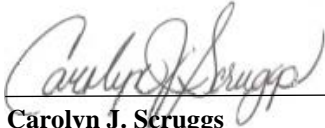




CHANGE NOTICE

Title: Inmate Assignments and Payroll	Secretary Directive Number: OPS.245.0005 - Revised
Related MD Statute/Regulations: Correctional Services Article, §2-103, Annotated Code of Maryland; Labor and Employment Article, §3-413, Annotated Code of Maryland. COMAR 12.02.12.08	Supersedes: OPS.245.0005 dated August 1, 2019
Related ACA and MCCS Standards: 4-44451; 4-4454; 4-4461, 4-4463; 4-ALDF-2A-36; 4-ALDF-4A; 4-ALDF; 1-CORE-5C-05 5C-06., 08, 11, 12 and 16 Related MCCS Standards: .12.14.03.07; 12.14.04.06 Related NCCHC Standards: J-C-06	Authorized By:  Carolyn J. Scruggs Assistant Secretary
Related Directives: ADM.245.0001- Fiscal Operations for Inmate Funds ADM.245.0002 – Interpleader for Inmate Funds DOC.100.0002 Case Management Manual	Issued Date: March 31, 2020 Effective Date: March 12, 2020
Variance: N/A	Number of Pages: 1

Christopher McCully
Deputy Secretary

Robert L. Green
Secretary

OPS.245.0005 CHANGE NOTICE 01-20 EFFECTIVE DATE 03-12-2020 CHANGE NOTICE #1 TO THIS DIRECTIVE

- .01** Appendix A—Inmate Pay Scale of OPS.245.0005 has been updated to include inmates assigned to road crew jobs. Replace Appendix A dated December 19, 2019 with Appendix A dated March 27, 2020. See attached appendix.
- .02** For the duration of the State of Emergency declared by the Governor, all inmates whose jobs have been effected by the State of Emergency shall continue to receive their monthly payment according to the inmate pay scale.

Appendix A

Department of Public Safety and Correctional Services

Inmate Pay Scale*

Skill Level	Step 1	Step 2	Step 3	Step 4
Unskilled	1.08	1.14	1.26	1.38
Semi-Skilled and Student	1.14	1.26	1.38	1.50
Skilled	1.26	1.38	1.50	1.62
Craftsman	2.40	2.70	3.00	3.30
Road Crew	3.12			
Special Assignment	To be determined			
Job Bank	Non-compensable			
Labor Pool	Non-compensable			

* Notwithstanding the provisions of Secretary's Directive Number OPS.245.0005 or any other directive, and consistent with the law, the Commissioner/Director, or designee has the absolute discretion to modify or suspend the work/education assignment pay of any inmate(s) at any time for any reason.



Secretary's Directive

John M. Zeigler

J. Michael Zeigler
Deputy Secretary

Christopher McCully

Christopher McCully
Deputy Secretary

Robert L. Green

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Secretary

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Related Directives: ADM.245.0001- Fiscal Operations for Inmate Funds ADM.245.0002 – Interpleader for Inmate Funds DOC.100.0002 Case Management Manual	Issued Date: December 19, 2010 Effective Date: January 1, 2020
Variance: An agency may promulgate a directive or manual to implement or comply with this policy. <u>No facility directive is permitted.</u>	Number of Pages: 9

.01 Purpose.

This directive establishes program assignment and the payroll procedures for inmates under the authority of the Department of Public Safety and Correctional Services (Department).

.02 Scope.

This directive applies to all Department correctional and detention facilities except Maryland Correctional Enterprises.

.03 Policy.

- A. The Department shall develop appropriate inmate program and work assignments, establish eligibility criteria for participation and assign inmates to available programs and work assignments on a fair and equitable basis consistent with safety and security concerns.
- B. The Department shall provide a system of fair and appropriate wages for compensating an inmate for time worked and ensure timely deposit of earnings into the inmate's facility account, unless specified otherwise in this directive

.04 Definitions.

- A. In this directive, the following terms have the meanings indicated.
- B. Terms Defined.

