



ADMINISTRATIVE POLICIES  
AND PROCEDURES  
State of Tennessee  
Department of Correction

Index #: 504.04

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Effective Date: October 1, 2013

Distribution: B

Supersedes: 504.04 (10/15/09)  
PCN 10-9 (4/15/09)

Approved by: Derrick D. Schofield

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). Inmates who are assigned to and actively participating in the SAIU (Special Alternative Incarceration Unit) program are excluded.
- IV. DEFINITIONS:
  - A. Inmate Program Manager (IPM): Central office staff person who oversees the departmental day-to-day operation of inmate jobs and coordinates with other Central Office staff who oversee academic and vocational classes and treatment programs.
  - 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 and with TRICOR's Business and Offender Programs Staff. (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.
  - D. Programs: This includes jobs, classes, and treatment programs.
  - E. Inmate Job Coordinator (IJC): Institutional staff person responsible for coordinating sentence credit policy requirements, assigning inmates to programs, supervising job tracking personnel, assisting in the development of job descriptions, training job supervisors in inmate programming policy requirements, and other related duties.
  - F. Inmate Supervisor: Staff person who is responsible for monitoring inmates' participation in their assigned program, entering accurate attendance, and awarding program sentence credits.
- 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.

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1. Level 0: Inmates without a program assignment. These inmates may be eligible for a hygiene kit. (See Policy #208.01)
2. Level I: Academic and vocational education programs; unskilled jobs involving very little training and/or complexity.
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 and treatment code are established by the Inmate Program Manager in TOMIS conversation LJEK, Job Set-up, and for each class on TOMIS conversation LJEV, Class Set-up.

The base pay rate for inmates who cut grass and work in a garden is \$0.34.

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 of TDOC. 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.
3. Level VI: Inmates assigned to this level shall be paid at Skill/Pay Level I unless noted differently below:

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- 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. Inmates will not be paid for more hours than they participate.
- b. Inmates assigned to the security threat group program will be paid at the rate of \$0.17 an hour.
- c. Inmates assigned to a Transitional Center program shall be paid at the rate of \$0.55 an hour, for a maximum of 30 hours a week.
- d. 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.
- e. Inmates assigned to Mental Health Level IV programs will be paid at the rate of \$0.17 an hour.

C. Attendance

1. A full-time work week shall normally consist of 30 hours. Inmates assigned to TRICOR, other state agencies, outside agencies, and community service crews may work 40 hours a week. Inmates working in food service and maintenance may work 40 hours a week. (See below). Scheduled off days in a week may occasionally increase the total number of hours to be worked in a pay period. Part-time programming is normally scheduled for 15-to-29 hours per week excluding meal times, breaks, and count time (unless the inmate(s) actually participates during count time).
  - a. All inmates in food service and maintenance may be given the opportunity to work up to 40 hours a week; (some inmates/positions will be scheduled to work 30 hours per week and others to work 40 hours per week.)
  - b. It shall be the responsibility of the Warden to decide if the above work areas shall permit inmates to work 30 or 40 hours per week. It is the responsibility of the IJC to inform the IPM of the decision made at the institution.
  - c. The total number of positions for food service and maintenance may be decreased if inmates work 40 hours a week, which may result in a higher unassigned percentage. The IPM shall decide if and/or how many positions shall be inactivated if the total percentage of positions is too high.
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.)

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4. Supervisors, including TRICOR staff, shall be responsible for entering the number of hours worked/participated by inmates in TOMIS conversation LJEN, Inmate Attendance. It is the responsibility of the Warden/designee to ensure TDOC inmate supervisors enter attendance hours correctly. The designee must either be the Deputy Warden or an Associate Warden.

- a. Attendance shall be entered daily; i.e., no later than the end of the next work shift.
- 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: Entries on LJEN for TRICOR workers, are for the calculation of program sentence credits only. TRICOR Prison Industries Enhancement (PIE) programs may be scheduled for less than six hours a day due to required strenuous physical duties. TRICOR will key six hours of attendance for these workers to indicate a full day of work. Entries on LJEN do not affect the pay for these workers. 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. Inmate Pay Attendance, BI01MEL, shall be signed by supervisors to verify their accuracy in entering the hours. Any pay adjustments needed shall be written on this INFOPAC report and returned to the IJC within the time frame set by the IJC.
- e. No inmate will maintain a paper copy of attendance hours for the supervisor to use to enter the data into TOMIS.

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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, Inmate 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. TOMIS access to LJEA is approved by both MIS and the IPM.
2. Inmates in two different part-time assignments will be tracked in both positions and will be paid at the appropriate rate for each assignment. Inmates may be paid for the equivalent of only one full-time position.
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.
  - 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 the 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 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.

