



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 504.04

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Approved by: George M. Little

Subject: INMATE PAY

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, and Grubbs v. Bradley, 552 F. Supp. 052 (M.D. Tenn. 1982).
- II. PURPOSE: To establish guidelines for a standardized pay plan for all inmates assigned to paid programs.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) employees and inmates, including privately managed facilities and employees of Tennessee Rehabilitative Initiative in Corrections (TRICOR). Offenders who are assigned to and actively participating in the SAIU (Special Alternative Incarceration Unit) program are excluded.
- IV. DEFINITIONS:
 - A. Inmate Program Specialist: Central office staff person who reports to the Assistant Commissioner of Rehabilitative Services and oversees the departmental day-to-day operation of inmate programming.
 - B. Inmate Worker(s): Inmates who have an assigned activity with duties to perform in return for earning program sentence credits and/or monetary compensation. (See Policy #505.07)
 - C. Master List: Authorized inmate programming titles, skill levels, and base pay rates of all positions available in the TDOC. This list can be accessed through TOMIS conversations LJEK, Job Set Up, and LJEV, Class Set Up.
- V. POLICY: Inmates may receive compensation for participation in assigned programs according to established departmental pay rates and procedures.
- VI. PROCEDURES:
 - A. Pay Rate Levels: Pay rates will be determined by the skill level of each job as defined by the master job list and the length of successful time spent in that skill level by an inmate worker.
 1. Level 0: Inmates without program assignment, including those whose custody status and/or health status renders them unsuitable for assignment to positions available at their institution, and inmates unassigned due to segregation placement. These inmates will be provided with a hygiene kit prepared by the institution on a monthly basis, provided they have not had a balance of \$6.00 or more any time during the pay period. The Assistant Commissioner of Operations will notify the Warden of the required contents of these kits. (See Policy #208.01)
 2. Level I: Academic and vocational education programs; unskilled jobs involving very little training and/or complexity.

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3. Level II: On-the-job training for positions that require some skill; jobs which involve use of equipment of moderate complexity; and semi-skilled jobs which may require testing/qualification for placement.
4. Level III: Work requiring specialized training and/or ability, and work involving complex and valuable equipment. Inmates assigned to Carpentry II class who work in the community may be paid at the Level III rate if recommended by the instructor and approved by the Warden.
5. Level IV: Specific positions designated by the Assistant Commissioner of Rehabilitative Services/designee as highly skilled work essential to the operation of the institution or to be revenue producing.
6. Level V: TRICOR positions.
7. Level VI: Special medical, rehabilitative, therapeutic, or other programs.

B. The following table represents the inmate pay scale:

1. Skill/Pay Level	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>
Level 0	Hygiene kit	Hygiene kit	Hygiene kit
Level I	\$0.17/hour	\$0.25/hour	\$0.34/hour
Level II	\$0.25/hour	\$0.34/hour	\$0.42/hour
Level III	\$0.34/hour	\$0.42/hour	\$0.50/hour
Level IV	\$0.42/hour	\$0.50/hour	\$0.59/hour

Base pay rates for each job code are established by the Inmate Program Specialist on TOMIS conversation LJEK, Job Set-up, and for each class on TOMIS conversation LJEV, Class Set-up.

2. Level V: TRICOR workers shall be paid according to schedules, wage levels, and pay raise procedures developed by the Chief Executive Officer of TRICOR and approved by the Commissioner. These pay rates shall be explained to each inmate by the job supervisor at the time of assignment. Changes in pay rate shall also be explained to workers and posted in the work area. Pay for TRICOR is maintained through TOMIS conversation LJEQ, CET Pay.
3. Level VI: Inmates assigned to this level shall be paid according to the following procedures:
 - a. Some phases of programming may require inmates to work full time and participate in programming other hours. Inmates will only be paid for a maximum of 30 hours per week, unless they are assigned to, and paid for a job that is eligible to be paid 40 hours a week.

