

## Inmate Work – Earning and Supervision Details, Policies, and Statutes

Included in the Department of Corrections' (SCDC) May 24, 2019 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following question in LOC's May 16, 2019 letter to the Department of Corrections:

***39. Please provide the following information in an Excel chart for each of the last three years and for each inmate work category (e.g., work credits, paid employment in the community, public improvement or development, statehouse landscaping, prison industries enhancement, etc.), unless the agency already has this information in another format, in which case use that format: (a) Prerequisites for an inmate to qualify for the work; (b) Number of inmates qualified for the work; (c) Number of qualified inmates working; (d) Number of qualified inmates not working; (e) Whether an inmate working is in a SCDC uniform or employer uniform; (f) Whether an inmate is paid for the work; (g) Whether SCDC supervision is required when an inmate is working; (h) Amount SCDC collects for the work; and (i) Amount SCDC spends to provide the work opportunity.***

SCDC stated the following as an explanation of the information in this document:

- Please see attached Excel spreadsheet in addition to the SC Code of Law and policies that will provide additional information.

***40. Please provide a summary of amounts the agency or inmates can earn through different types of work and include who receives any portions of those amounts (e.g., agency, child support, inmate trust account, etc.)***

In addition to providing the information in this document, SCDC provided the following response:

- There are several statutes that pertain to inmate work and earnings, which are attached:
  - § 24-3-40. Disposition of wages of prisoner allowed to work at paid employment.
  - § 24-3-430. Inmate labor in private industry authorized; requirements and conditions.
  - § 24-3-315. Determinations prerequisite to selecting prison industry project.
  - § 24-13-930. Surrender of inmates' earnings; amounts deductible.
  - § 24-13-80. Prisoners to pay for certain costs; definitions; criteria for deductions from inmates' accounts; reimbursement to inmates; recovery from estates of inmates.
  - § 24-1-295. Employment of inmates for work involving exportation of products; deductions from wages.
  - § 42-7-65. Average weekly wage designated for certain categories of employees.

**Inmate Work Details - Qualifications, number working, earning, etc.**

	Work Program	Labor Crew	Prison Industries (PI) - Private Sector	Prison Industries - Service	Prison Industries - Third Party	Prison Industries - Traditional	Institutional Jobs
<b>Prerequisites</b>	See SCDC Policy OP-21.04 Sections 5 and 8 (attached)	See SCDC Policy OP-21.04 Section 5 and 8 (attached)	See SCDC Policy OP-21.04 Section 40 (attached)	See SCDC Policy OP-21.04 Section 40 (attached)	See SCDC Policy OP-21.04 Section 40 (attached)	See SCDC Policy OP-21.04 Section 40 (attached)	See SCDC Policy OP-21.04 Section 40 (attached)
<b>Number of Inmates Qualified</b>	All inmates who meet the work program screening criteria are assigned to work program jobs.	All inmates who meet the labor crew screening criteria are assigned to labor crew jobs.	Inmates are only screened for qualifications at the time of work assignment.	Inmates are only screened for qualifications at the time of work assignment.	Inmates are only screened for qualifications at the time of work assignment.	Inmates are only screened for qualifications at the time of work assignment.	Inmates are only screened for qualifications at the time of work assignment.
<b>Number of Inmates Working</b>							
as of June 30, 2016	444	375	659	430	73	45	14,641
as of June 30, 2017	425	271	709	379	78	45	13,701
as of June 30, 2018	316	246	647	304	76	186	13,011
<b>Number of Inmates Not Working</b>	0	0	This data is not available.	This data is not available.	This data is not available.	This data is not available.	This data is not available.
<b>Inmate required to wear SCDC during work?</b>	No	Yes	Yes	Yes	Yes	Yes	Yes
<b>Inmate paid for work?</b>	Yes	Only if grandfathered under old inmate pay policy prior to 1/20/1998	Yes	Yes	Yes	Only if employed in specific programs (2) or grandfathered under old inmate pay policy prior to 1/20/1998	Only if grandfathered under old inmate pay policy prior to 1/20/1998
<b>SCDC Supervision required?</b>	No	Yes unless provided by contract w/ federal, state, county, or municipal agency	Yes	Yes	No except for Braille operation at Leath	Yes	Yes

