



*State of North Carolina  
Department of Public Safety  
Prisons*

Chapter: C  
Section: .2800  
Title: Offender Assignment  
Issue Date: 10/02/18  
Supersedes: None – new policy

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## **POLICY AND PROCEDURE**

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### **.2801 GENERAL**

In accordance with NC General Statute 148-26, it is public policy that all able-bodied offenders shall be required to perform diligently all work assignments provided for them. The failure of any offender to perform such work assignment may result in disciplinary action. Job assignments shall be for the public benefit to reduce the cost of incarceration while enabling offenders to acquire or retain skills and work habits needed to secure honest employment after their release.

All offenders' job assignments shall comply with state and federal law. Assignments shall address the treatment and rehabilitative needs of the offenders while maintaining the safety and security of staff and the facility. No assignment shall be made on the basis of race, color, creed, religion, sexual orientation or national origin. Fair and equitable assignment opportunities shall be provided to all offenders, including those with a disability who, with or without a reasonable accommodation, can perform the essential functions of the assignment.

### **.2802 DEFINITIONS**

1. ADA Assigned – An activity assignment of last resort for offenders determined to have a qualifying disability protected by the Americans with Disabilities Act (ADA) where the offender cannot be otherwise reasonably accommodated for a job, education or program assignment to earn sentence credits.
2. Criminogenic Needs – Issues, risk factors, characteristics and/or problems that relate to an offender's likelihood of reoffending or recidivating. These factors may include anti-social values, anti-social personality, criminal peers, dysfunctional family, substance abuse and low self-control.
3. Essential Functions (EF) – The required functions the offender must be able to perform to be eligible for the assignment. Essential functions can be achieved with or without a reasonable accommodation.
4. Assignment Coordinator (AC) – Each prison shall designate a primary and secondary program position to function as the employee responsible for offender assignment. These positions shall be responsible for the assignment and removal of offenders for all full-time job, education and program assignments.
5. Jobs, Programs, Activities and Services (JPAS) – Approved job, program, activity and

service assignments offered by Prisons used to enhance offender rehabilitation and reduce idleness.

6. Security Precaution Factors (SPF) – Factors that may preclude an offender from an assignment based on the judgment of the facility head or prison management. Examples of Security Precaution Factors include but are not limited to: active felony or Immigration Customs Enforcement (ICE) detainees; escape history; Security Risk Group (SRG) status; assault on Correctional staff or other assaultive behavior; taking of hostages; conviction for an assaultive crime against a government official or a pattern of documented violent tendencies.
7. Sentence Credit – Time credits applied to the court-ordered term-of-years sentence of any offender for reducing the amount of time to be served.
8. Service Priority Level (SPL) The overall service category assigned to an offender as a result of the Risk Needs Assessment Tool. The SPL enables prioritization of offenders for programs, services and activities based on a combination of risk of re-arrest and level of need
9. Short-term Work Assignment – Assignments that are three (3) hours or less per day and no more than three (3) consecutive days per week.

### **.2803 PROCEDURES**

1. The facility shall adopt a Standard Operating Procedure (SOP) for the successful implementation of this policy. The facility SOP shall be part of any facility program and/or assignment audits.
2. Each facility shall establish and maintain a written facility Program Structure. The Program Structure reflects full-time and part-time assignments that can be made for all offenders in the regular population of the facility. The program structure shall align with the facilities mission and should provide a variety of work, treatment, education and programmatic assignments that will afford offenders the opportunity to learn job skills, increase their educational level, address their criminogenic needs, promote positive attitude and environment, and decrease offender idleness.
3. The facility program structure shall be managed by the Assistant Superintendent or Program Manager with direct oversight by the facility head. All facilities shall designate an Assignment Coordinator (AC) and a secondary AC.
4. The assignment structure shall be reviewed and managed daily to ensure all offenders housed at the facility are meaningfully engaged at all times. The facility program structure is approved by the Prisons Labor Director.
5. Offender job assignments shall be based on:
  - a. Ensuring the safety and security of the Prison, staff and the public;