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- b. Inmates assigned to pre-release shall be paid at the rate of \$0.50 an hour. This includes clerks assigned to assist the pre-release coordinator.
- c. Inmates assigned to the medical credit incentive program will be paid at the Level I pay scale.
- d. Inmates assigned to mental health, cognitive behavior, and social services programs, therapeutic communities, and group therapy shall be paid at Level I pay scale, with the exception of acute and intensive inmates at Lois M. DeBerry Special Needs Facility (DSNF). Pay procedures will be established by DSNF for those inmates and approved by the Assistant Commissioner of Rehabilitative Services. Programming may require more than 30 hours of participation in a week; however, the inmates will be paid for a maximum of 30 hours.
- e. Inmates assigned to the security threat group program will be paid at the rate of \$0.17 an hour.
- f. Inmates assigned to the Phase I or Phase II Transitional Center program shall be paid at the rate of \$0.55 an hour, for a maximum of 30 hours a week. Programming may require more than 30 hours of participation.
- g. Inmates assigned to the Parole Technical Violator Diversion Program shall be paid at the rate of \$0.34 an hour, for a maximum of 30 hours a week. They may be required to work and/or program for more than 30 hours each week.
- h. Inmates assigned to Nashville Works will be paid at the rate of \$0.55 per hour.

C. Attendance

- 1. A full-time work week shall normally consist of 30 hours. Inmates assigned to TRICOR, other state agencies, outside agencies, TDOC Central Office, and community service crews may work 40 hours a week. Scheduled off days in a week may occasionally increase the total number of hours to be worked in a pay period. Part-time program assignments are normally scheduled for one-half the hours per week of a full-time job, excluding meal times, breaks, and count time (unless the inmate(s) actually participates during count time).
- 2. Inmates being supervised by staff will not be paid for more hours than their supervisor works.
- 3. Inmates will not be paid for hours their supervisor considers them on call, but they do not work. (This includes inmate advisors, maintenance workers, etc.)
- 4. Supervisors, including TRICOR staff, shall be responsible for entering the number of hours worked/participated by inmates in TOMIS conversation LJEN, Offender Attendance.
 - a. Attendance shall be entered daily; i.e., no later than the end of the next work shift.

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- b. Program hours on LJEN are actual hours worked per day. Excused hours on LJEN are for hours that an inmate did not work, but will be paid. Entries shall be made to reflect tardiness or any other absence from work in which an inmate shall not be paid. See the chart below:

.1 hour = 6 minutes
.2 hour = 12 minutes
.3 hour = 18 minutes
.4 hour = 24 minutes
.5 hour = 30 minutes
.6 hour = 36 minutes
.7 hour = 42 minutes
.8 hour = 48 minutes
.9 hour = 54 minutes
1.0 hour = 60 minutes

Example: Starting time is 8:00 a.m. If an inmate is less than six minutes late, he/she will be paid from 8:00 a.m. If he/she is six minutes late, he/she will be docked 0.1 hour of pay. (Actual hours on LJEN would be 5.9 hours.) If he/she is 7 to 11 minutes late, he/she will be docked 0.2 hour of pay. Time is always rounded up, never back.

NOTE: For TRICOR workers, entries on LJEN are from sentence credit calculations only. TRICOR pay is located in LJEQ, CET Pay.

- c. Inmate pay (attendance hours) shall not be withheld for poor job performance. Reduction in inmate pay must be addressed through disciplinary procedures. (See Policy #502.01)
- d. Offender Pay Attendance, BI01MEL, shall be signed by supervisors to verify accuracy.

D. Pay/Rate Changes:

1. Job coordinators and job tracking clerks shall determine an inmate's adjusted pay rate if greater than base pay of the skill level and enter it on LJEA, Offender Pay. If the institution does not have a job tracking clerk, one other staff person may be designated as back-up to make the entries on LJEA.
2. Inmates participating in a split education/work program shall be paid the higher of the two pay rates for both programs and shall be tracked in both positions for job-tracking purposes. Inmates in two different part-time jobs will be paid at the appropriate rate for each job.
3. Any promotion in skill/pay level shall result in a one step increase in pay unless a one step increase is below the base rate of the new job's skill level. Then the raise will include enough steps so the inmate will be paid the base rate of pay for the new job. Any inmate promoted within 30 days of their next regularly scheduled annual pay increase shall receive both the annual increase and the normal promotion raise. The annual raise will be calculated first and then the promotional raise.

