



# Virginia Department of Corrections

## Inmate Management and Programs

### Operating Procedure 841.2

#### *Inmate Work Programs*

**Authority:**

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5-ACI-7A-04, 5-ACI-7A-05, 5-ACI-7A-06,  
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2-CI-5A-8; 2-CO-5A-01; §115.42

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### REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

### COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Adult Basic Education Program (ABE)** - Instructional services provided to individuals with a grade equivalency of 0.0 to 8.9 that provides educational skills necessary to function independently in society including, but not limited to: reading comprehension, writing, and arithmetic computation.

**Community Corrections Alternative Program (CCAP)** - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion.*

**Community Service Work Assignment** - A work assignment that allows an inmate/probationer/parolee to discharge all or part of their court ordered fines and costs by performing community service work as ordered by the Court.

**Facility Unit Head** - The person occupying the highest position in a DOC residential facility, such as an institution, field unit, or Community Corrections Alternative Program.

**Inmate** - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

**Institution** - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers.

**Master Job Index** - A listing in VACORIS of all inmate work assignments including information such as job title, pay grade level, approved number of positions, default hours, etc.

**Mental Health Clinician** - An individual with at least a Master's degree in psychology, social work, or relevant human services field with knowledge, training, and skills in the diagnosis and treatment of mental disorders, which may include a Psychiatric Provider, Social Worker, or Registered Nurse.

**Outside Work Assignment** - Any inmate work assignment in which the inmate is assigned to work outside of the designated facility security perimeter.

**Program Assignment Reviewer (PAR)** - The staff member designated to conduct informal case review hearings such as outside work classifications and work, academic, vocational and program assignments/removals; the Work PAR is the staff member with primary responsibility of the facility's work program.



## PURPOSE

This operating procedure provides guidance to staff and inmates on the operation and management of inmate work programs in Department of Corrections (DOC) institutions.

## PROCEDURE

- I. Inmate Work Program Requirements
  - A. This operating procedure, Operating Procedure 425.1, *Outside Work Assignments*, Operating Procedure 601.5, *Academic Programs*, Operating Procedure 601.6, *Career and Technical Education Programs*, and Operating Procedure 841.1, *Inmate Programs*, serves as the institution's written plan for full-time comprehensive work and program assignments for all general population inmates as required by COV §53.1-32.1, *Classification system; program assignments; mandatory participation*. (5-ACI-7A-01; 2-CO-5A-01)
    1. This operating procedure applies to inmates; for information related to CCAP probationer/parolee physical labor in organized work projects and structured residential work programs see Operating Procedure 940.4, *Community Corrections Alternative Program*.
    2. Work program requirements do not apply to inmates assigned to Reception Centers for 90 days or less.
  - B. The Facility Unit Head should maintain an Implementation Memorandum to address the following institution specific information:
    1. The process for an inmate to obtain a work assignment and request a work assignment change.
    2. Any tenure requirements and the process for inmates to request a promotion.
    3. The process and any documentation required to suspend and remove an inmate from a work assignment.
    4. The requirements for preparing and submitting a *Payroll System Exception Report* 841\_F17. (2-CI-6E-1)
    5. Information on the provision of Community Service Work Assignments for Security Level W and Security Level 1 institutions; see COV §19.2-354, *Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment*.
  - C. All work, industry, and vocational education programs will meet minimum applicable federal, state, or local work, health, and safety standards; see Operating Procedure 303.1, *Department Safety Functions*. (5-ACI-7A-07)
  - D. Each institution has a variety of work assignments, appropriate to the institution's mission, such as employment in correctional industries, institution maintenance, operations, public works, and community projects that afford inmates an opportunity to learn job skills and develop good work habits and attitudes they can apply after they are released. (5-ACI-7A-03, 5-ACI-7A-04)
    1. The Facility Unit Head or designee will provide inmates with general information on the institution's work program to include available work assignments and the process for obtaining a work assignment in the *Orientation Manual* or *Packet*. (2-CI-4A-9)
    2. The inmate workday should approximate the workday in the community. (5-ACI-7A-06)
    3. All eligible inmates are expected to work and/or participate in an approved education or training program. (5-ACI-7A-02)
      - a. Participation in work programs is a factor in an inmate's evaluation for good time awards; see Operating Procedure 830.3, *Good Time Awards*, and other incentives such as honor dorm housing and extra privileges in accordance with local procedure and practice. (5-ACI-7A-13; 2-CI-4A-8)
      - b. Any inmate refusing to participate in any required educational, vocational, counseling services



program, or work assignment specified in their *Re-entry Case Plan* will be reduced to Good Time Class Level IV; see Operating Procedure 820.2, *Inmate Re-entry Planning* Operating Procedure 830.3, *Good Time Awards*.

