

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 02/25/08	NUMBER 05.02.110
	SUBJECT PRISONER WORK ASSIGNMENT PAY AND SCHOOL STIPEND	
SUPERSEDES 05.02.110 (11/13/2006)		AUTHORITY MCL 791.203
ACA STANDARDS 4-4449, 4-4450, 4-4454, 4-4461, 4-4480		
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POLICY STATEMENT:

Prisoners in Correctional Facilities Administration (CFA) institutions who are assigned to work and/or school shall be paid and/or receive stipends for the assignment as set forth in this policy except if in the Special Alternative Incarceration Program.

RELATED POLICIES:

- 03.02.121 Public Works/Gate Pass Assignments
- 05.01.100 Prisoner Program Classification
- 05.02.112 Education Programs for Prisoners

POLICY:

GENERAL INFORMATION

- A. Prisoners shall be assigned to work and/or school in accordance with PD 05.01.100 "Prisoner Program Classification". Prisoners assigned to work are not employees of the Department and therefore are not eligible to receive workers' compensation or unemployment compensation benefits for their work assignments.
- B. The Administrator of Michigan State Industries (MSI), CFA, shall ensure that the MSI Operating and Work Rule Manual is maintained, reviewed annually, and updated as needed. The Manual shall identify requirements unique to MSI assignments, including the MSI positions to which prisoners may be assigned and the appropriate pay rate for each. Where in conflict with this policy, the MSI Operating and Work Rule Manual shall control for prisoners assigned to MSI positions. The Manual shall be made available to Wardens for use by the Classification Director and other staff involved in the MSI work assignment pay process.
- C. The CFA Operations Manager shall ensure that the Program Classification Manual is maintained, reviewed annually, and updated as needed. The Manual shall identify all non-MSI positions to which prisoners may be assigned to work. The Manual shall include a general description of each position and the required education, experience, skills, and, for purposes of pay, the appropriate skill level (i.e., unskilled, semi-skilled, skilled) for the position. The Manual shall be made available to Wardens for use by the Classification Director and other staff involved in prisoner work assignment pay and school stipends.
- D. Generally, prisoner work and school assignments shall be scheduled for not more than five days per week unless otherwise approved by the Warden. A prisoner may be required to work on his/her regular day off or to have his/her work day extended based on institutional needs. Scheduling also may be reduced when it is necessary to limit prisoner idleness during periods of facility overcrowding and when it is necessary to distribute the available work in an equitable manner.
- E. Each Warden shall designate a staff person to monitor work assignment pay and school stipends at the institution. Prisoners shall be provided work assignment pay and school stipends, as appropriate, on a monthly basis.

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- F. Prisoners shall receive work assignment pay, including for public works assignments, and school stipends only for days they work or attend school, except as set forth in Paragraph BB.

WORK ASSIGNMENT PAY

- G. The Department shall report to the Internal Revenue Service the amount of pay received by each prisoner for a work assignment in accordance with the Internal Revenue Code. In conjunction with the CFA Operations Manager, the Administrator of the Bureau of Fiscal Management, Operations Support Administration (OSA), shall issue instructions on how to report such payments.
- H. Prisoners assigned to public works shall be paid at the appropriate rate set forth in PD 03.02.121 "Public Works/Gate Pass Assignments". Prisoners assigned to MSI shall be paid at the appropriate rate set forth in the MSI Operating and Work Rule Manual.
- I. All other prisoners assigned to work shall be paid at the appropriate rate identified in Attachment A, subject to the criteria set forth below. The pay rates are for full time assignments (i.e., six hours of work daily, excluding time for meals and breaks) unless indicated otherwise. Prisoners on less than a full time assignment shall be paid on a prorated basis.
- J. A prisoner whose regular work day is a holiday or weekend shall be paid for those days at the prisoner's normal rate of pay. A prisoner who is required to work on his/her regular day off or whose regular work day is extended shall be paid his/her normal rate of pay on a prorated basis for the hours worked; in lieu of such pay, a prisoner may be provided alternative time off from the assignment with approval of the assignment supervisor.
- K. A prisoner shall be paid one and one half times his/her normal rate of pay for those days s/he is required to work under conditions which are considered unusually difficult (e.g., bloodborne pathogen clean up, working with high voltage). The Warden or designee shall determine what conditions shall warrant such pay.

