



Virginia Department of Corrections

Offender Management and Programs

Operating Procedure 841.2

Offender Work Programs

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2-CI-4A-3, 2-CI-4A-8, 2-CI-4A-9, 2-CI-5A-1,
2-CI-5A-3, 2-CI-5A-8; 2-CO-5A-01; §115.42

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

Table of Contents

| | |
|---|----|
| DEFINITIONS | 3 |
| PURPOSE | 4 |
| PROCEDURE | 4 |
| I. Institutional Offender Work Programs | 4 |
| II. Work Program Assignment Reviewer | 5 |
| III. Establishment of Offender Jobs | 6 |
| IV. Notice of Job Openings | 7 |
| V. ABE Eligibility for Institutional Job Assignment | 7 |
| VI. Application/Referral for Job Openings | 8 |
| VII. Selection and Assignment of Offenders to Jobs | 8 |
| VIII. Work Supervisor Responsibilities | 9 |
| IX. Eligibility and procedures for job changes and promotions | 10 |
| X. Procedures for removing offenders from job assignments | 10 |
| REFERENCES | 10 |
| ATTACHMENTS | 11 |
| FORM CITATIONS | 11 |

DEFINITIONS

Community Service Work Assignment - A work assignment that allows an offender to discharge all or part of their court ordered fines and costs by performing community service work as ordered by the court

Facility Unit Head - The person occupying the highest position in a DOC residential facility, such as an institution, field unit, or community corrections facility (150.4, 320.3, 401.3, 445.1, 701.1, 841.2, 940.4

Institution - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers

Master Job Index - A listing in VACORIS of all offender jobs at the facility including information such as job title, pay grade level, approved number of positions, default hours, etc.

Outside Work Assignment - Any offender job assignment in which the offender is assigned to work outside of a facility security perimeter

Program Assignment Reviewer (PAR) - The facility staff person designated to conduct informal offender case review hearings such as outside work classification, job assignments/removals, academic/vocational assignments/removals, and assignments/removals from treatment programs; the Work PAR is the person with primary responsibilities relating to the offender work program.

PURPOSE

This operating procedure provides guidance to staff and offenders for the operation and management of offender work programs in Department of Corrections (DOC) institutions.

PROCEDURE

- I. Institutional Offender Work Programs
 - A. This operating procedure applies only to DOC institutions. See Operating Procedure 940.4, *Community Corrections Alternative Program*, for information related to offender physical labor in organized work projects and the structured residential work program offered at a Community Corrections Alternative Program (CCAP).
 - B. Operating Procedure 425.1, *Outside Work Assignments*, Operating Procedure 601.5, *Academic Programs*, Operating Procedure 601.6, *Career and Technical Education Programs*, Operating Procedure 841.1, *Offender Programs and Services*, and this operating procedure serve as the written plan for full-time comprehensive work and/or program assignments for all general population offenders as required by COV §53.1-32.1, *Classification system; program assignments; mandatory participation*. (5-ACI-7A-01; 4-4448; 2-CO-5A-01)
 - C. Each institution should prepare and maintain an Implementation Memorandum to this operating procedure specifying procedures for an offender to obtain, change, or be terminated from a job.
 - D. All eligible offenders are expected to work and/or participate in an approved education or training program. Any offender refusing to participate in any required educational, vocational, counseling services program, or work assignment specified in their *Re-entry Case Plan*; see Operating Procedure 820.2, *Re-entry Planning*, will be reduced to Good Time Class Level IV; see Operating Procedure 830.3, *Good Time Awards*. (5-ACI-7A-02; 4-4449)
 - E. Each institution provides a variety of work assignments, appropriate to its mission, including opportunities for offender employment in correctional industries, facility maintenance, operations, public works, or community projects that afford offenders an opportunity to learn job skills and develop good work habits and attitudes that they can apply after they are released. (5-ACI-7A-03, 5-ACI-7A-04; 4-4451, 4-4452)
 - F. Each institution's *Orientation Manual* or *Packet* provides offenders with general information on the work program to include offender jobs available at the institution and the process for obtaining jobs. (2-CI-4A-9)
 - G. Staff operating offender work programs use the advice and assistance of labor, business, and industrial organizations to assist in providing skills relevant to the job market (5-ACI-7A-05; 4-4453)
 - H. COV §53.1-41(B), *Opportunities for work and career and technical education*, requires the DOC to withhold funds from offender pay to be applied toward any court imposed fines, costs, forfeitures, restitution, or penalties the offender may owe.
 1. To receive offender pay, each offender must sign the [Offender Pay Withholding Agreement](#) 841_F14 to document their agreement to have 5% of their offender pay withheld to be applied toward any Court imposed fines, costs, forfeitures, restitution, or penalties that the offender owes.
 2. Offender pay includes wages paid for program participation including work, treatment, and education.
 3. Such payment will be held in the offenders Inmate Trust account and will be disbursed to the Courts annually or upon the offenders release from incarceration.
 4. This withholding will be in addition to any withholdings required by a specific order such as for child support or court filing fees.
 5. Refusal to sign does not excuse an offender from any requirements to participate in work, treatment, or educational programs, but the offender will not receive payment for participation.
 - I. The offender workday should approximate the workday in the community. (5-ACI-7A-06; 4-4454)

