4/00 **APA Rule Number:**

<b>Recommended for approval by:</b>		<b>Authorized By:</b>	
_____	_____	_____	_____
<b>Signature</b>	<b>Date</b>	<b>Signature</b>	<b>Date</b>

**1. Authority:**

1.1. Prison Industry Enhancement Certification Program (PIECP), 18 V.S.C. 1761 (c); PUBLIC ACT 62 (H.554), 65 Biennial Session (1999); Sec. 10. 28 V.S.A. § 751. GENERAL PROVISIONS GOVERNING OFFENDER WORK

**2. Purpose:**

2.1. To develop a wage plan for PIECP Inmate Workers that is not in conflict with other Vermont Offender Work Programs wage plans and at the same time is consistent with federal requirements. This directive establishes 1) the payment of inmate PIECP worker wages; and, 2) inmate PIECP worker wage deductions as required by federal law, 18 V.S.C. 176.1 (c).

**3. Applicability/Accessibility**

3.1. Anyone may have a copy of this Directive.

**4. Directive:**

4.1. Wage deductions equaling between seventy (70%) and eighty percent (80%) of gross wages will be made from the wages earned by PIECP Inmate Workers participating in any PIECP Project. The net pay for PIECP Inmate Workers will equal twenty percent (20%) to thirty percent (30%) of gross wage earnings. Inmates, with dependents, will receive twenty percent (20%) of gross wages as net pay. If an inmate has no dependents, the inmate will receive thirty (30%) of gross wages as net pay. Net pay (and any tax refund) will be the only PIE earnings directly available to PIECP Inmate Workers for use while incarcerated.

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- 4.2. Wage deductions will be limited to those authorized by PIECP. Consistent with PIECP, the wage deductions will be used by the Department of Corrections to pay any of the following:
  - 4.2.1 Federal, state, and local income taxes,
  - 4.2.2 family support, if current wage withholding order exists, or if inmate has dependents,
  - 4.2.3 a victims compensation fund or court-ordered restitution to an individual victim(s),
  - 4.2.4 room and board.
- 4.3. These deductions, with the possible exception of state and federal taxes, are not recoverable by the PIECP Inmate Worker. Federal and state tax deductions are subject to federal and state tax law and may be recoverable based on annual gross earnings. Inmates will not be allowed to have withheld any sum beyond their IRS allowance based on legal dependents. Inmates must agree to these terms in order to be eligible for PIECP participation.
- 4.4. The decision regarding distribution of the seventy percent (70%) to eighty percent (80%) wage deduction is at the discretion of the Department of Corrections so long as the PIECP requirements and federal, state, and local tax withholding requirements have been met. In general, taxes will be deducted first, then family support, then individual restitution payment or a victim's compensation fund contribution, and then room and board.
- 4.5. Family support contributions will be twenty percent (20%) of the gross wage and will automatically be deducted and applied if the inmate has court ordered child or family support payments or dependents. In the rare instance that an inmate has no court ordered payments and does not have any dependents, the allotted twenty- percent for this contribution will be divided equally between inmate wage (10%) and room and board (10%).
- 4.6. Twenty percent (20%) of gross wages will be withheld for the purpose of victim's compensation or court-ordered restitution to an individual victim, If an inmate owes restitution, the twenty percent (20%) contribution will go first to the individual victim(s) until the full amount of the court order is satisfied. After that debt is paid, the twenty percent (20%) withholding will go to a Victim's Compensation Fund. Inmates, who do not owe restitution, shall contribute the twenty percent (20%) directly to a Victim Compensation Fund.
- 4.7. Room and board deductions will consist of the total amount remaining after net pay and other PIECP inmate wage deductions (i.e. taxes, victim's compensation, and family support) are taken out.

## **5. Training Method**

5.1.

## **6. Quality Assurance Processes**

**Directive 394.02 Inmate Worker Wages And Wage Deductions Under PIECP (394.02)**

6.1.

**7. Financial Impact:**

**8. References**

8.1. Prison Industry Enhancement Certification Program (PIECP), 18 V.S.C. 1761 (c); PUBLIC ACT 62 (H.554), 65 Biennial Session (1999); Sec. 10. 28 V.S.A. § 751. GENERAL PROVISIONS GOVERNING OFFENDER WORK

**9. Responsible Director and Draft Participants**

**9.1** J. Robert Senning, Director, Offender Work Programs  
Sherry Burnette, Director, Victim Services