



# Operating Procedure

<b>Effective Date</b> February 1, 2017	<b>Number</b> 841.2
<b>Amended</b> 6/1/19	<b>Operating Level</b> Department
<b>Supersedes</b> Operating Procedure 841.2 (1/1/14)	
<b>Authority</b> COV §53.1-32, §53.1-32.1, §53.1-33, §53.1-41, §53.1-42, §53.1-43, §53.1-45, §53.1-45.1, §53.1-54, §53.1-59	
<b>ACA/PREA Standards</b> 4-4182, 4-4277, 4-4337, 4-4448, 4-4449, 4-4451, 4-4452, 4-4453, 4-4454, 4-4455, 4-4456, 4-4457, 4-4458, 4-4459, 4-4460, 4-4461, 4-4462; 2-CO-5A-01; §115.42	
<b>Office of Primary Responsibility</b> Deputy Director of Re-entry and Programs	

**Subject**  
**OFFENDER WORK PROGRAMS**

**Incarcerated Offender Access** Yes  No   
**Public Access** Yes  No   
**Attachments** Yes  No

## I. PURPOSE

This operating procedure provides guidance to staff and offenders for the operation and management of offender work programs in Department of Corrections institutions.

## II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

## III. DEFINITIONS

**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 offender jobs at the facility including information such as job title, pay grade level, approved number of positions, default hours, etc.

**Outside Work Assignment** - Any offender job assignment in which the offender is assigned to work outside of the facility security perimeter

**Program Assignment Reviewer (PAR)** - The facility staff person designated to conduct informal offender case review hearings such as outside work classification, job assignments/removals, academic/vocational assignments/removals, and assignments/removals from treatment programs; the Work PAR is the person with primary responsibilities relating to the offender work program.

## IV. PROCEDURE

### A. Institutional Offender Work Programs

1. This operating procedure applies only to DOC institutions. See Operating Procedure 940.4, *Community Corrections Facilities and Youthful Offender Program*, for information related to Detention Center offender physical labor in organized works projects and the Diversion Center structured residential work program.
2. In coordination with 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, *Offender Programs and Services*, this operating procedure serves as a written plan for full-time comprehensive work and/or program assignments for all offenders in the general population as required by COV §53.1-32.1. (4-4448, 2-CO-5A-01)
3. Each institution should prepare and maintain an Implementation Memorandum to this operating procedure specifying procedures for an offender to obtain a job or change jobs.
4. All eligible offenders are expected to work and/or participate in an approved education or training program. Any offender refusing to participate in any required educational, program, vocational, or

- work assignment specified in their *Re-entry Case Plan* (see Operating Procedure 820.2, *Re-entry Planning*) shall be reduced to Good Time Class Level IV (see Operating Procedure 830.3, *Good Time Awards*). (4-4449)
5. To the extent appropriate to its mission, each institution provides a variety of work assignments including opportunities for offender employment in correctional industries, facility maintenance, operations, public works, or community projects that afford offenders an opportunity to learn job skills and develop good work habits and attitudes that they can apply to jobs after they are released. (4-4451, 4-4452)
  6. Each institution's offender orientation program should provide offenders with general information on offender jobs available in the institution and the process for obtaining jobs.
  7. Staff operating offender work programs use the advice and assistance of labor, business, and industrial organizations to assist in providing skills relevant to the job market (4-4453)
  8. Code of Virginia §53.1-41(B) requires the Department of Corrections to withhold funds from offender pay to be applied toward any court imposed fines, costs, forfeitures, restitution, or penalties the offender may owe.
    - a. To receive offender pay, each offender must sign the [Offender Pay Withholding Agreement](#) 841\_F14 to document their agreement to have 5% of offender pay withheld to be applied toward any Court imposed fines, costs, forfeitures, restitution, or penalties that the offender owes.
    - b. This includes wages for program participation including work, treatment, and education.
    - c. Such payment will be held in the Inmate Trust account and will be disbursed to the Courts annually or upon release from incarceration.
    - d. This withholding will be in addition to withholdings required by a specific order such as for child support or court filing fees.
    - e. Refusal to sign does not excuse an offender from any requirements to participate in work, treatment, or educational programs, but they will not be allowed to receive payment for participation.
  9. The offender workday should approximate the workday in the community. (4-4454)
  10. DOC, other agency, or contract staff shall supervise offender workers at all times to ensure no offender or group of offenders is given control or authority over other offenders. (4-4182)
  11. In accordance with the *Offender Work Program & Payroll System Manual*, offenders are compensated for work performed. Participation in work programs is a factor in offender 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. (4-4461)
  12. All institutional work, industry, and vocational education programs shall meet minimum applicable federal, state, or local work, health, and safety standards. (see Operating Procedure 261.1, *Department Safety Functions*) There is documentation that the programs are inspected by federal, state, or local health and safety officials at least annually. The programs are also inspected weekly by qualified institutional staff and monthly by a safety officer. (4-4455)
  13. Requirements for offender work programs do not apply to offenders in reception and diagnostic processing with an average offender length of stay of 90 days or less. (4-4448)
  14. Virginia Correctional Enterprises and other industries
    - a. COV §53.1-45, §53.1-45.1, §53.1-54 authorize the establishment of an industries program and delineate the areas of authority, responsibility, and accountability for the program. (4-4456)
    - b. The Work Program Assignment Reviewer (Work PAR) shall determine that offenders meet the security and program requirements as set by industries, security, and treatment staff for any individual to be eligible for industries work. (4-4457)
    - c. The number of offenders assigned to industries operations meets the realistic workload needs of each industries operating unit. (4-4458)