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- a. An increase in pay will result in a new projected pay raise date beginning with the date of the increase in pay.
 - b. An exception to this is an inmate who is assigned to a higher skilled job and is granted a job change to a lower skilled job at his/her own request, and then is reassigned to a higher skilled job within one year. His/her pay rate will remain the same or will revert back to the pay rate of the previous job, whichever is greater. Time accrued toward a pay raise will be started at the time they received the pay rate they are presently being paid.
4. Inmates who receive a non-disciplinary dismissal or demotion and are reassigned to a lower pay/skill level shall not have their pay reduced unless their previous pay rate is greater than Step 3 of the new assignment. In this case, the pay rate will be reduced to Step 3 of the current assignment.
 5. Inmates who successfully complete the security threat group program shall have their pay rate for their next assignment determined without consideration given to that program due to that program's rate of pay being \$0.17 per hour. If they exit the program without successfully completing it, the inmate will start at the base pay rate of the next assignment and will lose all time accrued toward a raise.
 6. Inmates who do not successfully complete the Transitional Center program will start at the base pay of the next assignment and will lose all time accrued towards a raise.
 7. Inmates who successfully complete a minimum of 270 hours of a pre-release program and have been recommended for parole before or during participation in the pre-release program, or are within one year of their expiration date shall not have their pay rate reduced if/when reassigned. The inmate shall lose the \$0.50 pay rate per Sections VI. (J) and (O) below, or if their parole recommendation is rescinded before his/her release, or if parole is denied. Counselors will be responsible for notifying the job coordinator of rescinded and denied parole recommendations.
 8. Inmates who do not successfully complete an assigned pre-release program and received a non-disciplinary job dismissal shall be paid within the pay level of their next assignment.
 9. Inmates in non-TRICOR jobs must participate in a job assignment for 12 months (not necessarily consecutive) at one pay step to receive a one-step pay raise. This is commonly referred to as an annual raise, even though it may take more than 12 consecutive months to earn it. There is no pay raise above the top step of any skill/pay level.
 10. Justification for all pay rate changes and adjustments will be noted in the comments field on LJE. Adjustment comments must include the pay period involved.

E. Overtime:

1. Inmates who are required to work more than the normal number of hours in any work day shall be excused from working for a corresponding number of hours subsequently during that pay period, if possible.

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2. Inmates shall not work overtime without prior approval by the Assistant Commissioner of Rehabilitative Services (or Chief Operating Officer, or General Manager for TRICOR, if applicable), or for emergencies such as burst water pipes, broken sewage pipes, and power outages. Requests for overtime approval must be submitted in writing from the Warden or director.
3. The maximum number of hours of each month is determined by the number of work days multiplied by 6 or 8 hours. Work schedules with off days during the week may increase the total number of hours an inmate may work.
4. Warden/designee shall submit an inmate overtime report by the 10th of each month to the Assistant Commissioner of Rehabilitative Services and the Inmate Program Specialist for inmates who work over the maximum number of hours during the previous pay period and no pay adjustment was entered to correct the amount to be paid. A copy of this will be provided to the Commissioner's Designee at privately managed facilities.
 - a. The report shall include the inmate's name and number, work area, number of overtime hours worked, justification for the overtime hours, and the amount of monies paid for overtime hours.
 - b. Vacant positions shall not be factored to reduce overtime.
 - c. Inmates paid by TRICOR are excluded.
 - d. If there is no overtime to report for a pay period, a memorandum or E-mail will be sent to reflect same.

F. Inmate Pay Schedule :

1. The inmate payroll period shall begin on the 26th of the month and extend through the 25th of the following month.
2. Inmates shall be paid on the 15th of each month or on the previous workday if the 15th falls on a holiday or weekend.

G. Pay Adjustments:

1. TOMIS conversation LJEAs Offender Pay shall be used to revise an inmate's pay rate and to make pay adjustments.
2. Only the job coordinator or job tracking clerk shall enter pay adjustments on LJEAs. If the institution does not have a job tracking clerk, one other staff member may be designated as a backup.
3. Necessity for pay adjustment shall be included in the comments section including the pay period the adjustment covers.
4. Pay adjustments can be made at the institutions from the date BI01MEF Pay Roster runs each month until the date payroll is released.

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5. Pay adjustment requests may be submitted to the Assistant Director of Fiscal Services/designee in writing from the Warden during the period of time between the release of payroll and the date BI01MEF, Pay Roster, runs. Reason(s) for the necessity of requesting the pay adjustment, rate of pay, number of hours worked but not paid, and total amount of adjustment will be included in the memo. A copy will be sent to the Inmate Program Specialist.
6. Inmate job coordinators shall send the Warden a list of all supervisors who need to have adjustments entered and the number of inmates under their supervision who need pay adjustments keyed. Notification of adjustments shall also be sent to the Inmate Program Specialist.
7. Job coordinators may enter a negative pay adjustment to correct supervisors' data entry errors. It is not the intent of this policy for inmates to work overtime each month and have a negative pay adjustment entered to reduce their pay. [See Section VI.(G)(3) above]
8. Each pay period job coordinators shall compare the pay adjustments keyed with either BI01MKK after payroll is released or check the pay amount on TOMIS LTFE. Discrepancies occur when a TOMIS ID number is keyed incorrectly. TOMIS will accept numbers of inmates who are incarcerated in jails. Discrepancies will be resolved.

