



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy:	DOC 5.1.1 INMATE ASSIGNMENTS
Chapter 5:	OFFENDER PROGRAMS
Section 1:	Work Programs
Effective Date:	April 1, 1998 Page 1 of 4 and Attachment
Revised:	August 28, 2019
Signature:	/s/ Reginald D. Michael

I. POLICY

The Department of Corrections may provide inmates the opportunity for productive assignments in facilities or industries.

II. APPLICABILITY

All Department secure care facilities.

III. DEFINITIONS

Administrator - The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Facility/Program - Refers to any division, prison, secure care correctional facility, correctional or training program, or community-based program under Department jurisdiction or contract. This term includes the facility building or residence, including property and land owned or leased and operated by the Department.

IV. DEPARTMENT DIRECTIVES

A. Inmate Compensation

1. Each facility/program will comply with the requirements set forth in this policy and may develop an inmate compensation procedure in compliance with this policy. Due to the unique nature of Montana Correctional Enterprises (MCE), the facility will maintain an inmate compensation procedure in compliance with the oversight of the Department's Leadership Team and not necessarily in accordance with this policy. Guidelines for youth correctional facilities and programs are outlined in section IV.F of this policy.
2. Administrators shall be responsible for spending inmate compensation funding within the facility's annual budget allocation.
3. Administrators may or may not classify an assignment as compensable, if compensated the following provisions apply:
 - a. the rate is based on category according to the [Inmate Compensation Table](#) to ensure compensation is administered in an equitable and consistent manner throughout the Department;

Subject: INMATE ASSIGNMENTS

- b. the compensation rate will be based on shift completion rather than hourly unless otherwise specified in accordance with the Inmate Compensation Table
 - 1) work completed within four hours in a 24-hour period shall be compensated as a half day;
 - 2) work completed within more than four but less than eight hours in a 24-hour period shall be compensated as a whole day.
- c. compensation will not exceed more than a whole day (eight hours) in a 24-hour period regardless of number of inmate assignments or hours worked;
- d. if, due to an emergency or other unusual circumstance, an inmate is required to work more than eight hours in a 24-hour period, the inmate's supervisor(s) will adjust the inmate's schedule on one or more days close in time so the inmate averages no more than eight hours per day; and
- e. compensation periods shall:
 - 1) be consistent to allow the inmate to establish a financial plan;
 - 2) provide compensation beginning on the first day of assignment; and
 - 3) not allow retroactive compensation.
- f. all inmate work assignments must fall within an assignment category.

B. Inmate Assignments

1. The Director may authorize MCE to provide vocational education training and work programs for Department contracted facilities.
3. Facilities/programs will operate all assignments consistent with applicable federal, state, and local health and safety standards.
4. Assignments will coincide with the inmate's classification identified in *DOC Policy 4.2.1 Offender Classification System*; for inmates with special skills, reasonable effort will be made to secure assignments based on the security and safety needs of the facility/program.
5. The administrator will identify the assignment title, duties, and responsibilities for inmate assignments.
6. Assignments should afford inmates the opportunity to learn skills and develop habits and attitudes that will fit occupational needs upon release.
7. Under no circumstances may assignments:
 - a. exceed a standard forty hour work week, unless otherwise approved by an administrator, or designee;
 - b. allow inmates to serve food to other inmates housed in locked status;
 - c. include any duty that would place an inmate in a position to be in contact or in close proximity to confidential or security records without direct supervision; and
 - d. allow inmates to exercise control or authority over other inmates.
8. Assignment performance feedback will be conducted at least semi-annually with criteria including, but not limited to the following:
 - a. grade reports for inmates in education and training assignments;
 - b. demonstrated skills and knowledge;

Subject: INMATE ASSIGNMENTS

- c. observed habits;
 - d. attitude toward fellow inmates and Department employees;
 - e. quality and quantity of tasks;
 - f. care and use of equipment;
 - g. learning ability and adaptability to new procedures;
 - h. general comments from supervisor; and
 - i. compensation, if applicable.
9. An inmate may hold up to two job assignments. An inmate's paid assignments must not total more than eight hours in a 24-hour period. If an inmate has two job assignments, each assignment shall be paid out of a different budget (i.e., Facility and IWF budgets).
10. Assignment programs will accommodate inmates with disabilities in accordance with *DOC Policy 3.3.15 Americans with Disabilities Act (ADA) Offender Accommodations*.
11. The supervisor or individual requesting an inmate for assignment shall review the inmate's OMIS record for previously identified work restrictions, i.e. no lifting over fifteen pounds, restriction from heights, etc. If work restrictions are identified, the supervisor or individual requesting an inmate for assignment will consult with the DOC or facility ADA coordinator to determine whether a reasonable accommodation can be made in accordance with *DOC 3.3.15 Americans with Disabilities Act (ADA) Offender Accommodations*.

C. Inmate Accident Compensation

1. Inmates assigned to an inmate assignment are not eligible for worker's compensation.

D. Special Housing

1. Administrators may deem it necessary to assign inmates to special or designated housing areas related to their assignments.

E. Private Industry Operations

1. MCE may assign inmates to work in private sector industry programs pursuant to *53-30-132, MCA*.

F. Youth Correctional Facilities/Programs

1. Youth correctional facilities may establish an allowance system based upon an earned privilege program and/or a token economy system.
2. Youth correctional facilities will utilize designated inmate pay accounts for specific jobs which may only be used to allow youth to pay restitution. These jobs are not subject to the Inmate Compensation Table.

V. CLOSING

Questions concerning this policy should be directed to the administrator of the appropriate secure care facility.

VI. REFERENCES

Subject: **INMATE ASSIGNMENTS**

A. 53-1-203, MCA; 53-3-131, MCA; 53-30-132, MCA

B. DOC Policies 3.3.15, Americans with Disabilities Act (ADA) Offender Accommodations; and 4.2.1, Offender Classification System

VII. ATTACHMENTS

Inmate Compensation Table

Montana Department of Corrections Inmate Compensation Table

Category	Pay Category	Pay Category
	<u>Hourly</u>	<u>Daily</u>
*Barber Assignment		\$ 2.00
*Chemical Dep. ITU Participants		\$.50
*Educational Participants		\$ 1.00
Educational Aide Assignments		\$ 1.25
*Facility Aide		\$ 2.00
Food Services	\$ 0.35 - 0.45	\$ 2.80 - \$ 3.60
Infirmery Aide		\$ 1.50 - \$ 3.00
Non-MCE Laundry		\$ 1.25 - \$ 2.00
*Library		\$ 1.25
Maintenance		\$ 1.75 – 3.25
*Photographer		\$ 1.25
*Recreation		\$ 1.25
Non-MCE Hobby		\$ 1.50
Janitorial		\$ 1.25 – 2.00
Warehouse		\$ 3.50 - \$ 4.50
IWF Rep		\$ 1.00
<u>Facility Specific</u>		
*Dog Handlers CCC		\$ 2.25
WRC Workers		\$ 3.50 - \$ 4.50
Special Assistance Crew		\$ 3.00 – 5.00

A facility administrator may adopt procedures to designate certain position categories as skilled work or difficult to fill, and to pay the designated categories at hourly rates not to exceed the highest hourly rate on this table. If the administrator has not adopted such a procedure for a category listed on this table, the category will be paid based on shift completion in accordance with paragraph IV.A.3.b of DOC 5.1.1 Inmate Assignments.

All facilities must work within their current budget for inmate compensation.

The Department encourages facilities to utilize the maximum number of inmates available to promote future job skills.

Reps can only be compensated for 5 days per week.

***items that may be paid by IWF funds**