**Inmate Work Details - Qualifications, number working, earning, etc.**

	Work Program	Labor Crew	Prison Industries (PI) - Private Sector	Prison Industries - Service	Prison Industries - Third Party	Prison Industries - Traditional	Institutional Jobs
<b>Amount SCDC collects</b>	See Section 24-3-40 (attached): 20% victim restitution + 35% child support OR 25% room and board if no child support obligation + \$4 per day transportation fee	See Section 24-13-660 (attached). Contract rate is typically \$15 per inmate per day (see attached labor rate and labor crew spreadsheets).  Any grandfathered inmate pay is subject to the normal restitution process when deposited in the inmate trust fund account.	See PI Spreadsheet, Section 24-3-430, and Section 24-3-40 (attached): 20% victim restitution + 35% child support OR 25% room and board if no child support obligation	See PI Spreadsheet, Section 24-3-430, and Section 24-3-40 (attached): 20% victim restitution + 35% child support OR 25% room and board if no child support obligation	See Section 24-3-430 and Section 24-3-40 (attached): 20% victim restitution + 35% child support OR 25% room and board if no child support obligation	PI Traditional Sales offset the inmate pay cost. See attached PI spreadsheet.  Any grandfathered inmate pay is subject to the normal restitution process when deposited in the inmate trust fund account.	Inmates with institutional work assignments perform various functions for the agency including landscaping, maintenance, food service, etc.  Any grandfathered inmate pay is subject to the normal restitution process when deposited in the inmate trust fund account.
FY16	Gross Pay: \$6,940,576 Room/Board: \$1,059,535 Family Support: \$966,961 Victim Assistance: \$264,145 SCDC Victim Services: \$792,602 Restitution: \$337,460 Transportation: \$290,860	See attached	Room/Board: \$1,241,290 Family Support: \$790,788 Victim Assistance: \$681,139 SCDC Victim Services: \$681,137 Restitution: \$84,437	Room/Board: \$96,270 Family Support: \$8,630 Victim Services: \$81,803 Restitution: \$128	Room/Board: \$8,757 Victim Services: \$8,757	See attached	Not Applicable
FY17	Gross Pay: \$8,274,039 Room/Board: \$1,244,727 Family Support: \$1,183,617 Victim Assistance: \$312,833 SCDC Victim Services: \$938,671 Restitution: \$407,076 Transportation: \$277,508	See attached	Room/Board: \$1,327,575 Family Support: \$690,218 Victim Assistance: \$690,401 SCDC Victim Services: \$690,418 Restitution: \$76,416	Room/Board: \$71,162 Family Support: \$3,303 Victim Services: \$58,714 Restitution: \$91	Room/Board: \$9,401 Victim Services: \$9,401	See attached	Not Applicable
FY18	Gross Pay: \$7,503,970 Room/Board: \$1,096,581 Family Support: \$1,110,474 Victim Assistance: 288,165 SCDC Victim Services: \$864,712 Restitution: \$351,821 Transportation: \$216,416	See attached	Room/Board: \$1,343,381 Family Support: \$628,036 Victim Assistance: \$674,290 SCDC Victim Services: \$673,945 Restitution: \$83,736	Room/Board: \$54,230 Family Support: \$4,256 Victim Services: \$45,544 Restitution: \$241	Room/Board: \$9,040 Victim Services: \$9,040	See attached	Not Applicable

