NEW YORK STATE Corrections and Community Supervision **DIRECTIVE**	TITLE **Inmate Payroll Standards**		NO. 4802 DATE 12/13/2016
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REFERENCES (Include but are not limited to) Dir. #4022	APPROVING AUTHORITY		

I. INTRODUCTION

A. Purpose: The purpose of this directive is to standardize terminology related to the Department of Corrections and Community Supervision (DOCCS)'s inmate payroll system, and to establish guidelines for the payment of wages to an inmate for participation in an assigned work or study program.

B. Scope: This directive applies to all maintenance and program assignments governed by the Division of Program Services. Inmates working for the Division of Correctional Industries are governed by the "Inmate Wage Plan for Inmates Employed at Facility Industrial Operations" issued by the Division of Correctional Industries. Inmates employed in the facility food service program will have their wages and working conditions governed by the "Food Service Operations Manual."

C. Responsibility: The Deputy Superintendent for Program Services, or, in the absence of such a position, the highest ranking Program Services staff member, is responsible for ensuring that his or her facility complies with the contents of this directive.

II. DEFINITIONS: For the purpose of this directive and the administration of the inmate payroll program, the following terms shall have the following meanings:

A. Reception: An inmate assigned to a reception or classification center for Departmental intake processing or to a reception or orientation company at a facility.

B. Transient: An inmate who has completed the Departmental intake reception/classification process, is not in extended classification, and is in a unit designated as a transfer unit awaiting permanent transfer to a facility meeting his or her security classification.

C. In-transit: An inmate who is currently being housed in a Department facility other than the inmate's assigned facility.

D. Idle: An inmate able to work, but not available due to disciplinary confinement or to his or her unwillingness to work.

E. Unemployed or Unassigned Full Time: An inmate able, willing, and available for assignment, but for whom there is no suitable assignment vacancy that meets the institution's needs, the inmate's needs and/or skills, and/or the inmate's security clearance.

F. Unemployed or Unassigned Half Time: An inmate assigned to a minimum of three hours per day (1/2 day), five days per week and who cannot be programmed the other half day because of the reasons stated above.

G. Fully Employed: An inmate is considered fully employed when he or she is assigned to and employed in any combination of assignments, for a minimum of six hours per day, five days per week.

H. Master Job Organization Table (MJOT): A computerized listing by facility and by work location of all the permanent and temporary inmate pay slots.

I. Temporary Assignment: An inmate is considered to be in a temporary assignment when he or she is added to a work location which is already at its quota or is oversubscribed (see "oversubscribed program" defined below). The payroll item number of an inmate in a temporary assignment shall have a nine (9) in the third digit from the right.

J. Oversubscribed Program: Any work location which has all its permanent items as identified in the MJOT filled and also contains active temporary assignments.

K. Institution Holiday: Any special day requested by the facility Superintendent and approved by Central Office on which the facility population will be considered to be on a holiday schedule for a special purpose (e.g., a special show for the benefit of the total population). Institution holidays are not considered as legal or ethnic holidays defined in Directive #4022, "Special Events Program."

L. Pay Cycle: A pay cycle runs from Monday through Sunday and is synonymous with the term "pay period."

M. Pay Period: See definition of "pay cycle" above.

III. GUIDELINES FOR PAYMENT OF WAGES

A. General Guidelines

1. An adjudicated, new commitment inmate received at one of the Department's classification and reception centers (e.g., Downstate, Elmira, Ulster, etc.), for purposes of being classified and received into the Department, shall not receive any compensation of wages for the first 30 days as long as he or she remains in that status. After 30 days, the inmate will be paid at the unemployed rate.
2. Any inmate who has completed classification and reception and has been transferred to any facility and assigned to a reception company for purposes of orientation and/or assessment will receive the unemployed rate of pay while in reception status.
3. An inmate's job performance shall be reviewed every 91 days by his or her immediate supervisor. An asterisk (*) appearing next to an inmate's name on the wage time sheet indicates the inmate is eligible for advancement within grade. Advancement within grade can be accomplished at any time after the appearance of an asterisk by the completion and submission with the appropriate wage time sheet of Form #3250, "Inmate Progress Report."
4. Promotion from one job title to another can be recommended at any time, provided a vacancy exists and the inmate is qualified, by the work location supervisor by submitting such recommendation in writing to the Program Committee. A promotion recommended by the supervisor must be approved by the Program Committee Chairperson.
5. An inmate transferred from one facility to another for any reason, including distribution of population, will be placed in any job determined appropriate by the Program Committee of the receiving facility. The inmate will be paid at the rate designated for that job in the MJOT, even if the inmate was transferred for reasons of "distribution of population."

