STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS

FOB JAMES, JR.
GOVERNOR

Research, Monitoring, & Evaluation
Post Office Box 301501
Montgomery, Alabama 36130-1501

JOE S. HOPPER
COMMISSIONER

September 2, 1997

ADMINISTRATIVE REGULATION NUMBER 410

OPR: INSTITUTIONS

WORK RELEASE
ORGANIZATION AND FUNCTION

I. GENERAL

A. Work release is a program of the Department of Corrections under which selected inmates are allowed gainful employment on a full-time basis outside the institution. The participants will return to custody in the institution during non-working hours. The fundamental purposes of Alabama's work release program are to assist selected inmates in preparing for release and to aid in making the transition from a structured institutional environmental back into the community.

B. Although the monetary reward to an inmate assigned to the work release program is substantial, perhaps the greatest contribution to the program is the stabilizing influence gained while working in the community during the last phase of confinement. Realization that the community has become a partner in the rehabilitation process aids in restoring the inmate's confidence and self-assurance, a pre-requisite for success upon release. It is an effective reward for those who demonstrate ability to take advantage of other rehabilitation programs within the correctional system and to those who refrain from disciplinary and custody violations. Ideally, work release job programs are developed for permanency, allowing the inmate to retain his position after release from custody. However, it is recognized that because of the tendencies of individuals to seek job changes and the need for a home plan upon release that there may be a number of job changes upon completion of the work release period.

II. OBJECTIVE

A. To provide a structured pre-release experience for selected inmates.

B. To meet the participants' needs for the opportunities and responsibilities which work release provides.

C. To provide specific training or experience in actual work situations which are, if possible, related to prior educational or occupational training.

D. To assist in defraying the cost of his/her incarceration.

E. To permit the work release participant to assist his/her dependents, to make restitution, to pay legitimate debts, to pay child support, and to accumulate savings for use upon release.

F. To give the paroling authority a means of testing and observing the inmate's suitability for parole, using the work release experience as a measure. At times, inmates may be placed on work release at the request of the Parole Board, thus enabling them to establish a home and job plan for parole.

III. RESPONSIBILITY

A. The Commissioner is responsible for preparing an annual report, to be filed not later than 60 days following the close of each fiscal year, with the Governor, Lieutenant Governor, members of Legislature and the Legislative Budget Committee, showing the operation and administration and suggestions as deemed appropriate.

B. The Director of External Correctional Services has overall responsibility for developing, administering, and coordinating the Work Release Program under the general guidelines of the Commissioner, Department of Corrections.

C. Work Release Center Wardens are responsible for the operation, security, administration, accountability and maintenance of their respective centers.

D. Selection of inmates for participation in work release is the responsibility of the Director of Classification.

E. Assignment of inmates to a community based facility is the responsibility of the Director of Classification. Whenever available space permits, placement will be made to one of the centers requested by the inmate; however, placement will not be delayed due to lack of available space at a requested center.

IV. POLICY

A. The Warden of a community based facility has authority for placing an inmate in an employment situation. Prior to an inmate's placement in an employment plan, assurance must be received that he/she will not displace employed workers.

B. Prior to the placement of an inmate on any employment plan, it will be determined that there will be no exploitation of the inmate. It will also be determined that the work release inmate will receive compensation equal to that of comparable workers and no less than federal minimum wage, and he/she will not be employed under adverse or unacceptable working conditions.

C. Inmates assigned to work release shall not be employed as strike breakers or in impairing any existing contracts.

D. No inmate granted privileges of the work release program shall be deemed an agent, employee or involuntary servant of the Department of Corrections while involved in the free community or while going to and from employment or other specified areas.

E. Work release employment neither constitutes nor implies a contractual agreement between the employer and the Department of Corrections of the State of Alabama.

F. Inmates assigned to the work release program may not enter into any contract without written approval of the assigned Work Release Facility Warden.

G. Inmates assigned to the work progam may not operate any motor vehicle without the written approval of the Work Release Facility Warden.

H. Added See Chge 1

V. SELECTION PROCESS

A. Selection of inmates for work release or work release staff will be made in accordance with procedures and criteria outlined in the official Department of Corrections Classification Manual and revisions thereto.

B. These criteria constitute broad guidelines for assignment to a custody level and placement within which classification personnel are required and expected to use professional judgement and experience for making recommendations and approvals.