## II. Program Assignment Reviewer for Work Assignments

- A. A designated staff member will serve as the Work PAR with primary responsibility for the management and operation of the institution's inmate work program.
- B. The Work PAR should be responsible to:
1. Facilitate the establishment of work assignments with Facility Unit Head or designee approval.
  2. Ensure each inmate's work classification is accurate and recorded in VACORIS, prior to determining an inmate's work assignment; see Operating Procedure 425.1, *Outside Work Assignments*.
  3. Maintain the *Master Job Index* and keep inmate employment within the levels authorized on the *Master Job Index*. (2-CI-4A-3)
  4. Maintain a list of current and expected work assignment vacancies with input from work supervisors.
  5. Manage the advertisement of any work assignment vacancies, when applicable.
  6. Receive an inmate's *Application for Work Assignment* 841\_F5 and any supervisor recommendations for vacancies, if applicable.
  7. Determine inmate eligibility for vacant work assignment based on security level, medical classification, work classification, offense history, etc.
  8. Consult with a Mental Health Clinician, when necessary, to determine if an inmate is suitable for the work assignment based on their current mental health status and treatment plan compliance.
  9. Determine if an inmate is suitable for a vacancy based on their skills, experience, aptitude, and work history.
  10. Review the inmate's *Classification Assessment* in VACORIS and ensure inmates at high risk of being sexually victimized are separated from inmates at high risk of being sexually abusive. (§115.42[a])
  11. Assign inmates to an appropriate work assignment, obtain necessary approvals, and appropriately notify security staff, work supervisors, Business Office staff, and the inmate.
  12. Receive and properly manage an inmate's *Work Assignment Counseling, Suspension, and Termination* 841\_F16 and inmate job removals.
  13. Maintain proper documentation and records relating to the work program.
  14. Compile and submit reports related to the work program as required.

## III. Establishment of Inmate Work Assignments

- A. Staff responsible for the institution's inmate work program will use the advice and assistance of labor, business, and industrial organizations to assist in providing inmates with skills relevant to the job market. (5-ACI-7A-05)
- B. Staff must document each inmate work assignment established on a *Work Assignment Position Description* 841\_F15. Staff may document multiple work assignments with the same eligibility requirements and duties on the same *Work Assignment Position Description* 841\_F15 by listing the total number of positions approved. (2-CI-4A-1)
- C. Each *Work Assignment Position Description* should contain the following information:
1. Position Title - A unique title that relates and describes the work normally performed e.g., Assistant Baker, DCE Aide, Barber.
  2. Work Location - Physical building, office, room, floor, or space where inmate will routinely work;