6. If an inmate is transferred from a “main facility” to an “annex” of the facility via a cell change, efforts should be made by the Program Committee to assign the inmate to a job with a similar pay grade to the job held by the inmate prior to the cell change. However, if no such similar job and pay grade is vacant at the “annex,” the Program Committee shall assign the inmate to any available vacancy deemed most beneficial to the inmate and to the facility.
7. Diminished efficiency or production in an inmate’s work at any time will be considered cause for reduction in grade or for demotion to a lower paying job title. Form #3250 must be submitted for any requested reduction or demotion.
8. Inmates not paid due to staff error (i.e., a payroll wage time sheet is lost) shall receive their normal rate of pay.
9. If the general population of a facility is “locked in” for security reasons, preventing inmates from reporting to their program assignments, the Deputy Superintendent for Program Services will evaluate the reasons for the lock-in and determine if the inmates should be paid for absence caused by the lock-in.
10. If an inmate assigned to a transient unit is assigned to a program or job within the transient unit, he or she shall be paid the rate of pay assigned to the grade level of that job title for the time he or she works or is in program attendance.
11. If an inmate is assigned by the Program Committee to a work location and performs the work in that work location, the inmate is entitled to all pay from the day he or she started work regardless of how long it takes to process paperwork to effect payment.
12. The duties description for each job title may vary by facility, as specific needs arise, and as directed by the work location supervisor.
13. Although some inmates may be programmed or scheduled for more than eight hours per day, no inmate shall be paid for more than eight hours of programming per day except as provided for in Section III-D-2 below.

B. Special Situations for Continuation of Inmate Pay

1. Out-to-Court: An inmate out-to-court shall continue to receive his or her current rate of pay for the remainder of the pay cycle. After that time, the inmate will be moved to payroll shop “099” “out-to-court” where he or she will receive no pay.

   When an inmate is transferred out-to-court, and housed outside of DOCCS, the assigned facility will continue to maintain the inmate's account.

   In order to restore the inmate to the payroll upon his or her return from court, a payroll change must be processed to move him or her to a paid shop.
2. Hospital/Medical/Satellite: Any inmate placed in a facility hospital unit or in an outside hospital or confined to his or her cell for convalescence through no fault of their own will continue to receive his or her current rate of pay for the remainder of the pay cycle. After that time, he or she will be designated as a hospital patient (Pay Codes “073,” “074,” “075”) and paid at the unemployed rate. Inmates in population that are medically restricted from programming shall be listed under the shop – “medical services” (“077” – “082”).
3. Inmates Pending Civil Commitment Review: Inmates in this status who are deemed unsuitable for programming will receive the unassigned rate of pay unless otherwise specified by disciplinary sanctions.

4. Protective Custody/Administrative Segregation: Any inmate in voluntary or involuntary protective custody or administrative segregation status will be designated as protective custody and receive the unemployed rate under work location code “098” (for voluntary/involuntary protective custody) or “065” (for administrative segregation status), if he or she is not assigned to a job title within the protective custody unit. An inmate in the protective custody unit who is assigned to a job title will receive the pay at the rate to which the job title is allocated and should be reported using work location code “198.”
5. Furlough: An inmate in furlough status will receive no pay for the period spent on furlough.
6. Summer School: An inmate enrolled in the school program will maintain a continuity of his or her pay status during breaks prior to, during, and after the summer session if he or she remains enrolled in a school program. An inmate dropped from a school enrollment during the summer months must be designated as unemployed if he or she is not assigned to another work location.
7. School Recess: An inmate assigned to a school program will continue to receive his or her regular pay when vacations occur between the first day of September and the last day of June.
8. Institution Holiday: An inmate excused from his or her regular work assignment will receive his or her regular rate of pay. An inmate who must work on a day designated as an institution holiday will receive wages equal to his or her normal rate of pay.
9. Legal Holiday: An inmate who works on any day designated as a legal holiday will be paid at his or her normal rate of pay for that day. If an inmate does not report for his or her work or program assignment on a legal holiday, he or she will not be paid.
10. Specialized Therapeutic Programs and/or units exist (e.g., Intermediate Care Program, Comprehensive Alcohol and Substance Abuse Treatment Phase 1, Residential Mental Health Unit) in which graduated pay rates are assigned based on the unit/program location code. Applicable program/unit operation manuals, policies, and procedures are to be referenced for approved pay rates.
11. In-transit: Inmates who are in “in-transit” status shall be paid at the unemployed rate providing they are also not in any other status which precludes them from receiving wages.