H. Exceptions:

1. TRICOR Workers:
 - a. Inmates employed by TRICOR shall not be paid for absences from work. An exception shall be made for inmates receiving a disciplinary infraction report who are prevented from reporting to work by their supervisor, or TDOC staff at the request of a TRICOR supervisor, pending the hearing. Such inmates shall be given back pay by TRICOR if subsequently found not guilty of the infraction. Inmates placed in segregation pending a hearing shall not be paid regardless of the disposition of the disciplinary report. The decision not to allow non-segregated TRICOR workers to report to work pending a hearing is solely at the discretion of the supervisor unless TDOC has security concerns.
 - b. Inmates assigned to TRICOR shall not be paid for time missed from work due to injury or illness, even if job related.
 - c. Inmates assigned to TRICOR who are inmate council or grievance committee members shall not be paid for time missed from work. However, the job coordinator will do a pay adjustment each month at the rate of 0.50 per hour for the number of hours the inmate was away from his/her TRICOR assignment for official reasons in his/her capacity as an inmate council or grievance committee member. The Warden shall designate staff to report the number of hours in writing to the jobs coordinator.
 - d. Inmates who are assigned to positions in the Prison Industries Enhancement (PIE) program will be paid in accordance with TRICOR pay policies and procedures. Section VI.(H)(1)(a-c) above may not apply to these TRICOR workers.

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2. Support and Other Workers:

- a. Inmates convicted of refusing to participate by the Disciplinary Board shall not be paid for the day of the incident.
- b. Inmates unable to participate due to sickness or injury who make less than \$6.00 per pay period and have not had a balance of \$6.00 or more in their trust fund account during the pay period will be given a hygiene kit. (The hygiene kit negates the reason for pay. (See Policy # 208.01)
- c. Inmates who participate on holidays shall be paid. Inmates who do not participate on holidays shall not be paid.
- d. Inmates will be paid for time absent from assigned programs for the following reason(s):
 - (1) Required by the institution to appear as a witness at a disciplinary or grievance hearing
 - (2) Attendance at an inmate council meeting, if a member
 - (3) Attendance at a grievance committee hearing, if a member
 - (4) Segregation pending investigation if released to the population without further action, and still assigned to their position. (See Policy #505.07)
 - (5) Disciplinary hearing, segregation pending disciplinary hearing, or not allowed to attend assigned program pending disciplinary hearing, if subsequently found not guilty or given a verbal warning.
 - (6) Parole Board hearing, excluding revocation hearings
- e. Inmates may be paid for time absent from assigned programs for reasons other than those listed above, if the absence was requested/required by the institution and approved by the Warden/designee. This time will be entered in TOMIS LJEN in the "excused hours" column.
- f. Inmates will not be paid for absences from assigned programs for the following reasons:
 - (1) Sick call, if initiated by inmate. Also includes follow-up clinic visits and job-related injuries.
 - (2) Visitation
 - (3) Religious services or observances
 - (4) Chaplain/counselor appointments, if initiated by the inmate

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- (5) Segregation pending investigation, if resulting in dismissal from program assignment. (See Policy #505.07)
 - (6) Disciplinary hearing, segregation pending hearing, or not allowed to attend assigned program pending hearing, if found guilty, unless the sentence is a verbal warning
 - (7) Grievance hearing
 - (8) Voluntary programs
3. Inmates working for agencies other than the TDOC, whether by contract or not, shall be paid in accordance with the pay/skill level of the job title they are assigned.
- I. Pay for Segregated Inmates:
- 1. Punitive Segregation: Inmates shall not be paid for work performed while actually in punitive segregation. Inmates unable to participate due to a disciplinary conviction which is overturned on appeal shall be paid by the institution for those days missed on which the inmate was scheduled to participate. TRICOR workers shall be paid according to Section VI.(H)(1) under these circumstances.
 - 2. Protective Custody: Inmates who lose an assignment due to the necessity of placement in protective custody shall be paid as closely as possible to their prior position's pay within the correct skill/pay level for their next assignment, whether that assignment is while still segregated or following release and reassignment. If this results in the same or lower pay, time accrued for step raise purposes in the previous assignment shall be retained; if resulting in a pay increase, time to accrue for a step raise shall begin the day of the new assignment.
 - 3. Administrative Segregation: Inmates who become unassigned due to placement in administrative segregation (AS), and who are not placed in that status following a disciplinary conviction, shall be paid in their next assignment according to the procedures in Section VI.(I)(2) above. Time accrued for step raise purposes shall not be retained.
- J. Disciplinary Dismissals and Class A Disciplinary Convictions: The pay for an inmate who is convicted of a Class A disciplinary offense, or who becomes unassigned due to a disciplinary job dismissal, or is transferred or placed on administrative segregation following a disciplinary conviction will have his/her pay reduced to step one of the skill level to which they are assigned. Any time accrued toward a pay raise will be lost. If the inmate is unassigned, this will apply when he/she receives his/her next assignment. (Note: A conviction with a sentence of verbal warning is excluded. See Policy #502.01)
- K. Non-Disciplinary Dismissals:
- 1. Time accrued toward a raise date shall be retained by inmates who receive a non-disciplinary dismissal following reassignment, if the new position results in the same or lower pay.