- J. DOC, another agency, or contract staff will supervise offender workers at all times to ensure no offender or group of offenders is given control or authority over other offenders. (5-ACI-3A-08; 4-4182)
- K. Offenders must be compensated for work performed; offender compensation will be in accordance with the processes established by the DOC Financial Management and Reporting Unit, General Accounting office. (5-ACI-7A-13; 4-4461; 2-CI-4A-8)
 - 1. Participation in work programs is a factor in an offender's evaluation for good time awards; see Operating Procedure 830.3, *Good Time Awards*, and other incentives such as honor dorm housing and extra privileges in accordance with local procedure and practice.
 - 2. Private industries on institution grounds that employ offenders in positions normally filled by private citizens must pay offenders the prevailing wage rate for the position occupied. (Not applicable unless the institution has private industries on the institutional grounds) (5-ACI-7A-14; 4-4462)
- L. All institutional work, industry, and vocational education programs will meet minimum applicable federal, state, or local work, health, and safety standards; see Operating Procedure 303.1, *Department Safety Functions*. (5-ACI-7A-07; 4-4455)
 - 1. Federal, state, and/or local health and safety officials inspect such programs at least annually; all inspections must be properly documented.
 - 2. Qualified institutional staff inspect the programs weekly and programs are further inspected monthly by a designated safety officer.
- M. Work program requirements do not apply to offenders assigned to Reception and Diagnostic centers Requirements for 90 days or less.

II. Work Program Assignment Reviewer

- A. Each institution should designate a staff position to serve as the Work PAR with primary responsibility for the management and operation of the institution's offender work program.
- B. The institution Work PAR should be responsible for:
 - 1. Facilitating the establishment of offender jobs with the approval of the Facility Unit Head or designee
 - 2. Ensuring that the work classification for each offender is accurate and documented in VACORIS, prior to assigning an offender to a job
 - a. Security Level W, 1, and 2 offenders eligible for an Outside Work Assignment must be assigned to the appropriate work classification in accordance with Operating Procedure 425.1, *Outside Work Assignments*.
 - b. Security Level 3 and above offenders and offenders determined to be ineligible for an Outside Work Assignment must be assigned to a work classification of "No Outside Work".
 - 3. Maintaining the *Master Job Index* in VACORIS listing all approved offender jobs and maintaining offender employment within levels authorized on the *Master Job Index*
 - 4. Maintaining a listing of current and expected job vacancies with input from work supervisors
 - 5. Managing advertisement of job vacancies, if applicable
 - 6. Receiving offender applications and/or supervisor recommendations for offenders to be assigned to job vacancies, if applicable
 - 7. Determining if offenders are eligible for the vacant job based on factors such as security level, medical classification, work classification, and offense history
 - 8. Consulting with Mental Health staff to determine if offenders are suitable for the vacant job based on such factors as the offender's current mental health status and compliance with their treatment plan, when necessary
 - 9. Determining if offenders are suitable for the vacant job based on factors such as skills, experience, aptitude, and work history