**Inmate Work Details - Qualifications, number working, earning, etc.**

	Work Program	Labor Crew	Prison Industries (PI) - Private Sector	Prison Industries - Service	Prison Industries - Third Party	Prison Industries - Traditional	Institutional Jobs
<b>Amount SCDC spends</b>	Transportation costs vary by work location but are recovered through the \$4 per day transportation fee.	Labor crew costs vary by assignment but may be recovered through contract with federal, state, county or municipal agency. See attached labor crew spreadsheet.	SCDC costs are recovered as specified in the contractual agreements. See PI spreadsheet (attached).	See PI Spreadsheet (attached).	Inmate pay expenses itemized below. These expenses are reimbursed by 3rd parties (School for the Deaf and Blind, Department of Public Safety, and Criminal Justice Academy)	See PI Spreadsheet (attached).	Inmate pay expenses itemized below.
FY16	This data not available.	See attached	See attached	See attached	\$87,362	See attached	\$111,501
FY17	This data not available.	See attached	See attached	See attached	\$100,281	See attached	\$102,880
FY18	This data not available.	See attached	See attached	See attached	\$104,827	See attached	\$92,469

**PRISON INDUSTRIES ACTIVITY**  
**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**  
**FY16,17 & 18**

**Prison Industries (PI) expenses for each FY**

*\*Prison Industry Enhancement (PIE) is a federally authorized program run by the Bureau of Justice Assistance (BJA) that works with private sector third party partners to provide approved goods and services.*

*Prison Industry Traditional provides business services to state government, local government, 501 (c), churches and schools*

*Prison Industry Service is established by South Carolina Code of Laws to provide recycling, refurbished, remanufactured goods and services for approved partners*

	EXPENSES								
	Prison Industry Enhancement (PIE)			Prison Industry Traditional			Prison Industry Service		
	FY16	FY17	FY18	FY16	FY17	FY18	FY16	FY17	FY18
<b>Employee Expense</b>									
PI Funded	839,227.16	895,005.91	1,050,961.36	1,008,247.08	1,035,654.32	1,013,442.05	501,518.09	495,589.06	554,441.64
Fringe	1,316,626.62	1,385,609.55	1,225,800.36	462,022.06	468,467.25	458,180.67	214,538.44	204,689.10	239,549.71
Inmate Earnings	7,227,232.44	7,274,431.93	7,160,238.65	36,897.47	41,851.58	41,987.61	410,663.33	324,458.80	280,282.73
Inmate Incentives	-	-	-	-	-	26,803.02	-	-	26,803.02
<b>Employee Expense</b>	<b>9,383,086.22</b>	<b>9,555,047.39</b>	<b>9,437,000.37</b>	<b>1,507,166.61</b>	<b>1,545,973.15</b>	<b>1,540,413.35</b>	<b>1,126,719.86</b>	<b>1,024,736.96</b>	<b>1,101,077.10</b>
<b>Services</b>									
Phone Service	209.64	399.44	-	4,897.27	4,427.75	2,355.87	1,197.97	1,034.35	1,049.66
Other Contractual Services	2,219.00	1,405.86	1,363.48	213,279.44	316,795.48	262,208.83	271.63	388.52	265.50
<b>Services</b>	<b>2,428.64</b>	<b>1,805.30</b>	<b>1,363.48</b>	<b>218,176.71</b>	<b>321,223.23</b>	<b>264,564.70</b>	<b>1,469.60</b>	<b>1,422.87</b>	<b>1,315.16</b>
<b>Supply Expenses</b>									
Supplies	62,519.74	77,420.02	80,400.23	635,842.35	834,200.42	1,006,421.98	47,236.75	65,947.73	64,097.48
<b>Supply Expenses</b>	<b>62,519.74</b>	<b>77,420.02</b>	<b>80,400.23</b>	<b>635,842.35</b>	<b>834,200.42</b>	<b>1,006,421.98</b>	<b>47,236.75</b>	<b>65,947.73</b>	<b>64,097.48</b>
<b>Other Expenses</b>									
Travel	-	-	-	-	966.60	1,574.78	-	-	-
Other Rental, Fines and Fees	3,162.96	3,850.64	1,698.78	185,611.89	125,381.97	123,086.32	2,002.08	589.44	555.72
<b>Other Expenses</b>	<b>3,162.96</b>	<b>3,850.64</b>	<b>1,698.78</b>	<b>185,611.89</b>	<b>126,348.57</b>	<b>124,661.10</b>	<b>2,002.08</b>	<b>589.44</b>	<b>555.72</b>
<b>Utilities Expenses</b>									
Electric	133,381.91	125,193.79	125,062.91	111,492.57	122,715.01	124,342.12	136,233.48	117,263.79	109,136.23
Propane	287.53	250.34	-	15,615.68	2,887.54	10,388.72	3,271.27	686.09	168.98
Gasoline	-	-	-	1,156.83	6,208.91	879.30	962.13	6,736.66	-
Natural Gas	1,339.76	1,898.00	1,988.65	3,263.95	1,542.13	4,307.85	17,698.83	12,467.52	17,184.50
Garbage	-	-	-	14,781.08	9,675.96	-	-	-	-
Water/Sewer	-	-	-	3,740.81	4,841.53	6,409.57	910.12	-	-
Diesel	-	-	-	1,773.73	1,354.15	1,148.64	2,702.10	11,536.28	3,013.33
<b>Utilities Expenses</b>	<b>135,009.20</b>	<b>127,342.13</b>	<b>127,051.56</b>	<b>151,824.65</b>	<b>149,225.23</b>	<b>147,476.20</b>	<b>161,777.93</b>	<b>148,690.34</b>	<b>129,503.04</b>
<b>Equipment &amp; Assets</b>									
Equipment	-	-	-	7,601.62	66,511.80	128,752.96	25,572.00	-	-
<b>Total Equipment &amp; Assets</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>7,601.62</b>	<b>66,511.80</b>	<b>128,752.96</b>	<b>25,572.00</b>	<b>-</b>	<b>-</b>
<b>Total Expense</b>	<b>9,586,206.76</b>	<b>9,765,465.48</b>	<b>9,647,514.42</b>	<b>2,706,223.83</b>	<b>3,043,482.40</b>	<b>3,212,290.29</b>	<b>1,364,778.22</b>	<b>1,241,387.34</b>	<b>1,296,548.50</b>

