
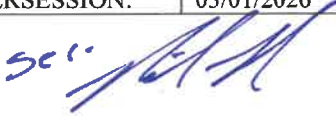


SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 400-10	PAGE NUMBER 1 OF 6
		DISTRIBUTION:	Public
		SUBJECT:	Offender Work Assignments and Pay
RELATED STANDARDS:	ACA 5-ACI: 7A-01, 7A-02, 7A-03, 7A-07(M), 7A-13, 7A-14	EFFECTIVE DATE:	July 01, 2026
		SUPERSESSION:	03/01/2026
DESCRIPTION: Offender Services	REVIEW MONTH: February	 <b>NICK LAMB</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

Offenders may be assigned to any work in which the State of South Dakota or any of its political subdivisions are engaged in, or have an interest in, pursuant to SDCL. Offenders may receive monetary compensation for work performed under SDCL § [24-4-7](#), pursuant to SDCL § [24-4-9](#), or be required to perform reasonable institutional work assignments without compensation as a condition of confinement, or a sanction for misconduct.

## II. PURPOSE

The purpose of this policy is to establish non-discriminatory procedures for the referral, assignment, and termination of work assignments, and the request for reasonable accommodations. The policy further outlines the guidelines for pay eligibility and rates.

## III. DEFINITIONS

### Community Service Project Work Assignment:

A work assignment where gate pass eligible offenders who are housed at minimum centers and are not participating in work release may be assigned to work for a short term, temporary community project as approved by the warden or associate warden of the minimum center. The community project must be associated with a non-profit organization or a state or local government entity and include work for natural disasters.

### Institutional Work Assignment:

A work assignment which contributes to the day-to-day operation of the institution (building maintenance, food service, grounds, janitorial/housekeeping duties, snow removal, etc.).

### State and Local Government Work Assignment:

Allows qualifying offenders to work in the community and provide labor to state and local governments. Offender must be gate-pass eligible to work outside the secure perimeter of a correctional facility unless otherwise approved by the secretary of corrections or designee.

## IV. PROCEDURES

### 1. Applicability:

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- A. ***The institution maintains a written plan for full-time work and/or program assignments for all offenders in the general population. The plan also provides for employment for offenders with disabilities [ACA 5-ACI-7A-01].*** Each offender who is physically and mentally able may be assigned to institutional work including offenders with disabilities. In addition to institutional work, eligible offenders may pursue full or part-time work opportunities within Pheasantland Industries (PI), private employment through the Prison Industry Enhancement Certification Program (PIECP), the South Dakota Housing Development Authority (SDHDA) Governor's House Program, by another state agency, on community service projects, or on work release in the community.
- B. Offenders are expected to perform all assigned work tasks diligently and conscientiously. Participation in required education courses or programming shall take precedence over participation in institutional work. Offenders who refuse to work, evade attendance, or whose performance is deemed inappropriate, are subject to disciplinary action. ***Offenders have the option of refusing to participate in any rehabilitation or treatment program except adult basic education and programs required by statute or ordered by the sentencing court or paroling authority [ACA 5-ACI-7A-02].***
- C. ***The institution provides a variety of work assignments that afford offenders an opportunity to learn job skills and develop good work habits and attitudes that they can apply to jobs after they are released [ACA 5-ACI-7A-03].***
- D. The DOC may expend any money appropriated by the Legislature for maintenance, repair, remodeling, modernization, and replacement projects using offender labor, as deemed appropriate and feasible by the secretary of Corrections (SOC). Offenders assigned institutional work may be assigned to special construction projects or renovation projects within the secure perimeter of DOC institutions.
- E. Offenders assigned to any DOC work program outlined in this policy will be under the supervision of staff trained in the supervision of offenders who are familiar with the requirements of DOC policy. Offenders will have sufficient knowledge, skill, and ability to adequately complete the work tasks assigned to them. Special training may be provided, as deemed necessary and appropriate.
- F. ***All institutional work, industry, and vocational education programs meet minimum applicable federal, state, or local work, health, and safety standards [ACA 5-ACI-7A-07 (M)].*** Offender work assignments shall adhere to applicable health and safety requirements. Safety equipment shall be made available to offender workers, as deemed appropriate and necessary by the supervisor. All institutional, Pheasantland Industries, PIECP, SDHDA, community service projects, and state government work shall meet minimum applicable federal, state, or local codes and laws. Work sites will be inspected regularly to identify deficiencies and hazards. Special training may be provided to offenders by supervisors, as required.
- G. Offenders are expected to perform work assignments in a safe manner, consistent with training and staff directives. Offenders will appropriately utilize safety equipment provided, as directed by the supervisor. In the event of any work-related injury, offenders must immediately notify their supervisor.
- H. No offender has an implied right or expectation to work in any particular job or assignment. Offenders are subject to transfer to another job or removal from any job assignment at the discretion of the employer, supervisor, or warden. Offenders have no right to an assignment from which they were removed for any reason or right to continued employment.
- I. For the purpose of this policy, offenders with disabilities, who, with or without reasonable accommodation for their disability, can perform the essential functions of the work assignment, may be assigned to work assignments.