- d. Each industry's operating unit has a written quality control procedure that provides for raw material, in-process, and final product inspection. (4-4459)
- e. A cost accounting system for each operating industries unit is designed, implemented, and maintained in accordance with generally accepted accounting principles. (4-4460)
- f. Private industries on the institution grounds employing offenders in positions normally filled by private citizens pay offenders the prevailing wage rate for the position occupied. (Not applicable to all institutions) (4-4462)

#### B. Work Program Assignment Reviewer

1. Each institution should designate a staff position to serve as Work Program Assignment Reviewer (Work PAR) with primary responsibility for management and operation of the institution's offender work program.
2. The institution Work PAR should be responsible for:
  - a. Facilitating the establishment of offender jobs with the approval of the Facility Unit Head or designee
  - b. Ensuring that the work classification for each offender is accurate and documented in VACORIS, prior to assigning an offender to a job
    - i. Security Level W, 1, and 2 offenders eligible for an Outside Work Assignment must be assigned to the appropriate work classification in accordance with Operating Procedure 425.1, *Outside Work Assignments*.
    - ii. Security Level 3 and above offenders and offenders determined to be ineligible for an Outside Work Assignment shall be assigned to a work classification of "No Outside Work".
  - c. Maintaining the *Master Job Index* in VACORIS listing all approved offender jobs and maintaining offender employment within levels authorized on the *Master Job Index*
  - d. With input from work supervisors, maintaining a listing of current and expected job vacancies
  - e. If applicable, managing advertisement of job vacancies
  - f. If applicable, receiving offender applications and/or supervisor recommendations for offenders to be assigned to job vacancies
  - g. Determining if offenders are eligible for the vacant job based on factors such as security level, medical classification, work classification, and offense history
  - h. When necessary, consulting with Mental Health staff to determine if offenders are suitable for the vacant job based on such factors as the offender's current mental health status and compliance with their treatment plan.
  - i. Determining if offenders are suitable for the vacant job based on factors such as skills, experience, aptitude, and work history
  - j. Reviewing the *Classification Assessment* in VACORIS, and ensuring that those offenders at high risk of being sexually victimized are separated from those at high risk of being sexually abusive (§115.42[a])
  - k. Assigning offenders to appropriate jobs including obtaining necessary approvals and making appropriate notifications to the security staff, work supervisor, Business Office, and offender
    - l. Receiving and properly handling requests for job removals and reassignments
  - m. Maintaining proper documentation and records relating to the institution's work programs
  - n. Compiling and submitting reports related to the institution's work program as required

#### C. Establishment of Offender Jobs

1. The establishment of each offender job must be documented on an [Offender Work Program Position Description](#) 841\_F15. Multiple jobs with the same eligibility requirements and duties may be documented on the same *Position Description* by listing the total number of jobs approved.