**PIE/Service contractual (rent) payments for each FY**

	FY16	FY17	FY18
Suncrest Supply	2,080.24	25,000.08	25,000.08

**PI traditional program proceeds for each FY**

	FY16	FY17	FY18
Revenue	5,916,386.53	5,404,702.92	6,182,756.57
Cost of Goods Sold	(2,455,093.09)	(1,909,966.70)	(2,110,095.06)
<b>Gross Profit</b>	<b>3,461,293.44</b>	<b>3,494,736.22</b>	<b>4,072,661.51</b>

**LABOR CREW CONTRACTS**  
**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**  
**FY16,17 & 18**

<b>GL NUMBER</b>	<b>GL NAME</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
5010800000	Inmate Earnings	91,792.00	75,524.00	59,864.00
5033010000	Food supplies	102,232.00	63,438.00	52,038.00
5130400000	Workers Comp Insurance	75,694.00	53,115.00	44,413.00
5010580000	Salary for Officers	68,695.20	75,970.80	84,092.40
5031530000	Gasoline	27,122.88	19,095.11	31,066.59
	<b>TOTAL</b>	<b>\$365,536.08</b>	<b>\$287,142.91</b>	<b>\$271,473.99</b>

**INMATE LABOR RATES**  
**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**  
**FY16,17 & 18**

Agency	Labor Rate
Adjutant General	\$15/day
City of Aiken	\$15/day
City of Aiken Housing Authority	\$15/day
City of Florence	\$15/day
City of Greenville	\$13/day
City of Mauldin	\$15/day
City of North Augusta	\$15/day
City of North Charleston	\$15/day
City of Simpsonville	No Contract in Place
City of Spartanburg	\$13/day
City of Spartanburg Housing Authority	\$15/day
City of Sumter	\$15/day
City of Traveler's Rest Community Services Dep't	No Contract in Place
Clemson University, Public Service & Agriculture	\$15/day
County of Florence	\$15/day
County of Kershaw	\$15/day
County of Lancaster	No Contract in Place
County of Richland	\$15/day
County of Spartanburg	\$0/day pursuant to S.C. Code Ann. § 24-3-40
County of Sumter	\$13/day
Division of General Services of South Carolina	\$0/day pursuant to S.C. Code Ann. § 24-3-40
Office of the Governor of S.C.	\$0/day pursuant to S.C. Code Ann. § 24-3-40
Pee Dee Farmer's Market	\$0/day pursuant to S.C. Code Ann. § 24-3-40
S.C. Criminal Justice Academy	\$9/day
S.C. Dep't of Juvenile Justice	\$15/day
S.C. Dep't of Labor, Licensing, & Regulation	\$0/day pursuant to S.C. Code Ann. § 24-3-40 - stipulation included
S.C. Dep't of Mental Health	No Contract in Place