Food Service Pay Scale

- L. A prisoner working in food service shall be paid in accordance with the food service pay scale at the appropriate level designated in the Program Classification Manual for the position to which s/he is assigned. Except as set forth in Paragraph M, prisoners paid in accordance with the food service pay scale and assigned to a semi-skilled or skilled position shall be paid an additional 15% if assigned to a position for which s/he has completed a related career and technical (i.e., "vocational") education program (e.g., Food Service Hospitality Management).
- M. Prisoners being paid at the food service apprentice level shall continue to be paid at that level while on that assignment at that facility. Payment at the apprentice level shall cease upon transfer or reassignment, even if the prisoner is subsequently classified to an assignment related to the apprentice training. No other prisoners shall be paid at the apprentice level.
- N. Prisoners starting a food service assignment on or after April 1, 2008 are not eligible for performance bonuses. A prisoner working on a food service assignment prior to April 1, 2008 is eligible for a bonus after completing two months of satisfactory performance on a food service assignment at the same facility. A Prisoner Program and Work Assignment Evaluation (CSJ-363) shall be completed at the conclusion of the prisoner's third month on the assignment, and each month thereafter, until the prisoner is reassigned or transferred. A prisoner who receives an above average performance score on the evaluation shall receive the bonus unless the prisoner has received three or more exceptions to any of the items listed on the evaluation. The bonus shall be prorated based on the actual number of hours worked. If the prisoner transfers to a new facility on or after April 1, 2008 and receives a food service assignment, s/he will no longer be eligible for a bonus at the new facility or at any subsequent facilities to which s/he transfers.

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License Pay Rate

- O. Prisoners being paid at the former apprentice/license pay scale based on their apprentice training shall be paid at the license pay rate while on that assignment at that facility. Payment at that rate based on the apprentice training shall cease upon transfer or reassignment, even if the prisoner is subsequently reclassified to an assignment related to the apprentice training.
- P. A prisoner also shall be paid in accordance with the license pay rate if assigned to a position for which s/he has provided verifiable proof of being currently or previously licensed by a state agency and has demonstrated competency in the field within 30 calendar days of assignment; as determined by the appropriate supervisor and documented on a Prisoner Program and Work Assignment Evaluation (CSJ-363). However, a license that requires only a basic review of literature, no special skills or training, and a test to obtain the license shall not qualify. A prisoner who provides proof after assignment to the position shall not receive back pay.

Advanced Education/Training Pay Scale

- Q. A prisoner assigned as a tutor for an academic or career and technical education program, or as a general or law library aide, shall be paid in accordance with the advanced education/training pay scale if s/he has provided verifiable proof of having completed education or training beyond a high school diploma or General Education Development (GED) certificate in a related field of study. However, a license that requires only a basic review of literature, no special skills or training, and a test to obtain the license shall not qualify. A prisoner who provides proof after assignment to the position shall not receive back pay.
- R. A prisoner assigned as a tutor for an academic education program or as a general library aide shall be paid at the first level if s/he has completed at least 31 verified college credit hours in a field of study related to the position. The prisoner shall be paid at the second level only if s/he has completed at least an associate degree or 62 verified college credit hours.
- S. A prisoner who has completed a career and technical education program and is assigned as a tutor for that program shall be paid at the first level. The prisoner shall be paid at the second level only if s/he has completed additional advanced training related to the position.
- T. A prisoner assigned as a law library aide shall be paid at the first level if s/he has completed 31 verified college credit hours in a paralegal, legal assistant, or legal aide certification program. The prisoner shall be paid at the second level only if s/he has completed at least 62 verified college credit hours in a paralegal, legal assistant, or legal aide certification program, or 31 verified college credit hours in the program and a two year associate degree in a related field of study.
- U. Prisoners assigned to the Legal Writer Program shall be paid at the second level of the advanced education/training pay scale.

Michigan Braille Transcribing Fund

- V. Prisoners assigned to the Michigan Braille Transcribing Fund shall be paid as set forth in Attachment A.

Standard Pay Scale

- W. All other prisoners shall be paid in accordance with the standard pay scale at the level designated in the Program Classification Manual for the positions to which they are assigned.
- X. Prisoners paid in accordance with the standard pay scale and assigned to a semi-skilled or skilled position shall be paid an additional 15% beginning the first day of the assignment in the following circumstances:

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1. The prisoner is assigned to a position for which s/he has completed a related career and technical education program (e.g., prisoner is assigned as a porter and has completed a custodial maintenance technology program).
2. The prisoner is assigned as a general or law library aide, has a documented high school diploma or GED certificate, and has additional education related to the position.