2. Each *Offender Work Program Position Description* should contain the following information:
  - a. Position Title - Give each position a unique title that relates and generally describes the work normally performed (e.g. Assistant Baker, DCE Aide, Barber).
  - b. Work Location - Provide as much detail as necessary and indicate the physical building, office, room, floor or space where an offender will routinely work.
  - c. Work Hours - Indicate the default work hours per week
  - d. Work Schedule - Briefly indicate the hours (shift) and days the offender will normally be expected to work and whether the schedule may vary.
  - e. Job Classification Code and Job Category (see *Offender Work Program & Payroll System Manual*)
  - f. Job Grade Level - To be established in accordance with *Offender Work Program & Payroll System Manual*
    - i. Grade Level I (Unskilled) - \$0.27 per hour - Offenders at this level do not make independent decisions on a regular basis. Unskilled offenders 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.
    - ii. Grade Level II (Semi-skilled) - \$0.35 per hour - Offenders at this skill level must exercise some independent decision making capability. Semiskilled offenders learn through oral or written instructions a recognized trade or craft. Offenders in this grade should gain an acceptable level of performance, not of a complex nature, within a six month period.
    - iii. Grade Level III (Skilled) - \$0.45 per hour - This skill level requires an offender to make independent decisions. These offenders have completed a specific training program in learning a trade or craft. Additionally, Level III workers are capable of managing work projects, to include providing recommendations to improve efficiency and work procedures.
    - iv. Unemployed students, workers in Virginia Correctional Enterprises, and certain other classifications receive other pay rates.
    - v. Offenders working and in school shall be paid for the hours they attend school at the same rate of pay as for their job not to exceed \$.45/hr. up to a maximum of 30 hours total per week (120 hours per month for CCU and VCE workers) for school and work.
  - g. Supervisor - Indicate by job title or post the employee who will supervise and evaluate the offender's work performance.
  - h. Approvals Required for Assignment - Must be Facility Unit Head for work assignments outside the designated security perimeter (may be delegated to Assistant Facility Unit Head for Work Centers). Work assignments inside the designated security perimeter but outside the housing unit must be approved by the Chief of Security.
  - i. Eligibility Criteria (see Operating Procedure 425.1, *Outside Work Assignments*, for work assignments outside the security perimeter)
    - i. Security Level
    - ii. Offense History (felony convictions and disciplinary infractions)
    - iii. Work Classification
    - iv. Medical Classification
    - v. Medical - physical required
    - vi. Previous Work History
    - vii. Participation in ABE or a valid exemption is a hiring condition for all ABE eligible offenders (see the *ABE Eligibility for Institutional Job Assignment* section of this operating procedure)
  - j. Suitability Criteria
    - i. Work Experience
    - ii. Skills, Aptitude
  - k. Job Duties and Responsibilities - Describe the general and specific job duties and responsibilities the offender will be expected to perform. A general phrase such as "Perform other duties as required

by the work area supervisor” may also be added.

3. The Work PAR shall be responsible for obtaining appropriate administrative approval for each *Position Description*, maintaining a file of all approved *Offender Work Program Position Descriptions* and compiling them into the institution’s *Master Job Index*.

D. Notice of Job Openings (if applicable)

1. The Work PAR will provide *Notices of Job Openings* for posting in applicable housing area(s) and other appropriate places for offender access.
2. In facilities that rely on supervisor referrals, the Work PAR shall communicate with work supervisors concerning current or pending vacancies.