S.C. Dep't of Parks, Recreation, and Tourism	\$15/day
S.C. Dep't of Public Safety	\$9/day
S.C. Dep't of Transportation	\$15/day
S.C. Dep't of Vocational Rehabilitation	No Contract in Place
S.C. Forestry Commission	\$15/day
S.C. State Law Enforcement Division	\$15/day
Town of Fountain Inn	\$13/day
Town of Timmonsville	\$15/day
Wil Lou Gray Opportunity School	No Contract in Place

**SCDC FY 18-19 LITTER CREWS' ASSOCIATED VEHICLE/SUPPLY/SALARY COST**

<u>SCDC #</u>	<u>LICENSE#</u>	<u>FY18-19 FUEL COST</u>	<u>FY18-19 MAINT. COST</u>	<u>FY18-19 INSUR. COST</u>	<u>FY18-19 SUPPLY COST</u>	<u>FY18-19 NON UNIFORM SALARIES</u>	<u>FY18-19 SALARY REIMBURS. PALM PRIDE</u>	<u>FY18-19 PRIDEWAY REVENUE</u>
974	11174SG	\$4,764.86	\$ 1,806.33	\$ 320.00				
960	13193SG	\$4,164.35	\$ 2,074.60	\$ 320.00	\$ 128,900.00	\$ 27,113.00	\$ 12,498.00	\$ 301,488.00
961	SG85060	\$354.21	\$ 796.01	\$ 320.00		\$ 27,113.00	\$ 12,498.00	
962	SG85438	\$1,362.53	\$ 1,345.17	\$ 320.00	\$ 21,500.00	\$ 29,329.00	\$ 30,000.00	
964	SG86272	\$334.23	\$ 85.28	\$ 320.00		\$ 27,495.00	\$ 30,000.00	
980	SG86284	\$366.07	\$ 1,085.03	\$ 320.00		\$ 27,113.00	\$ 30,000.00	
971	SG86899	\$1,096.25	\$ 2,211.82	\$ 320.00		\$ 27,113.00	\$ 30,000.00	
982	SG86904	\$2,977.51	\$ -	\$ 320.00				
969	SG88762	\$1,008.84	\$ 1,345.63	\$ 320.00				
966	SG89173	\$2,726.50	\$ 3,361.43	\$ 320.00				
1864	SG90567	\$5,051.31	\$ 1,614.43	\$ 320.00				
4161	SG90578	\$2,700.17	\$ 1,307.51	\$ 320.00				
970	SG90608	\$2,013.64	\$ 1,379.45	\$ 320.00				
4165	SG90637	\$1,833.21	\$ 264.26	\$ 320.00				
963	SG91810	\$96.15	\$ 995.83	\$ 320.00				
972	SG93117	\$1,973.60	\$ 2,439.36	\$ 320.00				
973	SG93130	\$5,677.97	\$ 1,709.44	\$ 320.00				
975	SG93165	\$2,716.36	\$ 2,299.24	\$ 320.00				
978	SG98763	\$4,684.53	\$ 752.35	\$ 320.00				
976	SG98764	\$4,160.44	\$ 2,944.84	\$ 320.00				
977	SG98765	<u>\$2,893.73</u>	<u>\$ 1,566.84</u>	<u>\$ 320.00</u>				
	<b>TOTAL</b>	<b><u>\$52,956.46</u></b>	<b><u>\$31,384.85</u></b>	<b><u>\$6,720.00</u></b>	<b><u>\$150,400.00</u></b>	<b><u>\$165,276.00</u></b>	<b><u>\$144,996.00</u></b>	<b><u>\$301,488.00</u></b>

NOTE: 6 LITTER SALARIES ARE OFFSET BY PALMETTO PRIDE REIMBURSEMENTS, 15 LITTER SALARIES ARE THE SALARIES OF UNIFORM STAFF.