C. Where protests of placement are received from district attorneys, judges, and/or victims or their families, the case will be referred to the Central Review Board for recommendations and the Director of Classification for final decision.

VI. TYPE OF WORK

A. Generally, there is no restriction on the types of jobs where work release participants may be employed. However, under no circumstances will work release participants be allowed employment of any type where the major product is dispensing alcoholic beverages; i.e., lounges, bars, nightclubs, discos, etc. Careful consideration will be given relative to employment in food establishments serving alcoholic beverages, i.e., restaurants, county clubs, etc., assuring that the work release participant has no unsupervised contact with alcoholic-related products.

B. Each job offer will be investigated to determine that it is bona fide and consistent with work release policies and objectives.

C. The expectation is that the job selected will be that which best fulfills the objectives work release in each case.

D. Good employment placement will give preference to jobs related to prior training, work experience, or institutional training, and are suitable for continuing, post release employment.

VII. DISBURSEMENT OF EARNING

A. The earnings of the work releasee will, whenever possible, be made payable to the Department of Corrections **and** the work releasee. All deductions will be made by the employer as they apply to any other employee.

Changed to 40% See 14-8-6

B. As authorized by statute, thirty-two and one-half percent (32 1/2%) of work releasees' gross earnings will be deducted by the Department of Corrections to assist in defraying the cost of his/her incarceration. The balance will be credited to the work releasee's Prisoners Money on Deposit (PMOD) account. A receipt will be issued showing the amount of deductions and the balance credited to the work releasee's account. When restitution, court costs, or attorney fees have been ordered by the sentencing judge as indicated on the sentencing transcript, the work release participant may be required to make incremental payments towards the sum so ordered. Child support may also be paid if ordered by the court.

C. **Draw Guidelines:** Inmates participating in the work release program may draw up to $30.00 per week from their personal (PMOD) funds subject to actual funds available. For those inmates who have a balance of $300.00 or more in personal funds, additional withdrawals may be allowed as follows:

1. Lunch money not to exceed $15.00 per week for those inmates who do not take a lunch provided by the State.

2. Shopping draw not to exceed $50.00 per month.

3. Furlough allowance of $15.00 per day up to maximum of $45.00 per furlough.

D. **PMOD Funds Retained Upon Release:** The Department must take reasonable precautions to ensure that all financial obligations incurred by an inmate while participating in the Work Release Program are satisfied. To that end, the Warden is specifically authorized to hold up to $200.00 of an inmate's funds at discharge or transfer for a **maximum** of 60 days. Determination of the amount to be withheld should be based upon estimated outstanding obligations. At the end of 60 days, or after all obligations have been satisfied, remaining funds will be forwarded to the inmate. The Warden and Business Manager must ensure that no funds are held unnecessarily and that unexpected funds are released in a timely manner.

E. Following the appropriate waiting period as provided under paragraph D above, the remaining PMOD funds will be paid over to the inmate by check. For those inmates released EOS, parole, or assigned to either the SIR or PDL program, the check will be payable to the inmate. If such check has not cleared the bank within 90 days from the date of issue, it will be considered as "VOID". Once the disbursement is voided in the accounting records, the funds will be transferred to the Institutional Contingency Fund pending subsequent claim by the inmate. Any such funds remaining unclaimed after three years are considered abandoned property and will remain the property of the ICF. Transfers to other facilities will be handled as any other transfer PMOD funds.

VIII. TRANSPORTATION

A. When public transportation is available, inmates may utilize such transportation to and from work at their own expense, with the Warden's approval.

B. Those inmates not utilizing public transportation but using a departmental vehicle instead will be assessed a fee of two dollars ($2.00) one way or four dollars ($4.00) round trip for transportation to and from employment. With the exception of one free shopping trip per month, an additional round trip fee of four dollars ($4.00) will be assessed for any other shopping trips, trips to sporting events, including practices, and religious/church activities. Medical trips will be free.

C. Work Release Center Wardens are responsible for proper accountability, assuring that each work releasee's PMOD account is debited weekly for that transportation to and from employment provided by departmental vehicles.

D. The Business Manager will post weekly all transportation charges as determined by the Center's Daily Log or the Inmate Sign-in/Sign-Out Log. Charges will then be posted to the inmates' accounts in accordance with instructions included within the automated PMOD system documentation.

E. All inmates agree to pay transportation charges for using DOC vehicles as a condition of participation in the Work Release Program. Therefore, no withdrawal request will be required from the inmate in order to post transportation charges.