- b. Meeting the treatment and rehabilitative needs of the offender based on individual Service Priority Level (SPL) and/or other relevant assessment tools;
  - c. The essential functions and/or the criteria of the assignment.
6. Offenders who are qualified to fulfill the Essential Functions of a job and who are assigned that job may not refuse the assignment. Offender refusal may result in disciplinary action.
7. The Institution head has the authority to refuse an assignment to any offender based on Security Precaution Factors (SPF) or who, in the judgment of the institution head, constitutes a serious threat to the safe, secure and orderly operation of the facility. A refusal to assign to a job assignment shall be documented by a memorandum to the AC and the offender file.
8. No offenders shall be assigned to any job which allows access to:
  - a. Institutional security data;
  - b. Staff personnel data;
  - c. Offender data including but not limited to sentence, housing, assignment, schedules, pay, evaluations, address, property financial resources, visitors, health records, and social security numbers.
9. No close-custody male offender shall be assigned to a Correction Enterprises' job with the exception of Central Prison Laundry.
10. No male offender under the age of 35 with a conviction of an assaultive crime against a person shall be assigned to a Correction Enterprises job.
11. No offender convicted of an assaultive crime against a government official shall be eligible for any assignment that allows for access to a Class A tool.
12. Offenders are prohibited from supervising or having any authority over another offender. This does not preclude peer mentoring.
13. All job assignments shall adhere to approved schedules with set routine hours of operation to allow for effective management of offender movement and security and safety of the prison.
14. Essential Functions (EF) shall be developed and maintained for all offender full-time job assignments. Offenders who can perform the EF of the assignment, with or without a reasonable accommodation, shall be eligible for that assignment.
15. Offenders who cannot perform the essential functions of a job or participate in a full time program with or without an accommodation shall follow the ADA process. Refer to

Prison Policy Chapter E .2600 entitled Reasonable Accommodation for Offenders with Disabilities.

16. Minimum criteria, including pre-requisites, shall be developed and maintained for all offender full-time job assignments. Offenders who can meet and perform the minimum criteria of the assignment, with or without a reasonable accommodation, shall be eligible for that assignment.
17. The AC shall create a diverse pool of eligible offenders for each job assignment. Job supervisors may request to interview eligible offenders from the pool or they may request assignment by the AC.
18. Offenders may be assigned to a short-term work assignment. These assignments are intended to occupy offenders in an "Assignment Pending" status. Short-term work assignments shall not exceed three (3) hours per day and no more than three (3) three consecutive days per week. These assignments shall be for the good of the facility and may include jobs such as window washing, yard clean up, loading and unloading trucks and other variable prison duties.
19. All offender assignments must adhere to DPS Safety Policies and Procedures. The assigned supervisor for the job, education or program assignment shall provide the offender with all safety training and information required to safely perform the assignment. Offenders are required to sign appropriate documentation acknowledging they have received proper training for their assignment. Personal protective equipment (PPE) such as steel toe boots, safety glasses, dust masks and gloves shall be provided to all offenders as required.
20. Interruption in offender participation in a job assignment shall be minimized and offender excusal shall be the exception. Offenders may be excused from their assignment for an emergency, illness, and court or medical appointments only.

#### **.2804 INCENTIVE WAGE**

Offenders assigned to full-time job assignments shall receive monetary compensation. In accordance with North Carolina General Statute 148-18 offenders shall receive no more than one dollar and twenty-five cents (\$1.25) per day unless the Secretary determines that the work assignment requires special skill or training and then may be paid up to three dollars (\$3.00) per day. Incentive wage is paid at a preset scale based on the level of skill needed for the assignment. Offenders assigned to Correction Enterprises and the Inmate Construction Program may receive up to the maximum incentive wage.

#### **.2805 SENTENCE CREDITS**

Offenders may be eligible for sentence credits for full-time job assignments. Offenders working in inclement weather conditions are subject to receive additional sentence credits. Refer to Prison Policy Chapter B .0100 entitled Sentence Credits.

**.2806 TIME KEEPING AND PERFORMANCE MANAGEMENT**

The assigned supervisor for the job or designee shall enter actual attendance/work hours and work performance ratings in the OPUS system. Entry of work hours shall be made daily and no later than Saturday of the weekly work period.

**.2807 REMOVAL FROM JOB ASSIGNMENT**

1. Offenders shall be immediately removed from a job assignment and be subject to disciplinary action for:
  - a. Safety or security violation;
  - b. Failure to work;
  - c. Major disruption to the program or workplace;
  - d. Committing an infraction, whether on the assignment or not, that may affect the offender's ability to safely or effectively perform the assignment. Example may include a positive drug test if the offender has an assignment that involves the operation of heavy equipment or cutting tools.
  
2. Offenders may be removed from an assignment for documented inability to perform the work, substandard work performance, continuous disruption and/or unacceptable behavior. Offenders shall be counselled and given an opportunity to correct performance. A minimum of two documented incidences shall be required prior to removal from the assignment. Documented occurrences shall be recorded via the weekly performance rating.



10/02/2018

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Director of Prisons

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Date

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