- provide as much detail as necessary. Staff should not put this information in the *Position Title*.
3. Work Hours - Default work hours per week.
  4. Work Schedule - The hours (shift) and days, the inmate will normally be expected to work and whether the schedule may vary.
  5. Job Classification Code and Job Category
  6. Grade Level - Grade established by the Financial Services Unit
    - a. Grade Level I (Unskilled)
      - i. Inmates at this level do not make independent decisions on a regular basis.
      - ii. Inmates perform general labor or assist other workers by performing a variety of duties such as furnishing other workers with materials, tools and supplies, and cleaning work areas, machines, and equipment.
    - b. Grade Level II (Semi-skilled)
      - i. Inmates must exercise some independent decision-making capability.
      - ii. Inmates learn through oral or written instructions a recognized trade or craft.
      - iii. Inmates in this grade should gain an acceptable level of performance, not of a complex nature, within a six-month period.
    - c. Grade Level III (Skilled)
      - i. Inmates at this level make independent decisions.
      - ii. Inmates have completed a specific training program in learning a trade or craft.
      - iii. Inmates can manage work projects, to include providing recommendations to improve efficiency and work practices.
  7. Supervisor - Staff member by work title or post supervising and evaluating the inmate's work performance.
  8. Approvals Required for Assignment (2-CI-2A-3)
    - a. The Facility Unit Head must be the approval authority for work assignments outside the designated security perimeter; the Facility Unit Head may delegate this authority to the Assistant Facility Unit Head for Work Centers.
    - b. The Chief of Security must approve work assignments inside the designated security perimeter but outside the housing units.
  9. Eligibility
    - a. Criteria for Inmate Eligibility (2-CI-2A-3)
      - i. Security Level
      - ii. Exclusion (offense history such as felony convictions and disciplinary infractions)
      - iii. Work Classification
      - iv. Medical Classification Code
      - v. Limitation (medical, physical required, etc.)
      - vi. Knowledge, Skills, and Abilities (previous work history)
    - b. All Adult Basic Education (ABE) eligible inmates must participate in ABE as a hiring condition or have a valid exemption; ABE eligible inmates will be reviewed for work assignments in accordance with the requirements of Operating Procedure 601.5, *Academic Programs*. (5-ACI-7A-02)
    - c. Inmate eligibility for work assignments outside the security perimeter are addressed in Operating Procedure 425.1, *Outside Work Assignments*,
  10. Suitability Criteria (2-CI-2A-3)
    - a. Work Experience
    - b. Skills, Aptitude

11. Job Duties and Responsibilities - General and specific job duties and responsibilities the inmate is expected to perform. Staff may also add a general phrase such as “Perform other duties as required by the work area supervisor”.

#### IV. Notice of Work Assignment Vacancies

- A. The Work PAR, as applicable, will notify inmates when a position becomes vacant by providing a written notice of vacancy for posting in applicable housing area(s) and other appropriate places for inmate access.
- B. In institutions that rely on supervisor referrals, the Work PAR will communicate with work supervisors about current or pending vacancies.

#### V. Application, Referral, Selection, and Assignment

##### A. Applications/Referrals

1. In institutions that rely on applications to fill vacancies, inmates will submit a completed *Application for Work Assignment* 841\_F5 within the period specified in the written notice of vacancy; a deadline of at least one week to submit applications should be provided.
2. In institutions that rely on supervisor referrals, the work supervisor should provide the Work PAR with the name, number, and housing unit of one or more inmates for each vacancy.
3. Staff may assign an inmate as vacancies or suitable inmates become available without any action by the inmate or work supervisor.
4. The Work PAR may maintain waiting lists for work assignments based on requests, applications, and referrals.

##### B. Selection and Assignment

1. The Work PAR will review all requests, applications, referrals, and other inmate information and will confirm as needed the eligibility, suitability, and qualifications of each inmate applicant when selecting and assigning an inmate to a vacancy. (2-CI-2A-3)
2. Each inmate work program must provide for the employment of inmates with disabilities as appropriate to the institution’s mission and inmate population.
3. The Work PAR should select and assign the most suitable and available inmate to each vacancy; discrimination based on an inmate’s race, religion, national origin, sex, disability, or political views for a work assignment is prohibited. (5-ACI-3D-04, 5-ACI-7A-01; 2-CI-5A-1, 2-CI-5A-3)
4. Inmates with disabilities must meet the requirements and be able to perform the specific job duties and responsibilities provided on the *Work Assignment Position Description* 841\_F15. (5-ACI-7A-01; 2-CI-5A-1, 2-CI-5A-3)
  - a. Inmates with an accommodation for their disability who meet the requirements of the position and can perform the specific job duties and responsibilities must be considered for the work assignment.
  - b. Under no circumstances, will the Work PAR place inmates in a work assignment that jeopardizes their safety or security or the safety and security of others.
- C. The Work PAR will document all work assignments on the *Work Assignment Docket* 841\_F6.
- D. The Work PAR will obtain administrative approval for each *Work Assignment Position Description*, maintaining a file of all approved *Work Assignment Position Descriptions* and compiling them into the institution’s *Master Job Index*.
- E. The Work PAR will make the necessary entries in VACORIS, provide notifications of inmate work assignment, and start date to the work supervisor, Business Office, inmate, and others as appropriate once the *Work Assignment Position Description* is approved.