10. Reviewing the *Classification Assessment* in VACORIS, and ensuring that those offenders at high risk of being sexually victimized are separated from those at high risk of being sexually abusive (§115.42[a])
11. Assigning offenders to appropriate jobs including obtaining necessary approvals and making appropriate notifications to the security staff, work supervisor, Business Office, and the offender
12. Receiving and properly handling requests for job removals and reassignments
13. Maintaining proper documentation and records relating to the institution's work programs
14. Compiling and submitting reports related to the institution's work program as required

III. Establishment of Offender Jobs

- A. The establishment of each offender job must be documented on an [*Offender Work Program Position Description*](#) 841_F15. Multiple jobs with the same eligibility requirements and duties may be documented on the same *Position Description* by listing the total number of jobs approved.
- B. Each *Offender Work Program Position Description* should contain the following information:
 1. Position Title - Give each position a unique title that relates and generally describes the work normally performed e.g., Assistant Baker, DCE Aide, Barber
 2. Work Location - Provide as much detail as necessary and indicate the physical building, office, room, floor or space where an offender will routinely work. This information should not be in the Position Title description.
 3. Work Hours - Indicate the default work hours per week
 4. Work Schedule - Briefly indicate the hours (shift) and days, the offender will normally be expected to work and whether the schedule may vary.
 5. Job Classification Code and Job Category
 6. Job Grade Level - Indicate the appropriate grade as established by the General Accounting office of the Financial Management and Reporting Unit
 - a. Grade Level I (Unskilled) - \$0.27 per hour - Offenders at this level do not make independent decisions on a regular basis. Unskilled offenders perform general labor or assist other workers by performing a variety of duties such as furnishing other workers with materials, tools and supplies, and cleaning work areas, machines and equipment.
 - b. Grade Level II (Semi-skilled) - \$0.35 per hour - Offenders at this skill level must exercise some independent decision making capability. Semi-skilled offenders learn through oral or written instructions a recognized trade or craft. Offenders in this grade should gain an acceptable level of performance, not of a complex nature, within a six-month period.
 - c. Grade Level III (Skilled) - \$0.45 per hour - This skill level requires an offender to make independent decisions. These offenders have completed a specific training program in learning a trade or craft. Additionally, Level III workers are capable of managing work projects, to include providing recommendations to improve efficiency and work procedures.
 - d. Unemployed students, workers in Virginia Correctional Enterprises, and certain other classifications receive other pay rates.
 - e. Offenders working and in school will be paid for the hours they attend school at the same rate of pay as for their job not to exceed \$.45/hr. up to a maximum of 30 hours total per week (120 hours per month for CCU and VCE workers) for school and work.
 7. Supervisor - Indicate by job title or post the staff member who will supervise and evaluate the offender's work performance.
 8. Approvals Required for Assignment - The Facility Unit Head must be the approval authority for work assignments outside the designated security perimeter; this authority may be delegated to the Assistant Facility Unit Head for Work Centers. The Chief of Security must approve work assignments inside

the designated security perimeter but outside the housing unit.