- (1) "Commissioner" unless specified otherwise, refers collectively to the Commissioner of Correction and Commissioner of Pretrial Detention.
- (2) "Correctional facility" has the meaning stated under Correctional Services Article, §1-101, Annotated Code of Maryland and includes a detention facility.
- (3) Inmate.
 - (a) "Inmate" means an individual who is actively or constructively detained or confined in a Department correctional facility.
 - (b) "Inmate" includes individuals referred to as a:
 - (i) Detainee;
 - (ii) Offender; or
 - (iii) Resident.
- (4) "Managing official" has the meaning stated under Correctional Services Article, §1-101, Annotated Code of Maryland and includes a facility administrator.

.05 Responsibility/Procedure.

A. Administration.

- (1) The Commissioner, by statute, has the authority to establish, modify, suspend, or terminate the processes for program and work assignments at a facility under the authority of the Commissioner.
- (2) In an effort to maintain a uniform system of inmate wages throughout Department correctional facilities, the Commissioner, with the approval of the Deputy Secretary for Operations (DSO), may modify the scale of wages used to compensate an inmate for work assignments at a facility under the authority of the Commissioner.
- (3) A managing official, or a designee, is responsible for:
 - (a) At least annually, reviewing the facility's authorized program and work assignments to ensure adequate funds are available to meet inmate payroll;
 - (b) Ensuring that facility staff are trained to perform administrative and operational responsibilities related to program and work assignments; and
 - (c) Designating staff to verify program and work assignments and correctly process inmate payroll sheets for submission to staff responsible for inmate finances:

- (i) For monthly payroll system, by the third business day of the new month for monthly payroll; or
- (ii) For a weekly payroll system, each Friday or the following Monday in the event that the normal business is affected by Friday being a holiday, liberal leave, or administrative leave.

B. Program and Work Assignments.

- (1) An inmate may:
 - (a) Only be assigned to a program or work assignment by case management staff in accordance with the case management process and approval by the managing official, or a designee.
 - (b) Not begin a program or work assignment prior to the date a recommendation for a program or work assignment made by a case management official is approved by the managing official, or a designee, thereby the effective date of the assignment unless otherwise specified.
- (2) Except when authorized by the managing official, or a designee, an inmate program or work assignment may not exceed 8 hours in a day for a total of 40 hours in a week.
- (3) A sentenced inmate who refuses to accept a program or work assignment or, if after accepting a program or work assignment does not satisfactorily perform the assignment is subject to disciplinary action in accordance with the inmate disciplinary process.
- (4) An inmate in a pre-sentence status may be assigned to a program or work assignment.
- (5) An inmate returned to the Department on a parole retake warrant remains under the authority of the Maryland Parole Commission (MPC) and may not be assigned to program or work assignment until the MPC revokes authority over the inmate.

C. Inmate Wages.

- (1) Inmate assignments shall be classified into one of the following skill levels:
 - (a) Unskilled;
 - (b) Semiskilled and student;
 - (c) Skilled;
 - (d) Craftsman;
 - (e) Special Assignment;

- (f) Job bank (non-compensable); or
 - (g) Labor pool (non-compensable).
- (2) Inmate laundry assignments involving incentive bonuses or work crews paid from funds reimbursed from other units are not subject to the established inmate pay scale (Appendix A).
 - (3) Inmates may earn wages or diminution of confinement credits only from the inmate's properly classified primary assignment.
 - (4) A Volunteer/Unpaid Status Job Form (Appendix B) shall be:
 - (a) Completed before an inmate participates in a program or work assignment for which diminution of confinement credit is earned in place of monetary compensation.
 - (b) Completed before an inmate participates in a program or work assignment for which neither diminution of confinement credit or monetary compensation is received.
 - (c) Shall be recorded in the inmate's case record by entry into the OCMS documents section.
 - (5) An inmate who is transferred from one correctional facility to another correctional facility:
 - (a) Does not retain the program or work assignment or pay status established at the sending correctional facility; and
 - (b) Assigned to a program or work assignment at the receiving correctional facility begins at the base pay scale unless determined otherwise.

Except as provided under §.05G of this directive, an inmate may not be compensated for days the inmate does not work as required by the assignment.