**VI. Inmate Pay and Court Obligations**

- A. Inmates must be compensated for work performed, except for Community Service Work Assignments ordered by the court. (5-ACI-7A-13; 2-CI-4A-8)
1. Inmate compensation will be in accordance with the grade level established by the Financial Services Unit as follows:
    - a. Grade Level I (Unskilled) - \$0.27 per hour
    - b. Grade Level II (Semi-skilled) - \$0.35 per hour
    - c. Grade Level III (Skilled) - \$0.45 per hour
  2. Unemployed students, workers in Virginia Correctional Enterprises, and certain other classifications receive other pay rates.
  3. Inmates in school with a work assignment are paid for the hours they attend school at the same rate of pay as for their work assignment not to exceed \$.45/hr. up to a maximum total hours of 30 per week for school and work; 120 hours per month for CCU and VCE workers.
- B. Private industries on institution grounds that employ inmates in positions normally filled by private citizens must pay inmates the prevailing wage rate for the position occupied. (5-ACI-7A-14)
- C. Staff will withhold 5% of an inmate's pay including wages from work, treatment, and education programs to apply towards any Court obligations the inmate may owe; see COV §53.1-41(B), *Opportunities for work and career and technical education*, requires. (4-ACRS-3A-06 [I])
1. Inmates must sign the *Pay Withholding Agreement* 841\_F14 to receive inmate pay and to document their agreement to the 5% pay withholding for payment of Court obligations.
  2. An inmate refusing to sign the *Pay Withholding Agreement* 841\_F14 is not excused from participating in required work, educational, or counseling services programs; the inmate is required to participate but will not receive payment for participation.
  3. Staff will withhold and disburse payments in accordance with Operating Procedure 802.2, *Inmate and CCAP Probationer/Parolee Finances*.

**VII. Work Supervisor Responsibilities**

- A. DOC, another agency, or contract staff will supervise inmate workers at all times to ensure no inmate or group of inmates is given control or authority over other inmates. (5-ACI-3A-08)
- B. The work supervisor will maintain a roster of all inmates, their work assignments, and their assigned supervisors.
- C. The work supervisor will
1. Model and manage inmate workers on proper work ethic, work performance, work habits, work values, problem solving/appropriate resolution, etc., as would be expected of the workforce in a society. (2-CI-5A-8)
  2. Arrange for the issuance of special and, when appropriate, protective clothing and equipment to inmates assigned to the institution's food service, hospital, farm, garage, physical plant maintenance shops, and other special work details. (5-ACI-5D-09)
  3. Ensure personal protective equipment and other safeguards are in place and used properly to meet applicable federal, state, or local work, health, and safety standards.
  4. Provide each inmate proper instruction and appropriate training on the required duties.
  5. Ensure compliance with established workplace protocols.
  6. Conduct periodic observations of the inmate workforce to ensure protective equipment is used properly.





7. Replace special and protective clothing and equipment as needed to maintain a safe, healthy work environment.
  8. Maintain work schedules that ensure necessary jobs are completed on time while allowing inmates to participate in their required educational and treatment programs and scheduled religious activity.
  9. Prepare and submit a *Payroll System Exception Report* 841\_F17 to document inmates who did not work the position's default hours.
  10. Maintain communication with the Work PAR concerning potential vacancies, promotions, etc.
- D. Work supervisors must make accommodations to allow inmates to perform their personal prayers, individually during scheduled breaks, provided such prayers do not interfere with count, movement, and other security operations.
1. Inmates can perform their personal prayers individually during their scheduled break times.
  2. Inmates should conduct their personal prayers in a designated location at the work site where staff can observe the inmate; allowing an inmate to leave the work site to pray is not required.
  3. When a work supervisor allows an inmate to leave the work site, the inmate must be under staff observation.
  4. Accommodations that allow inmates to utilize communal or personal religious items such as a prayer rug, religious book, oil, etc. to perform individual prayers is not required.
- E. Staff to include work supervisors must employ the least restrictive means available in order to permit an inmate's absence from their assigned work site to attend their religious activity while ensuring that the essential duties and responsibilities of the job will continue to be satisfied and the safety, security, and operational needs of the institution will continue to be met.
- F. Work Supervisors do not submit written evaluation on an inmate's work performance, all inmates with a work assignment will be assumed to be performing adequately. Work supervisors may use the following tools to manage inmate work behaviors:
1. Instruct and encourage for better performance.
  2. Counsel the inmate on inadequate or inappropriate performance.
  3. Suspend an inmate from their assignment temporarily for up to 30 days.
    - a. Work supervisors, sergeants or higher rank, or other positions/ranks designated by the Facility Unit Head only may temporarily suspend an inmate without Work PAR action.
    - b. Suspensions related to inmate workers receiving work release and/or a parole denial may be more than 30 days.
  4. Initiate a *Disciplinary Offense Report* for inmate who violate the inmate disciplinary procedure; see Operating Procedure 861.1, *Inmate Discipline*.
  5. Submit a *Work Assignment Counseling, Suspension, and Termination* 841\_F16 to the Work PAR to have the inmate removed from the job.