E. ABE Eligibility for Institutional Job Assignment

1. Effective April 6, 2015, offenders at Security Level 2 and higher institutions who are ABE eligible must be enrolled in ABE classes or on an initial waiting list to be eligible for an institutional job assignment.
  - a. Offenders who are on a waiting list due to removal from ABE class are not eligible for an institutional job assignment.
  - b. In Security Level 1 institutions and work centers, exceptions may be granted or alternative job/class schedules developed to maximize student participation.
2. Offenders working prior to April 6, 2015 are not required to meet the academic requirement for continuing their employment in the same job or for a promotion into a related job.
  - a. ABE eligible offenders who change jobs will be subject to the academic requirements.
  - b. Reasonable efforts should be made to allow offenders currently working an opportunity to earn their GED.
3. ABE eligible offenders who are removed from academic class will be terminated from their job and be ineligible for earning good time, transfer requests, housing in an honor pod, or receiving special incentives.
  - a. The Academic Teacher shall charge the offender with Offense Code 200 (in addition to any other offenses that may be related to the removal), notify the work PAR to remove the offender from any institutional job assignment, and refer the offender to the ICA to reduce the offender to Good Time Class IV.
  - b. The offender must request to be placed on the waiting list, but will remain ineligible for work until they enroll in class.
4. Exceptions to the academic requirement may be granted for those offenders working for Corrections Construction Unit (CCU), Environmental Services Unit (ESU), or for an offender in an institutional job assignment deemed critical by the Facility Unit Head. Jobs to be exempted will be reviewed annually by the Facility Unit Head, and forwarded to the Regional Operations Chief, and to the Chief of Corrections Operations for final approval.
5. Students who have been exempted from academic classes by the principal will be eligible for institutional job assignment.

F. Application/Referral for Job Openings (if applicable)

1. In institutions that accept offender applications, the offender will be required to submit a completed [Offender Work Program Job Application](#) 841\_F5 within the period specified in the *Notice of Job Openings*. In general, a deadline of at least one week should be provided for submission of applications.
2. In facilities that rely on supervisor referrals, the work supervisor should submit to the Work PAR one or more offenders (name, number, and housing unit) for each opening.
3. Some institutions may maintain waiting lists for work assignment based on requests, applications, or

Counselor referrals submitted to the Work PAR.

4. Some institutions may assign offenders to jobs as vacancies or suitable offenders become available without any action by the offender or work supervisor.

#### G. Selection and Assignment of Offenders to Jobs

1. The Work PAR shall review all offender applications, referrals, and other available sources of offenders for vacant jobs, confirming as needed the eligibility, suitability, and qualifications of each offender. Discrimination based on an offender's race, religion, national origin, sex, disability, or political views for institutional jobs assignments is prohibited. (4-4277, 4-4448)
  - a. Each institution's offender work plan shall provide for the employment of offenders with disabilities as appropriate to the institution's mission and offender population.
    - i. Offenders with disabilities must meet the requirements and be able to perform the specific job duties and responsibilities provided on the [Offender Work Program Position Description 841\\_F15](#).
    - ii. Offenders with an accommodation for their disability who meet the requirements of the position and are able to perform the specific job duties and responsibilities must be considered for the job assignment.
  - b. Under no circumstances, will offenders be placed in a job assignment that jeopardizes their safety or security or the safety and security of others.
2. The most suitable available offender should be designated for assignment to each vacant job.
3. The Work PAR shall document all job assignments and removals on the [Facility Job Assignment Docket 841\\_F6](#).
4. After obtaining appropriate approvals for the job assignments, the Work PAR shall make the appropriate entries in VACORIS and provide notifications of job assignment and start date to the work supervisor, Business Office, offender, and others as appropriate.

#### H. Work Supervisor Responsibilities

1. The work supervisor shall maintain a roster of all offenders assigned to their supervision.
2. Each offender shall receive proper instruction and appropriate training on the required job duties.
3. The work supervisor shall ensure that personal protective equipment and other safeguards are in place and properly used to meet applicable federal, state, or local work, health, and safety standards.
  - a. The work supervisor shall arrange for the issue of special and, when appropriate, protective clothing and equipment to offenders assigned to the institution's food service, hospital, farm, garage, physical plant maintenance shops, and other special work details. (4-4337)
  - b. The work supervisor shall observe as needed to ensure that protective equipment is used properly.
  - c. Special and protective clothing and equipment shall be replaced as needed to maintain a safe, healthy work environment.
4. The work supervisor must maintain work schedules that ensure necessary jobs are completed on time while allowing for offender participation in their scheduled religious activity and required educational and treatment programs.
  - a. Work Supervisors must make accommodations to allow offenders to perform their personal prayers, individually during scheduled breaks provided such prayers do not interfere with institutional count, movement times, and other security operations.
    - i. Personal prayers should be conducted in a designated location at the work site and be observable by staff; allowing the offender to leave the work site to pray is not required.
    - ii. When leaving the work site is permitted, the offender must be under staff observation.
    - iii. Offenders who wish to perform their personal prayers may do so individually during their scheduled break times.
    - iv. Facility accommodations that allow offenders to utilize communal or personal religious items



(prayer rug, religious books, oils, etc.) to perform individual prayers is not required.