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- J. No offender may be discriminated against on the basis of race, gender, sexual orientation, national origin, disability, religion, or other protected status. The DOC shall make reasonable accommodations for offenders with a disability who have been assigned a work assignment and requested an accommodation.

## 2. Institutional Work Assignments:

- A. Offenders meeting one or more of the following criteria shall be identified as high-risk for the purpose of being assigned to an institutional work assignment:
1. Offenders with a System Risk level 3.
  2. Offenders with a System Risk level 3 or level 2 due to disciplinary violations or institutional violence.
  3. Offenders with a System Risk level 3 or 2 score and with a score greater than 13 on the VRAG or a score greater than 18 on the VRAG-R assessment.
  4. Offenders with a System Risk Level 3 due to an MnSOST-R level R score.
  5. Offenders who have refused to participate in the Violence Risk Assessment.
  6. Offenders with an "Open Care In Placement (CIP)" designation within the OMS, which may be due to disciplinary or placement in restrictive housing, special management, investigative purposes, or behavioral health issues.
  7. Offenders employed at the time they are moved to an open CIP may remain assigned to the work assignment, provided the open CIP is temporary, and the offender has not been terminated from the work assignment by the supervisor.
  8. Offenders with an Immigration and Customs Enforcement (ICE) hold.
- B. **The agency shall use information from the screening required by § 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive [PREA 115.42].** Each work assignment must be assessed at least once per calendar year, or sooner, if the risk elements of the assignment change, i.e., changes in tools, supervision, offender access/movement.
1. All offender work assignments at the institution will be documented within the High-Risk folder located on the DOC M-drive (found at *M:\DOC\HighRiskJobs*) and in the OMS.
  2. The associate warden or designee is responsible for updating the list of offender work assignments and assessment scores assigned to each offender work assignment, as changes occur.
  3. All newly created offender work assignments must have an assessment completed prior to offenders being assigned the work assignment.
  4. The associate warden will review and approve all final scores assigned to each offender work assignment and ensure the annual work assignment assessment process is completed.
  5. Each offender work assignment will be assigned a risk level, which shall be based on the score assigned to the work assignment. The levels of risk scores are as follows:
    - a. High Risk- Score 40-46 points.
    - b. Medium Risk-Score 22-39 points.
    - c. Low Risk-Score 22 points or less.
- C. Offenders identified as high-risk may not be assigned to a work assignment assessed/scored as High Risk. High Risk offenders may only be assigned to Medium Risk or Low Risk work assignments.
- D. Offenders NOT identified as High Risk may be assigned to High Risk, Medium Risk or Low Risk work assignments.
- E. The risk score assigned to offender work assignments at each institution is located at *M:\DOC\HighRiskJobs*. Offenders will be assigned a work assignment that conforms to their identified system risk (attachment #1 – *Offender Work Assignment Risk Assessment*).

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- F. Offenders pending violence risk assessment are not eligible to work institutional high risk jobs until they can be assessed and are not considered high risk.