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8. Justification for all pay rate changes and adjustments will be noted in the comments field on LJE. Pay rate/pay adjustment comments must include the pay period involved
9. 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.

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.
2. Inmates shall not work overtime without prior approval by the Assistant Commissioner of Rehabilitative Services/designee. Requests for overtime approval must be submitted in writing from the Warden or director. The Warden may approve over time for emergencies such as burst water pipes, broken sewage pipes, and power outages. For TRICOR, inmate overtime shall be approved by the Chief Operating Officer or General Manager.
3. The maximum number of hours of each month is determined by the number of work days multiplied by 6 or 8 hours. Work days in a month routinely vary from 18 to 23 depending on holidays, etc. 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 15<sup>th</sup> of each month to the Assistant Commissioner of Rehabilitative Services and the Inmate Program Manger 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 the report 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, supervisor, 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 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. A memorandum will jointly be issued by Fiscal Services and the IPM for the following fiscal calendar year that provides dates the BI01MEF Pay Roster runs and the payroll is released each month.

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G. Pay Adjustments:

1. TOMIS conversation LJEJA Inmate 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 LJEJA. 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.
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 Manager.
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. It is the responsibility of the Warden to ensure staff enter attendance correctly so pay adjustments are not necessary.
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: Inmates employed by TRICOR shall not be paid for absences from work except for the following reasons:
  - a. An inmate pending a disciplinary hearing who is prevented from working by TRICOR, or by TDOC at the request of TRICOR, shall be given back pay if subsequently found not guilty of the infraction. TRICOR will key the pay adjustment.
  - b. If the conviction of the disciplinary infraction report is subsequently overturned on appeal. TRICOR will key the pay adjustment. Section VI.(H)(1)(a) may not apply to these workers.

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- c. Inmates who are assigned to positions in the Prison Industries Enhancement (PIE) program will be paid in accordance with TRICOR pay policies and procedures and Policy #208.10. Section VI.(H)(1) above applies to these TRICOR workers.

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 who work or participate during a lockdown shall be paid at their regularly assigned pay rate, even though they may work at a different job during the lockdown. Inmates who do not participate during a lockdown shall not be paid.
- e. Inmates will be paid for time absent from assigned programs for the following reason(s). This time will be entered in TOMIS LJEN in the "excused hours" column or a pay adjustment will be keyed if necessary.
  - (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 the conviction is overturned.
  - (6) Parole Board hearing, excluding revocation hearings
- f. Inmates will not be paid for absences from assigned jobs/classes/treatment programs. Below are examples of specific type absences.
  - (1) Sick call, if initiated by inmate. Also includes follow-up clinic visits and job-related injuries.
  - (2) Visitation
  - (3) Religious services or observances

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- (4) Chaplain/counselor appointments, if initiated by the inmate
- (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
- (7) Grievance hearing
- (8) Voluntary programs
- (9) Crews that do not work
- (10) Homework may be substituted for Release for Success and Career Management for Success if the Director or Assistant Director of Education approves. A copy of the approval shall be provided to the institutional IJC and the IPM. Homework must be checked. Hours on LJEN shall be entered in the "Excused" column.
- (11) Inmates on call, such as maintenance workers and inmate advisors.

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. The Disciplinary Board Chairperson shall notify the Inmate Jobs Coordinator by sending a copy of the overturned disciplinary no later than five working days of receipt.
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.

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- 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: Dismissals are “disciplinary” only if the disciplinary board recommends an assignment termination and the recommended is entered in TOMIS LIBL and is approved by the Warden/designee. 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.
  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 may be allowed to retain their prior pay rate for their new assignment if approved, in writing, by the Warden. An example of institutional need would be inmates with a certain charge could no longer work off state grounds and were reassigned.
- 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

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2. Parole Violation, except pay for inmates participating in the Parole Technical Violator Diversion Program.
  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. The title must reflect the associated duties of the job that are performed 51% or greater of the time.
- Q. A history of inmate pay rates is maintained on TOMIS LJEJA Inmate Pay.
- R. 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 1, 2016.

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| Approved by: Derrick D. Schofield  |                              |             |
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POLICY CHANGE NOTICE      15-7

INSTRUCTIONS:

Please add the following to Section IV:

“G. Specialty Crew: For the purpose of this policy only, a specialty crew is a specific group of up to 15 inmate workers assigned to provide construction skills, etc. to complete a temporary project for TDOC.”

Please add the following paragraph at the end of Section VI.(B):

“f. Inmates assigned to Specialty Crews shall be paid at the rate of \$0.75 per hour. If an inmate receives a non- disciplinary dismissal from the Specialty Crew, the inmate’s pay rate will be at the top level/skill of the inmate’s next assignment.”