F. The Business Manager will draw a check on PMOD account for weekly total transportation charges and deposit in the General Fund Account.

G. Along with other monthly remittances from the General Fund Account, the Business Manager will submit a check for transportation charges to the Department of Corrections Accounting Division to be applied against each community facility's transportation costs.

H. Any exceptions (employer's vehicle, walking, etc.) to the use of state vehicles must be approved in writing by the Work Release Center Warden.

I. Inmates will not be permitted to utilize personally owned vehicles for transportation.

IX. CLOTHING

Work release inmates are authorized to wear clothing deemed suitable to the type employment.

X. LEAVE/PASS ELIGIBILITY

All inmates will be required to serve a waiting period of thirty days after arrival at the respective work release facility before making application for a pass. Eligibility for a three day furlough is contingent upon successful completion of three passes. Criteria for participation in the Inmate Leave/Pass Program established by Administrative Regulation 405 will be followed in determining eligibility for passes and furloughs.

XI. TERMINATION OR REMOVAL FROM THE PROGRAM

Removal of an inmate from the work release program is a decision made by the Warden in accordance with disciplinary regulations, classification procedures, and established policies. Wardens will weigh the severity and details of the offense in making their decision.

XII. FOLLOW-UP

Periodic checks of work releasees on the job and interviews with employers will be made. This is not designed or intended to disrupt work but to provide support and gather information regarding the program. Suggestions made by either the work releasee or employer will be considered in order to make the relationship and the program more effective.

XIII. REPORTS AND RECORDS

Accurate accounting of all money earned, disbursements, and expenditures will be centralized in the business office of the work release center. The RME Office will make a monthly report to the Commissioner of Corrections. This report will specify the number of men/women on the work release program, money earned, taxes and deductions made, removals if any, and other information deemed appropriate.

XIV. INMATE AGREEMENT

When an inmate is accepted into the Work Release Program, he/she must understand and sign the Work Release Program Inmate Agreement Form.

XV. EMPLOYERS AGREEMENT

Before a work release participant begins work, his/her employer must complete and sign the Conditions and Rules for Use of Work Release Inmates/Employers Agreement Form.

XVI. REFERENCES

A. Title 14, Chapter 8, Code of Alabama
B. Departmental ECS Manual
C. Departmental Classification Manual
D. Administrative Regulation 405
E. Annex A - Amended Section 14-8-6 of the Code of Alabama, 1975

XVII. SUPERSESSION

This regulation supersedes Administrative Regulation 410 January 9, 1991, as amended.

Joe S. Hopper, Commissioner

SUMMARY OF CHANGES

Reflects current financial obligations.

ANNEX

Annex A Amended Section 14-8-6 of the Code of Alabama, 1975

92-688

RECEIVED
SEP 30 1992
GOVERNOR'S OFFICE

S. 20

By: Senator Owens

Enrolled, An Act,

To amend Section 14-8-6 of the Code of Alabama 1975, to allow the Department of Corrections to withhold up to 40 percent of an inmate's earnings to cover costs incident to the inmate's confinement; and to make a supplemental appropriation to the Department of Corrections from the net revenues generated by this act for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 14-8-6 of the Code of Alabama 1975, is amended to read as follows:

"§14-8-6.

"The employer of an inmate involved in work release shall pay the inmate's wages directly to the department of corrections. The department may adopt regulations concerning the disbursement of any earnings of the inmates involved in work release. The department is authorized to withhold from an inmate's earnings the cost incident to the inmate's confinement as the department shall deem appropriate and reasonable. In no event shall the withheld earnings exceed 40 percent of the earnings of the inmate. After all expenses have been deducted by the department, the remainder of the inmate's earnings shall be credited to his or her account with the department. Upon his or her release all moneys being held by the department shall be paid over to the inmate."

Section 2. The net revenues generated by this act are appropriated for the fiscal year ending September 30, 1993 to the Department of Corrections and are supplemental to any and all other prior or subsequent appropriations made.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

President and Presiding Officer of the Senate

Speaker, of the House of Representatives
pro tem

S. 20

Senate 9-23-92
I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 9-29-92.

Senate concurred in House amendment 9-30-92.

APPROVED 10-7-92 19

TIME 4:54 p.

GOVERNOR

By: Senator Owens

Alabama Secretary of State
Act Num. 92-688
Recv'd 10/08/92 03 7am RMJ