### 3. Wages:

- A. The warden may authorize monetary compensation for offenders assigned to institutional work performed in accordance with SDCL. The SOC shall set the pay for offenders assigned to Pheasantland Industries, community service projects, and other state agencies. *Private industries on the institution grounds employing offenders in positions normally filled by private citizens pay offenders the prevailing wage rate for the position occupied [ACA 5-ACI-7A-14].*
- B. *Written policy, procedure, and practice require that offenders are compensated for work performed [ACA 5-ACI-7A-13].*
1. The starting rate of pay for institutional, peer support, paid community service projects, and state and local government work assignments is fifty cents (\$0.50) per hour.
  2. The starting rate of pay for PI work assignments is fifty cents (\$0.50) per hour.
    - a. Incremental raises of five cents (\$0.05) or ten cents (\$0.10) per hour can be earned at the Pheasantland Industries manager's discretion.
    - b. Offenders designated as lead workers assigned to Pheasantland Industries may receive a wage of up to seventy-five cents (\$0.75) per hour with Pheasantland Industries manager's approval.
  3. The starting rate of pay for SDHDA work assignments is one dollar fifty cents (\$1.50) per hour.
    - a. Incremental increases of twenty cents (\$0.20) per hour can be earned after six (6) months.
    - b. Offenders designated as Crew Leaders assigned to SDHDA may receive a wage of up to one dollar eighty cents (\$1.80) per hour.
  4. The starting wage for offenders participating in the food services internship program is seven dollars and twenty-five cents (\$7.25) per hour.
- C. All Pheasantland Industries workers are subject to a reduced rate of pay if transferring to a different shop at the discretion of the Pheasantland Industries manager.
- D. Pheasantland Industries workers who transfer from one facility to another due to a change in classification (non-disciplinary) who are selected to continue as a Pheasantland Industries worker will retain their latest rate of pay earned at their prior housing facility.
- E. Offender wages are subject to approved deductions. Offenders assigned to any DOC work program outlined in this policy are not "employees" covered by the federal Fair Labor Standards Act and are not entitled to federal minimum wage or prevailing wages.
- F. Offenders may be required to complete assigned tasks, "chores" that serve a legitimate institutional need or interest, with or without compensation. Such tasks include "general housekeeping" type duties.
- G. Offenders participating in the institutional work program may be assigned industrial, agricultural, maintenance and service jobs within the institution.
- H. Offenders assigned to any of the work programs outlined in this policy may only be compensated for actual time worked. Offenders will not receive paid vacation, holiday, or sick leave and are not entitled to reimbursement for lost wages, regardless of the reason they were not able to work. Offenders must notify their supervisor in advance of any class, program, or appointment the offender intends to attend that will take them away from the workplace during their assigned work hours.

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- I. Offender access to wages earned is subject to the procedures established in DOC policy. Offenders that have revoked authorization to deposit funds will not be paid a wage for institutional or state agency jobs. Hours worked will be volunteer only. Hours worked prior to revocation will be paid. Private Sector Prison Industries (PSPI) and work release offenders will not be allowed to work if they have revoked their authorization to deposit (attachment in DOC policy 600-02 *Offender Accounts and Financial Responsibility*).
- J. Offenders may be required to work without compensation to satisfy disciplinary sanctions issued as result of committing an offense in custody).

#### 4. Identification and Eligibility to Receive Pay:

- A. All offenders assigned to work must have a valid Social Security number that has been verified through the Social Security Number Verification System (SSNVS) process.
- B. If an offender does not have a Social Security number (foreign born and here illegally or has never applied for a Social Security number), or the offender's Social Security number cannot be matched with the SSNVS, the offender is not eligible to receive a wage for work performed. The offender will be identified as "No Work/Volunteer Only" in COMS and the "Not Verified" box in the Alias section in COMS will be marked. Typically, this is completed in the Admissions and Orientation (A&O) unit.
- C. Offenders sentenced under an alias but having identification documentation matching their name on their Social Security card, who have been verified through the SSNVS, may be assigned a job, and paid a wage. Staff will utilize the offender's criminal history obtained from NCIC III to aid in verifying an offender's Social Security number through the SSNVS.
- D. The DOC is required to submit an annual report containing the names and Social Security numbers of all offenders earning a wage from institutional work assignments for Internal Revenue Service (IRS) purposes (form 1099) to the SD Bureau of Finance and Management. If an offender's name does not match the Social Security Administration's records (verified), the offender is not permitted to be paid a wage for work, per DOC policy.
- E. Staff should assist offenders who do not have access to their Social Security card, in applying for a duplicate card through the offender identification process. Offenders who do not have a Social Security number may be eligible to apply for a number through the Social Security Administration.