#### VIII. Inmate Removal from a Work Assignment

- A. Only the Work PAR can remove an inmate from a work assignment in accordance with the institutions Implementation Memorandum. The institution's Implementation Memorandum should address:
1. The specific requirements and necessary documentation to suspend an inmate from a work assignment pending removal; see *Work Assignment Counseling, Suspension, and Termination* 841\_F16.
  2. The process and any specific requirements for submitting the *Work Assignment Counseling, Suspension, and Termination* 841\_F16 to the Work PAR recommending job removal.
  3. The Work PAR will act on the recommendation, obtain any necessary approvals, and notify, when



appropriate, security staff, the work supervisor, Business Office staff, the inmate, and other designated staff.

B. The Work PAR must document all work assignment removals on the *Work Assignment Docket 841\_F6*.

#### IX. Community Service Work Assignments

A. Each Security Level W and 1 institution's Implementation Memorandum must include at a minimum the following information:

1. The staff position designated to oversee, coordinate, and manage community service assignments and inmate hours for the institution.
2. All locations where inmates will perform community service hours and the duties and responsibilities of their position.
3. The established days and hours for the work assignment and any supervision requirements.

B. Community service work assignments are outside the institution perimeter and are subject to the requirements of Operating Procedure 425.1, *Outside Work Assignments*.

C. The Court must sentence the inmate to perform community service hours for an inmate to be eligible to earn credit for the performance of community service work.

1. The Court must have sentenced the inmate to perform community service hours after July 1, 2020
2. The Court will determine the rate at which credits are earned and the manner for applying earned credits against the inmate's fines and/or costs.
3. Staff will record the community service hours for each inmate in VACORIS and report the hours to the Court at a frequency determined by the Court.
4. Inmate work assignments and outside work assignments for which the inmate is paid wages are separate from community service work assignments; staff must not report these hours as community service hours.

## REFERENCES

COV §19.2-354, *Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.*

COV §53.1-32.1, *Classification system; program assignments; mandatory participation*

COV §53.1-41, *Opportunities for work and career and technical education*

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*

Operating Procedure 303.1, *Department Safety Functions*

Operating Procedure 425.1, *Outside Work Assignments*

Operating Procedure 601.5, *Academic Programs*

Operating Procedure 601.6, *Career and Technical Education Programs*

Operating Procedure 802.2, *Inmate and CCAP Probationer/Parolee Finances*

Operating Procedure 820.2, *Inmate Re-entry Planning*

Operating Procedure 830.3, *Good Time Awards*

Operating Procedure 841.1, *Inmate Programs*

Operating Procedure 861.1, *Inmate Discipline*

Operating Procedure 940.4, *Community Corrections Alternative Program*



## **ATTACHMENTS**

None

## **FORM CITATIONS**

*Application for Work Assignment* 841\_F5

*Work Assignment Docket* 841\_F6

*Pay Withholding Agreement* 841\_F14

*Work Assignment Position Description* 841\_F15

*Work Assignment Counseling, Suspension, and Termination* 841\_F16

*Payroll System Exception Report* 841\_F17