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2. Inmates who change from positions in TRICOR to support or other positions shall be paid according to the skill/pay level of the new assignment at the step appropriate for the amount of time spent in the previous assigned skill/pay level.
 3. When an inmate receives a job change, including demotion, to a lower skill/pay level, the pay will drop back to within the pay range of the new assignment. If the next assignment is a promotion in pay/skill level, the inmate will only receive a one step raise, unless an additional raise is needed to have the pay be Step One of the new skill/pay level or if the promotion is received in the same month as the yearly raise is applicable.
 4. An inmate must be in an assigned pay/skill level a minimum of 90 days to be eligible to retain that level of pay if reassigned to a lower skill level. If the inmate has not been at that level for 90 days, his pay rate will be at the level it would have been had he not been in the higher rate. The pay rate shall be set without consideration to the promotional pay raise. Time accrued toward a pay raise will be counted.
- L. In-House Job Transfers: Inmates who receive job transfers within an institution due to institutional needs (i.e., change in custody levels acceptable in a work area, change in available programs, need for inmates to accept assignment in a particular area, etc.) may be allowed to retain their prior pay rate for their new assignment if approved, in writing, by the Warden.
- M. Inmates have no right to assignment to a position of the same skill/pay level or pay rate following institutional transfer. In cases of non-disciplinary transfers, an inmate assigned to a job of the same or lower skill/pay level shall be paid at a rate as close to his/her previous pay rate as possible within the new skill/pay level and shall retain time accrued toward projected raise date.
- N. Inmates who return to the TDOC following an absence for any of the reasons listed below shall lose all previously earned privileges, seniority, or status concerning register and placement, advancement, and pay. Pay shall be at Step One of their first assignment.
1. Out on bond
 2. Parole Violation, except pay for inmates participating in the Parole Technical Violator Diversion Program. (See Section VI.(B)(3)(f) above)
 3. New Conviction
 4. Escape
 5. Interstate Corrections Compact
- O. Inmates who lose their minimum direct or trusty custody level due to a disciplinary conviction shall lose all previously earned privileges, seniority, or status concerning register placement, assignment, advancement, and pay. The pay rate shall be at Step One of their present assignment or first assignment if he/she loses the assignment due to the disciplinary conviction/custody level change.
- P. Any inmate presently working with a position title not reflecting duties actually performed shall remain at his/her present status, but the job title shall be changed to comply with the master job list. Any incumbent shall not have pay reduced, but the pay rate for the position shall be consistent with this policy for any replacement.

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- Q. Inmates participating in a split education/work program shall be paid the higher of the two pay rates for both programs, and shall be tracked in both positions for job-tracking purposes. If an inmate is assigned two part-time jobs, the pay rate will be appropriate for each job and may differ.
 - R. Inmates may be paid for the equivalent of only one full-time position.
 - S. A history of inmate pay rates is maintained on TOMIS LJEAs Offender Pay. The use of CR-3396, Inmate Pay Records, is no longer required. However, those that already exist will be maintained in the inmate's program (job) file and disposed of after the inmate's release per Policy #512.01.
 - T. Inmates who occasionally leave the institution to fight fires will be given \$1.00 per hour of participation. Trust fund will use obligation (OBI) to enter the amount of money. It will be noted in the comment section utilized for firefighting participation.
- VII. ACA STANDARDS: 4-4461, 4-4462, and 4-663.
- VIII. EXPIRATION DATE: October 15, 2012.