



ADMINISTRATIVE POLICIES  
AND PROCEDURES  
State of Tennessee  
Department of Correction

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Approved by: Tony Parker

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 Correction (TRICOR). Inmates who are assigned to and actively participating in the SAIU (Special Alternative Incarceration Unit) program are excluded.
- IV. DEFINITIONS:
  - A. Contract Monitor of Compliance (CMC): TDOC employee(s) authorized by the Commissioner to monitor contract compliance at privately managed facilities.
  - B. Contract Monitor of Operations (CMO): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CMO, the CMC assigned to that facility will serve that function. In the absence of both the CMO and CMC at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the correctional administrator (CA). If the CMO is not reachable via phone, the CMC will be contacted. If both the CMO and CMC are unavailable by telephone, the CA shall be contacted for required authorizations or notifications.
  - C. Inmate Jobs Manager (IJM): 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 programs.
  - D. Inmate Worker(s): Inmates who have an assigned activity with duties to perform in return for earning program sentence credits and/or monetary compensation.
  - E. Inmate Job Coordinator (IJC): Institutional staff person responsible for coordinating sentence credit policy requirements, maintaining registers, assigning inmates, supervising job tracking personnel, assisting the supervisors in the development of job descriptions, training inmate job supervisors in related inmate policy requirements, and other related duties.
  - F. Inmate Supervisor: Staff person who is responsible for monitoring inmates' participation in their assignment duties, entering accurate attendance, and awarding program sentence credits.
  - G. Master Job List: Authorized titles, skill levels, and base pay rates of all positions available within the TDOC. This list can be accessed through the offender management system (OMS) conversations LJEK, Job Set Up (including programs), and LJEV, Class Set Up.

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- H. Security Management Unit (SMU): Restrictive population housing unit(s) located inside the secure perimeter of the institution designated for the placement of confirmed STG members and disruptive inmates for the purpose of separating them from the rest of general population.
- I. Sojourner (SOJR): A mental health/cognitive behavioral program designed to reduce violent and problematic behavior among inmates living in restricted housing. SOJR provides a therapeutic environment that facilitates pro-social choices, while also addressing criminal thinking and mental health issues often associated with recidivism.
- J. Specialty Crew: For the purpose of this policy only, a specialty crew is a select group of five to 15 inmate workers assigned to provide specific construction skills, etc. to complete a temporary project for TDOC.
- K. Specialty Jobs: Specific jobs with an advanced degree of complexity and/or a condition requiring successful completion of a test prior to placement.
- V. POLICY: Inmates may receive compensation for participation in assigned jobs, classes, and/or 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. Unskilled: Academic and vocational education programs and unskilled jobs involving very little training and/or complexity.
  2. Semi-skilled: 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.
  3. Skilled: 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 skilled rate.
  4. Highly skilled: Specific jobs designated as highly skilled by the IJM or by a certificate reflecting successive completion of a related vocational class, or by a certified test from an accredited institution showing mastery of a specific skill.

B. Inmate pay scale:

1. Skill/Pay Level	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>
Unskilled	\$0.17 /hour	\$0.25/hour	\$.34/hour
Semi-skilled	\$0.25/hour	\$0.34/hour	\$.42/hour
Skilled	\$0.34 /hour	\$0.42/hour	\$.50/hour
Highly Skilled	\$0.42/hour	\$0.50/hour	\$.59/hour
Specialty Jobs	\$0.75/hour	N/A	\$1.00/hour

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2. Inmates assigned to a specialty crew~~s~~ shall be paid at the rate of \$0.75 per hour. If an inmate receives a non-disciplinary dismissal from a specialty crew, the inmate shall be returned to the same job or skill/pay level. Upon completion of the project, inmates shall be returned to the previous rate of pay.
  3. Any such jobs or positions identified as Specialty Jobs shall be listed in the OMS accordingly. The pay scale for inmates assigned to a job or position within this category shall be \$0.75 to \$1.00 per hour. The Inmate Jobs Manager (IJM) shall ensure that the applicable jobs, treatment and set up codes to identify the positions within this category are established in the OMS.
  4. Requests for specialty crews must be approved in writing by the Warden/Superintendent. The IJM must be provided verification of approval prior to establishment of positions.
- C. Base pay rates for each job program codes are established by the Inmate Program Manager in the OMS section pertaining to Job Set-up, and the section pertaining to Class Set-up.
1. 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.
  2. Inmates assigned to the Security Management Unit Program (SMUP) will not receive any pay during the evaluation period. Upon completion of their evaluation, they will receive \$0.17 per hour with no raises.
  3. Inmates assigned to a medical (MEDI), behavioral health program, or to the Sojourner Program (SOJR) will be paid \$0.17 per hour with no raises.
  4. 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.
  5. Inmates must pass at least three of the five subjects on the Tutor Test to be considered for assignment as a tutor. Inmates hired as a tutor shall be compensated as noted in Section VI.(B)(1) of this policy.
  6. Inmates who pass all five subjects on the Tutor Test and are hired shall be assigned in the OMS as a tutor and shall be paid \$1.00 per hour. Inmates who pass at least three subjects on the Tutor Test and are hired shall be assigned in the OMS as a Tutor II and be paid \$0.75 per hour. Inmates shall be compensated accordingly should they pass all five subjects on the Tutor Test.
- D. 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 up to 40 hours a week. Any work or program scheduled 29 hours or less per week shall be considered part-time.