    If an inmate’s stay at the holding facility is ten working days or less, the inmate shall be back-paid upon arriving at the assigned facility.

    If the stay is 11 working days or more, the holding facility shall commence paying the inmate, including the first ten days of back pay.

    In each case, the Deputy Superintendent for Program Services or designee is responsible for notifying inmate accounts when and how much to pay the inmate.
12. Central New York Psychiatric Center (CNYPC): An inmate who is transferred to CNYPC will receive the current rate of pay until the remainder of the pay cycle. After that time, the inmate will be moved to payroll shop “092” “discharge to OMH - no pay”.

When an inmate is transferred to CNYPC, the assigned facility will keep the inmate's Inmate Commissary and Accounting System (ICAS) account open. Only the spendable portion of the inmate's funds will be sent to CNYPC.

When the inmate returns from CNYPC, a payroll change must be processed to move him or her to a paid shop.

In the event that an inmate transferred to CNYPC is not returned to the sending facility, the sending facility shall transfer the inmate's account to the facility to which the inmate has been transferred by CNYPC.

C. Absences

1. Excused Absences With Pay

   a. Call-Outs: An inmate will not be penalized in pay for any legitimate or necessary call-out during the program day. Such call-outs are limited to Board of Parole, legal visit, family visit, medical appointment, and approved religious services.

   b. Inmate Liaison Committee (ILC): All duly elected and appointed representatives will be compensated at their regular rate of pay for attendance at ILC meetings held during the regular program day with approval from proper authority.

   c. Youth Assistance Program (YAP): An inmate will not be penalized in pay for participation in the YAP and will be compensated at their regular rate of pay. Inmates participating in the YAP will not be compensated for extra time while volunteering in this program outside of their regular program hours.

2. Excused Absences Without Pay: If an inmate is approved to leave a work or program location for a reason other than those stated in III-C-1 (above), he or she will be considered absent from a program or work assignment and the work location supervisor will make corresponding deductions from the inmate's wages on the weekly wage-time sheet. This transaction will be documented in Form #2758, "Payroll Adjustment Form."

3. Unexcused Absences: If an inmate is absent from his or her work assignment for any length of time without approval of appropriate administrative personnel, the work location supervisor will deduct the corresponding number of hours from the inmate's wages on the weekly wage-time sheet. Work assignments include academic school and vocational shop assignments. This transaction will be documented in Form #2758.

4. Disciplinary Absences

   a. When an inmate is removed or suspended from his or her work location pending disciplinary action, he or she will remain in the payroll item, but receive no payment for the number of hours remaining in the work day, pending a determination pursuant to Department regulations (7 NYCRR Chapter 5) of guilt or innocence.

   b. If an inmate is found guilty of misbehavior pursuant to a disciplinary hearing and disciplined with "time served," he or she will not receive any reimbursement for lost pay.

c. If an inmate is found guilty of misconduct pursuant to a disciplinary hearing and ordered confined to his or her cell or to a Special Housing Unit (SHU), the inmate shall be immediately designated as “idle/SHU” and receive no pay for the duration of his or her disciplinary term.

d. If an inmate was suspended or confined to his or her cell or to SHU pursuant to a disciplinary hearing, and subsequently found innocent, or if the disciplinary hearing is subsequently reversed for procedural error, the inmate will be reimbursed at the unemployed rate for six hours per day, excluding weekends and holidays, for all time served while in keeplock or SHU status; if the inmate was in the interim transferred to another facility, the facility at which the inmate is currently housed shall be responsible for the payment.

e. An inmate will not be paid for any additional work task imposed as a result of a Tier I violation hearing in accordance with Part 252 of Chapter V of Title 7.

D. Extended Work-Day/Work-Week

1. Assignments which require more than five days coverage during the week shall be staffed with enough inmates to ensure proper and necessary work coverage without any inmate needing to work more than five days.

2. If an inmate is required to work an extra day or time period beyond his or her normal work-day or work-week, and the extra time is not due to a Tier I violation hearing, prior approval must have been received from the Deputy Superintendent for Program Services or, in their absence, the Watch Commander. The inmate’s supervisor must complete Form #4802A, “Approval for Extra Time,” explaining why the work was necessary in order to justify the pay by exception. All payment of wages for approved and necessary overtime will be at the regular rate of pay.