D. Inmate Program or Work Assignment — Reclassification.

- (1) Inmate program or work assignment and reassignment:
 - (a) May only be transacted by authorized case management staff in accordance with the Case Management Manual and approval by the managing official, or a designee.
 - (b) Shall be entered into the OCMS Automatic Program Change in order to process the change.
- (2) An inmate reclassified to another assignment within the same skill level shall transfer laterally at the same pay rate.
- (3) If an inmate is reclassified for non-disciplinary purposes to a lower skill level, case management staff shall issue a memo to the Inmate Finance Department specifying the inmate's pay level that:

- (a) Is the pay rate at the same step at the lower skill level as the previous assignment; and
 - (b) May not exceed the maximum rate for the skill level of the new assignment.
- (4) (4) If an inmate is reclassified for non-disciplinary reasons to a new job that has a higher skill level, the inmate shall be paid at the same step specified for the new assignment as the step for the previous assignment, for example, an inmate reclassified from unskilled to student who was paid at step 2 unskilled shall be paid at step 2 at the student level.
- (5) An inmate reclassified for non-disciplinary reasons or an inability to perform the assignment, shall be paid at the same step in the new assignment as the inmate was paid in the previous assignment.
- (6) If an inmate is reclassified to another assignment for punitive reasons, the inmate shall start at the base rate of pay for the new assignment.

E. Inmate Pay Raise.

- (1) A request for a pay raise for an inmate:
- (a) May be submitted in July of each calendar year;
 - (b) Shall be initiated by the inmate's supervisor, except when the supervisor is a correctional officer, in which case the request is to be initiated by a shift commander;
 - (c) Requires a recommendation from the supervisor's or shift commander's unit head; and
 - (d) Shall be approved by the Deputy Secretary for Administration and Deputy Secretary for Operations.
- (2) Minimum criteria for an inmate to be eligible for a pay raise requires:
- (a) Employment in the present position and pay scale for a minimum of 6 months;
 - (b) Satisfactory work performance; and
 - (c) That the inmate is currently paid below the maximum pay scale for the present skill level.
- (3) A managing official may approve a bonus up to 50 percent of the established daily rate of pay for inmate work assignments of a special nature, which may not exceed 15 percent of the total annual amount budgeted for inmate wages.
- (4) A bonus award request under §.05E(3) of this directive shall be submitted by Case Management staff, in writing, to the managing official and include justification for the bonus award.

- (5) Under circumstances when a job skill is critical and the retention of qualified inmates in the work assignment is an issue, for example, skilled maintenance positions, a managing official may approve an inmate to be paid at the craftsman or special assignment skill level.

F. Effective Pay Date.

- (1) The Inmate Finance Department shall post:
 - (a) Monthly payrolls by the tenth business day of each month.
 - (b) Weekly payrolls by Thursday of each week, thereby permitting an inmate on a weekly pay schedule access to the inmate's pay the following Thursday.
- (2) Pay scales for each skill level are effective the first work day following the date posted to the Institutional Daily Report form.
- (3) Pay raises for monthly and weekly payroll are effective the first work day of the month following the date approved.

G. Inmate Absence from Program or Work Assignment.

- (1) An inmate absent from a program or work assignment and the absence is supported by written authorization from health care staff for a:
 - (a) Non-work assignment related injury or illness shall be paid for up to 3 days of absence.
 - (b) Program or work assignment related injury or illness shall be paid for absence up to a maximum of 30 days.
- (2) Except for provisions under §.05G(3)(a) of this directive, an inmate absent from a program or work assignment and the absence is supported by an authorized pass shall be paid for that absence, for example:
 - (a) Staff interview;
 - (b) Hearing (Case Management, parole, inmate grievance or discipline);
 - (c) Court appearance of one day or less and
 - (d) Visits.
- (3) Payroll Adjustments.
 - (a) Except under provisions under §.05G(3)(c) of this directive, an inmate who does not perform a program or work assignment because of a pending adjustment hearing may not be paid if the result is a finding of guilt.

- (b) Except under provisions under §.05G(3)(c) of this directive, an inmate who is placed on disciplinary segregation may not be paid starting on the date a segregation sanction is effective until the date the sanction ends.
- (c) An inmate who performs the inmate's primary program or work assignment pending adjustment and receives a sanction that does not interfere with the inmate's ability to continue to perform the program or work assignment shall be compensated for the time the inmate performed the work or assignment.