9. Eligibility Criteria; see Operating Procedure 425.1, *Outside Work Assignments*, for work assignments outside the security perimeter
 - a. Security Level
 - b. Offense History (felony convictions and disciplinary infractions)
 - c. Work Classification
 - d. Medical Classification
 - e. Medical (physical required)
 - f. Previous Work History
 - g. Participation in Adult Basic Education (ABE) or a valid exemption is a hiring condition for all ABE eligible offenders; see the *ABE Eligibility for Institutional Job Assignment* section of this operating procedure.
 10. Suitability Criteria
 - a. Work Experience
 - b. Skills, Aptitude
 11. Job Duties and Responsibilities - Describe the general and specific job duties and responsibilities the offender will be expected to perform. A general phrase such as “Perform other duties as required by the work area supervisor” may also be added. (2-CI-4A-1)
- C. The Work PAR will be responsible for obtaining the administrative approval as designated by this procedure for each *Position Description*, maintaining a file of all approved *Offender Work Program Position Descriptions* and compiling them into the institution’s *Master Job Index*.

IV. Notice of Job Openings

- A. As applicable, the Work PAR will provide notices of job openings for posting in applicable housing area(s) and other appropriate places for offender access.
- B. In institutions that rely on supervisor referrals, the Work PAR will communicate with work supervisors concerning current or pending vacancies.

V. ABE Eligibility for Institutional Job Assignment

- A. Effective April 6, 2015, offenders at Security Level 2 and higher institutions who are ABE eligible must be enrolled in ABE classes or on an initial waiting list to be eligible for an institutional job assignment.
 1. Offenders who are on a waiting list due to removal from ABE class are not eligible for an institutional job assignment.
 2. In Security Level 1 institutions and work centers, exceptions may be granted or alternative job/class schedules developed to maximize student participation.
- B. Offenders employed prior to April 6, 2015 are not required to meet the academic requirement for continuing their employment in the same job or for a promotion into a related job.
 1. ABE eligible offenders who change jobs will be subject to the academic requirements.
 2. Reasonable efforts should be made to allow offenders currently working, an opportunity to earn their General Education Diploma (GED).
 3. ABE eligible offenders who are removed from an academic class will be terminated from their job and are ineligible for earning good time, transfer requests, housing in an honor pod, or receiving special incentives.
 - a. In addition to any other offenses that may be related to the removal, the Academic Teacher will charge the offender with Offense Code 200, *Refusing to work or refusing to attend school or other program assignments mandated by procedure or by law, or failure to perform work or program*

assignment as instructed.

- b. the Academic Teacher will notify the work PAR to remove the offender from any institutional job assignment, and refer the offender to the ICA to reduce the offender to Good Time Class IV.
 - c. The offender must request to be placed on the waiting list, but will remain ineligible for work until they enroll in class.
4. Exceptions to the academic requirement may be granted for those offenders working for Corrections Construction Unit (CCU), Infrastructure and Environmental Management Unit (IEMU), Environmental Management, or for an offender in an institutional job assignment deemed critical by the Facility Unit Head. Jobs to be exempted will be reviewed annually by the Facility Unit Head, and forwarded to the Regional Operations Chief, and to the Chief of Corrections Operations for final approval.
 5. Students exempted from academic classes by the principal will be eligible for institutional job assignment.

VI. Application/Referral for Job Openings

- A. As applicable, in institutions that accept offender applications, the offender will be required to submit a completed [Offender Work Program Job Application](#) 841_F5 within the period specified in the notice of job openings. In general, a deadline of at least one week should be provided for submission of applications.
- B. In institutions that rely on supervisor referrals, the work supervisor should submit to the Work PAR one or more offenders (name, number, and housing unit) for each opening.
- C. Some institutions may maintain waiting lists for work assignment based on requests, applications, or Counselor referrals submitted to the Work PAR.
- D. Some institutions may assign offenders to jobs as vacancies or suitable offenders become available without any action by the offender or work supervisor.