SCHOOL STIPEND

- Y. Prisoners attending college programs offered in accordance with PD 05.02.112 "Education Programs for Prisoners" shall not receive a school stipend.
- Z. All other prisoners assigned to school shall receive a school stipend unless s/he also has a full-time work assignment. A prisoner working full time and assigned to school full time or part time shall be paid only for the work assignment. A prisoner working part time and assigned to school full time or part time shall be paid for work and shall receive a school stipend; however, the total, including any supplementary school stipend received pursuant to Paragraph AA, shall not exceed what the prisoner would have received on the work assignment full time. A prisoner who is not working but is assigned to school, including to cell study, shall receive a full time school stipend regardless of the number of hours s/he is assigned to attend school.
- AA. Each prisoner receiving a school stipend shall be evaluated at the end of each quarter to determine eligibility to receive a supplementary school stipend. To be eligible, the prisoner must receive a satisfactory performance score on the Prisoner Program and Work Assignment Evaluation (CSJ-363) or the Educational Program Plan (CSJ-363A), as appropriate. Eligible prisoners shall receive the supplementary school stipend beginning the pay period following the quarter for which the prisoner was evaluated.

ABSENCES

- BB. Prisoners shall be paid for work and shall receive a school stipend for absences from their assignments only for the following call outs; this does not apply to an absence from a public works assignment:
1. Warden
 2. Deputy Warden
 3. Assistant Deputy Warden
 4. Inspector
 5. Shift Commander
 6. Parole Board interviews or hearings
 7. Health care visits initiated by a qualified health professional or required by the Department, including transfer assessments, intake and annual health screenings, and required follow-up care
 8. Psychiatric/psychological services
 9. Mobilization and other drills for emergency preparedness
 10. Warden's Forum
- CC. An unauthorized absence from a work or school assignment may result in disciplinary action pursuant to PD 03.03.105 "Prisoner Discipline".
- DD. After one year of continuous service on the same work assignment at the same facility, a prisoner may request five continuous days off work each year without pay. The prisoner must submit his/her written request to the assignment supervisor indicating the days off requested and receive prior approval from the assignment supervisor based on operational needs. Days off shall not be approved in less than a five day increment or less than 90 days following a previous approved absence.

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OPERATING PROCEDURES

- EE. Wardens shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive. Procedures shall be developed within 60 calendar days after the effective date of this policy directive. This includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with procedures issued by the Director.

AUDIT ELEMENTS

- FF. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist Wardens and the CFA Deputy Director with self-audit of this policy, pursuant to PD 01.05.100 "Self-Audit of Policies and Procedures".

Approved: PLC 02/22/08

ATTACHMENT A

WORK ASSIGNMENT PAY AND SCHOOL STIPEND

WORK ASSIGNMENT

1. Standard Pay Scale:

<u>Skill Level</u>	<u>Entry Daily Rate</u>	<u>Entry Daily Rate with Additional 15%</u>	<u>Daily Rate After Two Months</u>	<u>Daily Rate After Two Months with Additional 15%</u>
Unskilled	\$.74	N/A	\$.84	N/A
Semi-skilled	\$.94	\$1.08	\$1.14	\$1.31
Skilled	\$1.24	\$1.43	\$1.54	\$1.77

2. Food Service Pay Scale:

<u>Skill Level</u>	<u>Hourly Rate</u>	<u>Hourly Rate with Additional 15%</u>	<u>Hourly Performance Bonus, if Eligible</u>	<u>Maximum Performance Bonus (per month), if Eligible</u>
Unskilled	\$.175	N/A	\$.115	\$20.00
Semi-skilled	\$.235	\$.270	\$.173	\$30.00
Skilled	\$.325	\$.374	\$.231	\$40.00

Apprentice: \$3.29 per day

3. Advanced Education/Training Pay Scale:

<u>Level</u>	<u>Entry Daily Rate</u>	<u>Daily Rate After One Month</u>	<u>Daily Rate After Two Months</u>
First	\$2.08	\$2.38	\$2.62
Second	\$2.84	\$3.10	\$3.34

4. License Pay Rate: \$3.04 per day

5. Prisoners assigned to the Michigan Braille Transcribing Fund shall be paid at a rate recommended by the Michigan Braille Transcribing Fund, as approved by the CFA Deputy Director.

SCHOOL

1. Student School Stipend:

<u>Daily School Stipend</u>	<u>Daily School Stipend with Supplementary Stipend</u>
\$.54	\$.59