H. A program or work assignment supervisor is responsible for:

- (1) Creating the Inmate Payroll form (Appendix C and D) for each inmate assigned to a program or work assignment for which the supervisor is responsible;
- (2) Maintaining an accurate daily record of attendance and performance on the Inmate Payroll form;
- (3) Submitting an approved and signed Inmate Payroll form to the managing official, or a designee:
 - (a) For a monthly payroll, on the first business day of each month; and
 - (b) For a weekly payroll, by Friday of each week or the following Monday in the event that normal business is affected by the Friday being a holiday, liberal leave, administrative leave; and
- (4) If appropriate, completing a Job Assignment Removal Form (Appendix E) and submitting the form.

I. Removing an Inmate from a Program or Work Assignment.

- (1) A program or work assignment supervisor may submit a completed JAR form to the shift commander to recommend the removal of an inmate from a program or work assignment based on justification that includes, but is not limited to:
 - (a) Improper assignment;
 - (b) The required criteria is no longer met, (for example health criteria for dietary); or
 - (c) The inmate:
 - (i) Refuses the assignment; or
 - (ii) Does not perform satisfactorily.
- (2) The shift commander shall:

- (a) Ensure that a sentenced inmate is appropriately disciplined if the inmate refuses to accept or does not satisfactorily perform a program or work assignment;
- (b) Upon receipt of a completed JAR form, make a final determination and:
 - (i) Forward the JAR form to the case management supervisor or manager for actual removal by classification action;
 - (ii) Order an appropriate housing reassignment; or
 - (iii) Inform the supervisor submitting the JAR form if a recommendation for removal is rejected.

J. Work Release.

- (1) The Department shall offer work release opportunities to eligible inmates.
- (2) An inmate's work release status may be revoked, suspended, or cancelled at any time for any reason consistent with the case management review process.
- (3) An inmate shall be determined eligible for work release as established by the criteria set forth in DOC.100.0002 – Case Management Manual.
- (4) An inmate shall be placed in a work release opportunity and monitored in accordance with the procedures established in DOC.100.0002 – Case Management Manual, Section 13.
- (5) Earnings and Monetary Deductions.
 - (a) All inmates accepted into a work release program, employed in the community by a public or private organization, and in a position normally occupied by a private citizen shall be compensated by the employer at or above the minimum wage established under Labor and Employment Article, § 3-413, Annotated Code of Maryland.
 - (b) In accordance with COMAR 12.02.12.08 each inmate participating in work release shall turn in all earnings the Department immediately upon return to the facility on the day the pay is received.
 - (c) A receipt of inmate's earnings for each pay period shall be documented on the Disposition of Work Release Earnings form, found in DOC.100.0002, Section 13, Appendix 7.
 - (d) Department staff shall ensure that deductions are made from each work release inmate's earnings in the following order of priority:
 - (i) The amount determined to be the cost to the State of providing travel, food, lodging, and clothing for the inmate;
 - (ii) An amount an inmate is legally obligated to pay for the support of dependents; and

(iii) An amount an inmate has been ordered by the court to pay for restitution.

.06 Appendices.

- A. DPSCS Inmate Pay Scale (Rev. 12/2019)
- B. Volunteer/Unpaid Status Job Form - DPSCS Form 245-0005aR (Rev. 10/15)
- C. Inmate Payroll Form – Monthly DPSCS 245-0005bR(Rev. 10/15)
- D. Inmate Payroll Form – Weekly - DPSCS 245-0005cR(Rev. 10/15)
- E. Job Assignment Removal Form - DPSCS 245-0005dR(Rev. 10/15)

.07 History.

- A. This directive replaces OPS.245.0005 dated August 1, 2019. Changes to the directive include a revised Attachment A and updates based on the Department's new organizational structure and policy guidelines.
- B. This directive replaces OPS.245.0005 dated April 1, 2015. Changes to the directive include changes to policy to ensure that the Department is compliant with ACA Standard 4-4463, COMAR 12.02.12.08, and Maryland Code.
- C. This directive replaces DOC.245.0005 (formerly DCD 245-5) dated September 15, 2007; PATX.245.0003 dated March 3 2011; and DPDS.245.0005 dated November 30, 2011.
- D. This directive supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.

.08 Distribution.

- A
- L
- S- Case Management
Inmate Finance Unit
Inmate Worker Supervisors