VII. Selection and Assignment of Offenders to Jobs

- A. The Work PAR will review all offender applications, referrals, and other available sources of offenders for vacant jobs, confirming as needed the eligibility, suitability, and qualifications of each offender. Discrimination based on an offender's race, religion, national origin, sex, disability, or political views for institutional jobs assignments is prohibited. (5-ACI-3D-04, 5-ACI-7A-01; 4-4277, 4-4448; 2-CI-5A-1, 2-CI-5A-3)
 1. Each institution's offender work program must provide for the employment of offenders with disabilities as appropriate to the institution's mission and offender population.
 - a. Offenders with disabilities must meet the requirements and be able to perform the specific job duties and responsibilities provided on the [Offender Work Program Position Description](#) 841_F15.
 - b. Offenders with an accommodation for their disability who meet the requirements of the position and are able to perform the specific job duties and responsibilities must be considered for the job assignment.
 2. Under no circumstances, will offenders be placed in a job assignment that jeopardizes their safety or security or the safety and security of others.
- B. The most suitable available offender should be designated for assignment to each vacant job.
- C. The Work PAR will document all job assignments and removals on the [Job Assignment Docket](#) 841_F6.
- D. After obtaining appropriate approvals for the job assignments, the Work PAR will make the necessary entries in VACORIS, provide notifications of job assignment and start date to the work supervisor, Business Office, offender, and others as appropriate.

VIII. Work Supervisor Responsibilities

- A. The work supervisor will maintain a roster of all offenders, their work assignments and their assigned supervisors.
- B. Each offender will receive proper instruction and appropriate training on the required job duties.
- C. The work supervisor will ensure that personal protective equipment and other safeguards are in place and properly used to meet applicable federal, state, or local work, health, and safety standards.
 1. The work supervisor will arrange for the issuance of special and, when appropriate, protective clothing and equipment to offenders assigned to the institution's food service, hospital, farm, garage, physical plant maintenance shops, and other special work details. (5-ACI-5D-09; 4-4337)
 2. As needed to ensure compliance with established work place protocols, the work supervisor will conduct periodic observations of the offender workforce to ensure that protective equipment is used properly.
 3. Special and protective clothing and equipment will be replaced as needed to maintain a safe, healthy work environment.
- D. The work supervisor must maintain work schedules that ensure necessary jobs are completed on time while allowing for offender participation in their scheduled religious activity and required educational and treatment programs.
 1. Work Supervisors must make accommodations to allow offenders to perform their personal prayers, individually during scheduled breaks, provided such prayers do not interfere with institutional count, movement times, and other security operations.
 - a. Personal prayers should be conducted in a designated location at the work site and be observable by staff; allowing the offender to leave the work site to pray is not required.
 - b. When leaving the work site is permitted, the offender must be under staff observation.
 - c. Offenders who wish to perform their personal prayers may do so individually during their scheduled break times.
 - d. Institution accommodations that allow offenders to utilize communal or personal religious items (prayer rug, religious books, oils, etc.) to perform individual prayers is not required.
 2. Facilities and work supervisors must employ the least restrictive means available in order to permit an offender's absence from their assigned work site to attend their religious activity while ensuring that the essential duties and responsibilities of the job will continue to be satisfied and the safety, security, and operational needs of the institution will continue to be met.
- E. The work supervisor should model and manage offender workers on proper work ethic, work performance, work habits, work values, problem solving/appropriate resolution, etc., as is expected in the workforce in society. (2-CI-5A-8)
- F. Work Supervisors are not required to submit evaluations of offender workers; in determining Good Time Award Level, all offenders holding a job will be assumed to be performing adequately in that job; see Operating Procedure 830.3, *Good Time Awards*. Work supervisors may use the following tools to manage offender work behaviors:
 1. Instruct and encourage for better performance
 2. Counsel the offender on inadequate or inappropriate performance
 3. Suspend an offender from their job assignment temporarily for up to 30 days without Work PAR action; work supervisor, sergeants or higher rank, or other positions/ranks as designated by the Facility Unit Head, only. Suspensions related to offender workers receiving a work release and/or parole denial may be more than 30 days.
 4. Initiate a *Disciplinary Offense Report* in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*, for offenders who violate provisions of the offender disciplinary procedure.