### V. RESPONSIBILITY

The director of Prisons is responsible for the annual review and revision as needed of this policy.

### VI. AUTHORITY

- A. ARSD [17:50:01:19 Wages](#).
- B. SDCL § [1-15-17 Employment of institutional personnel in maintenance and replacement projects](#).
- C. SDCL § [24-2-30 Policy on inmate work](#).
- D. SDCL § [24-4-7 Inmate employment on any state work--Provisions for control](#).
- E. SDCL § [24-4-9 Inmates' compensation authorized](#).

### VII. HISTORY

July 2026  
March 2026  
April 2025  
April 2024  
June 2023  
January 2022

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December 2017

## **ATTACHMENTS**

1. Offender Work Assignment Risk Assessment

**OFFENDER WORK ASSIGNMENT RISK ASSESSMENT**

Facility \_\_\_\_\_ Work Assignment \_\_\_\_\_ Date \_\_\_\_\_

Total Points: \_\_\_\_\_ High (40-46) Medium (22-39) Low (Less than 22)

1. Proximity of the work assignment to the perimeter fence (including gates).

No access to fence	Occasional access to fence	Adjacent to fence	Outside Perimeter
1	2	3	4

2. Type of tools available in the work assignment.

No tools	No restricted tools	Less restricted tools	Restricted / Hot tools
1	2	3	4

3. Number of restricted / hot tools available at the work assignment. Can only be used under direct supervision by staff. Also considered Class B contraband if unauthorized possession by an offender.

Tools 0	5	10	15	20+
Pts. 1	2	3	4	5

4. Access to hazardous materials issued to offender at the work assignment. Includes all flammable liquids, combustible liquids, caustic substance, and toxic substances.

None	One	Two	Three	More than Three
1	2	3	4	5

5. Level of supervision of offenders at the work assignment by staff.

Direct	Routine	Minimal Non-Direct 15 Minute	Minimal Non-Direct 30 Minute	Minimal Non-Direct Hourly, or longer between supervision checks
A supervisor is present during offender activities, conducting frequent direct visual observation of activities	Frequent observation of the offender. Offender activities are performed in the general location by staff. May include supervision by security cameras.	Periodic check on the offender. Assignments may be performed independent of direct or routine supervision.	Periodic check on the offender. Assignments may be performed independent of direct or routine supervision.	Periodic check on the offender. Assignments may be performed independent of direct or routine supervision.
1	2	3	4	5

6. Training level of staff supervising offenders at the work assignment.

Multiple DOC staff	Single DOC staff member	Multiple contract staff and possibly DOC staff when available	Only contract staff	Pink Tag Volunteers
1	2	3	4	5

7. Access to visitors, vendors, contractors or public (those with no DOC training).

No Access	Occasional Access	Access within the perimeter	Access outside of the perimeter
1	2	3	4

8. Access to vehicles.

No Access	Occasional Access	Access within the perimeter	Access outside of the perimeter
1	2	3	4

9. Access to Computers.

No Access	Occasional access to computers within perimeter/standalone machines within the perimeter	Regular access to computers/standalone machines within the perimeter	Access to computers outside of the perimeter.
1	2	3	4

10. Associated frequency and location of movement within the institution.

Restricted to housing unit	Unescorted movement at beginning and end of shift	Unescorted movement during work hours
1	2	3

11. Associated frequency and location of movement within the Institution.

No search or optional pat search	Required pat search/metal detector	Strip search and body scanner
1	2	3

Reviewed by:

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Print Name	Signature	Date
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