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- a. Inmates assigned to food service and maintenance may be scheduled to work up to 40 hours a week. It shall be the responsibility of the Warden/Superintendent to determine if an inmate will work more than 30 hours per week. It shall also be the Warden's/Superintendent's responsibility to send a memo to the IJC with cc to the IJM documenting the decision.
  - b. Inmates will not be paid for more hours than their supervisor works. 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.)
2. Supervisors, including TRICOR staff, shall be responsible for entering the number of hours worked/participated by inmates in OMS section pertaining to Inmate Attendance. It is the responsibility of the Warden/Superintendent/designee to ensure TDOC inmate supervisors enter attendance hours correctly.
- a. Attendance shall be entered daily; i.e., no later than the end of the next work shift.
  - b. The OMS Offender Attendance screen reports are actual hours worked per day. Excused hours 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 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 down.

NOTE: Attendance entries for TRICOR workers are for the calculation of program sentence credits only. TRICOR Prison Industries Enhancement (PIE) jobs may be scheduled for less than six hours a day due to strenuous physical duties. TRICOR will key six hours of attendance for these workers to indicate a full day of work. Attendance does not affect the pay for these workers. TRICOR pay is located in the OMS.

- c. Neither inmate pay nor attendance shall be withheld for poor job performance. Reduction in inmate pay must be addressed through disciplinary procedures. This includes preventing an inmate from working certain hours or days in order to decrease pay. (See Policy #502.01)

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- d. The Inmate Pay Attendance Report shall be signed by supervisors to verify their accuracy in entering the hours. Any pay adjustments needed shall be written on this report and emailed or 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 the OMS.

E. Pay/Rate Changes:

1. The IJCs and job tracking clerks shall determine an inmate's adjusted pay rate if greater than base pay of the skill level and enter it in the OMS section pertaining to 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 in the OMS. OMS access to Inmate Pay is approved by both STS and the IJM.
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 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. An increase in pay will result in a new projected pay raise date beginning with the date of the increase in pay.
4. Inmates who successfully complete the SMU Program shall be paid at the specified rate for their next job assignment.
5. Program participants assigned to a transition center will be paid at the rate of \$0.34 per hour in phase one, \$0.42 in phase two, and \$0.50 per hour in phase three, until such time that they receive a work release job assignment. Support workers will be paid at the rate of their assigned job.
6. Inmates who do not successfully complete any assigned 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 to receive a one-step pay raise. This is commonly referred to as an annual raise. There is no pay raise above the top step of any skill/pay level.
8. Justification for all pay rate changes and adjustments will be noted in the comments field in the OMS on LJE. Pay rate/pay adjustment comments must include the pay period involved.
9. Inmates working for state agencies other than the TDOC shall be paid in accordance with the pay/skill level of the job title to which they are assigned.

F. 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 written approval of the Warden/Superintendent/designee. Overtime for inmates working for TRICOR shall be approved by the Chief Operating Officer or Operations Manager.
3. The maximum number of hours of each month is determined by the number of work days multiplied by six or eight 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. The IJC shall submit an inmate overtime report by the 15<sup>th</sup> of each month to the Warden/Superintendent and copy the IJM 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 CMO and the CMC 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. Inmates paid by TRICOR are excluded.
  - c. If there is no overtime to report for a pay period, a memorandum will be sent to reflect same.

G. Inmate Pay Period:

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 be jointly issued by Fiscal Services and the IJM for the following fiscal calendar year that provides the dates the BI01MEF Pay Roster runs and the payroll is released each month.