5. Submit an [Offender Work Program Job Counseling/Suspension and Termination](#) 841_F16 to the Work PAR to have the offender removed from the job.
 - G. An [Offender Payroll System Exception Report](#) 841_F17 must be prepared and submitted as required by the institution's Implementation Memorandum to document offenders who did not work the default hours for the position.
 - H. The work supervisor should maintain communication with the Work PAR concerning potential vacancies, promotions, etc.
- IX. Eligibility and procedures for job changes and promotions
- A. The institution's Implementation Memorandum should address institution specific tenure requirements and procedures for offenders to request job changes and promotions.
 - B. Offenders employed prior to April 6, 2015 are not required to meet the academic requirement for a promotion in a related job.
- X. Procedures for removing offenders from job assignments
- A. Only the Work PAR can remove an offender from a job assignment.
 - B. The institution's Implementation Memorandum should address:
 1. Institution specific requirements and documentation for work supervisors or the institution administration to suspend an offender from a job assignment pending removal; see [Offender Work Program Job Counseling/Suspension and Termination](#) 841_F16.
 2. The process and any specific requirements on submitting the [Offender Work Program Job Counseling/Suspension and Termination](#) 841_F16 to the Work PAR for job removal
 3. The Work PARs responsibility to act on the request, obtain necessary approvals, and make notification to all involved parties as for a job assignment.
- XI. Community Service Work Assignments
- A. Each Security Level W and 1 institution's Implementation Memorandum must provide institution specific information on the provision of Community Service Work Assignments; see COV §19.2-354, *Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.*
 - B. The Implementation Memorandum must include at a minimum the following information:
 1. The institution position designated to oversee, coordinate, and manage community service assignments and hours for the institution.
 2. All locations where community service hours will be performed and the duties and responsibilities of the position.
 3. The established days and hours for the work assignment and any supervision requirements.
 - C. Community service work assignments are outside the institution perimeter and are subject to the requirements of Operating Procedure 425.1, *Outside Work Assignments.*
 - D. In order for an offender to be eligible to earn credit for the performance of community service work, the offender must have been sentenced by the court to perform community service hours after July 1, 2020.
 1. The rate at which credits are earned and the manner for applying earned credits against the offender's fines and/or costs is determined by the court.
 2. Institution staff will be responsible for recording the community service hours for each offender in VACORIS and reporting the hours to the court at a frequency determined by the court.
 3. Offender institution work assignments and outside work assignments for which the offender is paid

wages are separate from community service work assignments and must not be reported as community service hours.

REFERENCES

COV §19.2-354, *Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.*

COV §53.1-32.1, *Classification system; program assignments; mandatory participation*

COV §53.1-41, *Opportunities for work and career and technical education*

COV §53.1-45, *Sale of prison goods and services; print shop*

COV §53.1-45.1, *Work programs; agreements with other entities*

COV §53.1-54, *Charges and catalogue; annual estimates of requirements by departments, etc.*

Operating Procedure 303.1, *Department Safety Functions*

Operating Procedure 425.1, *Outside Work Assignments*

Operating Procedure 601.5, *Academic Programs*

Operating Procedure 601.6, *Career and Technical Education Programs*

Operating Procedure 820.2, *Re-entry Planning*

Operating Procedure 830.3, *Good Time Awards*

Operating Procedure 841.1, *Offender Programs and Services*

Operating Procedure 861.1, *Offender Discipline, Institutions*

Operating Procedure 940.4, *Community Corrections Alternative Program*

ATTACHMENTS

None

FORM CITATIONS

[Offender Work Program Job Application](#) 841_F5

[Job Assignment Docket](#) 841_F6

[Offender Pay Withholding Agreement](#) 841_F14

[Offender Work Program Position Description](#) 841_F15

[Offender Work Program Job Counseling/Suspension and Termination](#) 841_F16

[Offender Payroll System Exception Report](#) 841_F17