- b. Facilities and work supervisors must employ the least restrictive means available in order to permit an offender'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 facility will continue to be met.
5. The work supervisor should model and manage offender workers on proper work ethic, work performance, work habits, work values, problem solving/appropriate resolution, etc., as is expected in the workforce in society. Work Supervisors are not required to submit evaluations of offender workers; in determining Good Time Award Level (see Operating Procedure 830.3, *Good Time Awards*), all offenders holding a job will be assumed to be performing adequately in that job. Work supervisors may use the following tools to manage offender work behaviors:
    - a. Instruct and encourage for better performance
    - b. Counsel the offender on inadequate or inappropriate performance
    - c. The work supervisor, sergeants or higher rank, or other positions/ranks as designated by the Facility Unit Head may temporarily suspend an offender from their job assignment up to 30 days without Work PAR action. Suspensions related to offender workers receiving a work release and/or parole denial may be more than 30 days.
    - d. Initiate a Disciplinary Offense Report in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*
    - e. Submit [Offender Work Program Job Counseling/Suspension and Termination](#) 841\_F16 to the Work PAR to have the offender removed from the job.
  6. An [Offender Payroll System Exception Report](#) 841\_F17 shall be prepared and submitted as required by the institution's Implementation Memorandum to document offenders who did not work the default hours for the position.
  7. The Work Supervisor should maintain communication with the Work PAR concerning potential vacancies, promotions, etc.
- I. Eligibility and procedures for job changes and promotions
1. The institution's Implementation Memorandum should address institution specific tenure requirements and procedures for offenders to request job changes and promotions.
  2. Offenders working prior to April 6, 2015 are not required to meet the academic requirement for a promotion in a related job.
- J. Procedures for removing offenders from job assignments
1. Only the Work PAR can remove an offender from a job assignment.
  2. The institution's Implementation Memorandum should address:
    - a. Institution specific requirements and documentation (see [Offender Work Program Job Counseling/Suspension and Termination](#) 841\_F16) for work supervisors or institution administration to suspend an offender from a job assignment pending removal from the job.
    - b. [Offender Work Program Job Counseling/Suspension and Termination](#) 841\_F16 to be submitted to the Work PAR for job removal
    - c. The Work PAR will act on the request, obtain necessary approvals, and make notification to all involved parties as for a job assignment.

## V. REFERENCES

Operating Procedure 261.1, *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 820.2, *Re-entry Planning*
- Operating Procedure 830.3, *Good Time Awards*
- Operating Procedure 841.1, *Offender Programs and Services*
- Operating Procedure 861.1, *Offender Discipline, Institutions*
- Operating Procedure 940.4, *Community Corrections Facilities and Youthful Offender Program*

VI. FORM CITATIONS

- [Offender Work Program Job Application](#) 841\_F5
- [Facility Job Assignment Docket](#) 841\_F6
- [Offender Pay Withholding Agreement](#) 841\_F14
- [Offender Work Program Position Description](#) 841\_F15
- [Offender Work Program Job Counseling/Suspension and Termination](#) 841\_F16
- [Offender Payroll System Exception Report](#) 841\_F17

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

*The office of primary responsibility reviewed this operating procedure in February 2018 and no changes are needed at this time.*

*The office of primary responsibility reviewed this operating procedure in February 2019 and finds that no changes are needed at this time.*

*Signature Copy on File*

*1/3/17*

H. Scott Richeson,  
Deputy Director of Programs, Education, and Re-entry

Date

*Signature Copy on File*

*1/10/17*

A. David Robinson, Chief of Corrections Operations

Date