H. Pay Adjustments:

1. The OMS section pertaining to Inmate Pay shall be used to revise an inmate's pay rate and to make pay adjustments.
2. Only the IJC or job tracking clerk shall enter pay adjustments. If the institution does not have a job tracking clerk, another staff member may be designated as a backup.
3. Necessity for pay adjustment shall be included in the comments section in the OMS, including the pay period and the number of hours the adjustment covers.
4. Pay adjustments can be made at the institutions from the date the 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/Superintendent during the period of time between the release of payroll and the date, the pay Roster runs. The necessity of the pay adjustment, rate of pay, the 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 Jobs Manager (IJM).
6. The IJC shall send the Warden/Superintendent a list of all supervisors who need to have adjustments entered each month, the number of inmates under their supervision who need pay adjustments keyed, and the reason for the pay adjustment. It is the responsibility of the Warden/Superintendent to ensure that staff enter attendance correctly so that pay adjustments are not necessary.
7. The IJC 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.(H)(3) above.]
8. Each pay period the IJCs shall compare the pay adjustments keyed after payroll is released or check the pay amount in the OMS. Discrepancies occur when an OMS ID number is keyed incorrectly. The OMS will accept numbers of inmates who are incarcerated in jails. Discrepancies will be resolved.

I. Exceptions:

1. TRICOR Workers: Inmates employed by TRICOR shall not be paid for absences from work except for the following reasons:
  - a. If an inmate was absent due to a disciplinary infraction initiated by TRICOR, in which the inmate was found not guilty or was subsequently overturned, then TRICOR will be responsible for keying back pay.
  - b. If an inmate was absent due to a disciplinary infraction initiated by TDOC, in which the inmate was found not guilty or was subsequently overturned, then TDOC will be responsible for keying back pay.
  - c. Inmates who are assigned to positions in the Prison Industries Enhancement (PIE) jobs will be paid in accordance with TRICOR pay policies and procedures and Policy #208.10.
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 who participate on holidays shall be paid. Inmates who do not participate on holidays shall not be paid.
  - c. Inmates will be paid for time absent from assigned duties for the following reason(s):
    - (1) Required by the institution to appear as a witness at a disciplinary or grievance hearing

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- (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.
  - (7) This time will be entered in the OMS in the "excused hours" column or a pay adjustment will be keyed if necessary and sentence credits will be requested as needed.
- d. Inmates will not be paid for absences from assigned duties except as provided in VI.(I)(2)c). Below are examples of specific absence types for which inmates will not be paid.
- (1) Sick call visits including follow-up and job-related injuries, if initiated by inmate.
  - (2) Visitation
  - (3) Religious services or observances
  - (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) No participation or programming in school due to absence of teacher or instructor
  - (11) Inmates who do not work during a facility lockdown or restrictive movement situations.



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J. Pay for Segregated Inmates:

1. Punitive Segregation: Inmates shall not be paid for work performed while actually in punitive segregation. Inmates not permitted to work due to a disciplinary conviction that is subsequently 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.(I)(1) under these circumstances. The Disciplinary Board Chairperson shall notify the IJC 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.(J)(2) above. Time accrued for step raise purposes shall not be retained.

K. 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 dismissal, or is transferred or placed on administrative segregation following a disciplinary conviction shall 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 recommendation is entered in the OMS and is approved by the Warden/designee. A conviction with a sentence of verbal warning is excluded. See Policy #502.01)

L. Non-disciplinary Dismissals:

1. The pay/skill level for inmates receiving non-disciplinary dismissals, demotions, or in the case of non-disciplinary transfers shall be the same as or as close to the previous pay/skill level as possible, upon reassignment. See Section VI.(B) of this policy for specialty crews.
2. Time accrued toward a pay raise date shall be retained following reassignment, if the new assignment results in the same or lower pay/skill level per Policy #505.07.

M. Inmates returning to TDOC custody following release shall lose all previously earned privileges, seniority, or status concerning register and placement, advancement, and pay.

N. 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.

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- O. Any inmate presently working with a position title not reflecting duties actually performed shall remain at his/her present status; however, the job title shall be changed in order 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.
- P. A history of inmate pay rates is maintained in the OMS LJEI Inmate Pay.
- Q. Inmates are not guaranteed the right to an assignment in a position of the same skill/pay level or rate following an institutional transfer.
- R. The CMO will serve as the approving authority for specific actions occurring at privately managed facilities.

VII. ACA STANDARDS: 4-4461, 4-4462, and 4-663.

VIII. EXPIRATION DATE: January 15, 2022.