NOTE: ALL ASSOCIATED COST IS CAPTURED ON A FISCAL YEAR BASIS, NOT A CONTINUOUS BASIS.

NOTE: THERE IS NO SALARY OFFSET FOR UNIFORM STAFF PERFORMING LITTER DETAIL DUTIES.

**SCDC FY 18-19 WORK CENTERS'-LABOR CREWS ASSOCIATED VEHICLE COST**

<u>SCDC #</u>	<u>LICENSE#</u>	<u>FY18-19 FUEL COST</u>	<u>FY18-19 MAINT. COST</u>	<u>FY18-19 INSUR. COST</u>
1854	11254SG	\$296.99	\$1,168.72	\$ 320.00
1855	11184SG	\$467.93	\$1,728.35	\$ 320.00
1856	SG88705	\$211.41	\$1,072.71	\$ 320.00



1857	SG76681	\$370.39	\$1,405.33	\$ 320.00	
1861	SG78264	\$19.94	\$731.51	\$ 320.00	
1864	SG90567	\$5,051.31	\$1,614.43	\$ 320.00	
1865	10791SG	\$164.93	\$1,304.51	\$ 320.00	
3057	SG88035	\$2,230.66	\$581.36	\$ 320.00	
3060	SG86285	\$1,998.53	\$1,444.92	\$ 320.00	
3062	SG97403	\$2,524.40	\$385.75	\$ 320.00	
3064	SG76783	\$200.42	\$1,253.09	\$ 320.00	
3065	14287SG	\$1,267.35	\$2,810.03	\$ 320.00	
3066	11181SG	\$7,807.43	\$2,760.95	\$ 320.00	
3067	17290SG	\$2,321.82	\$348.77	\$ 320.00	
3068	11252SG	\$664.33	\$1,934.01	\$ 320.00	
3358	14285SG	\$1,710.59	\$3,739.31	\$ 320.00	
3359	13176SG	\$3,357.72	\$1,693.69	\$ 320.00	
3360	SG97361	\$2,648.18	\$253.23	\$ 320.00	
3362	SG97387	\$1,918.67	\$3,661.09	\$ 320.00	
3364	SG90575	\$955.80	\$813.80	\$ 320.00	
3365	11241SG	\$4,160.53	\$1,014.97	\$ 320.00	
3367	17287SG	\$3,189.70	\$424.10	\$ 320.00	
4258	15980SG	\$6,783.23	\$4,097.58	\$ 320.00	
4261	11173SG	\$7,694.61	\$2,496.81	\$ 320.00	
4262	SG97357	\$1,914.96	\$707.33	\$ 320.00	
4264	20723SG	\$1,300.64	\$1,890.78	\$ 320.00	
4269	17286SG	\$11,490.73	\$3,509.51	\$ 320.00	
		<u>\$72,723.20</u>	<u>\$44,846.64</u>	<u>\$8,640.00</u>	Total
		FUEL COST	MAINT. COST	INSURANCE COST	\$126,209.84

## **SCDC Policy OP-21.04 Inmate Classification**

### **Section 51. Labor Crew/Work Program:**

Central Classification will screen inmates for Labor Crew/Work Program (LC/WP) based on the LC/WP eligibility date as calculated through the automated system. During the CC review, the Labor Crew program screens will be initiated and completed in the automated system. Inmates will be eligible for the Labor Crew/Work Program with five (5) years or less remaining to maxout or supervised re-entry eligibility and upon meeting other specific classification criteria. Inmates who are eligible for Labor Crew/Work Program must meet conditions set forth in the Security Criteria for 1A institutions. Upon approval by CC for the Labor Crew Program, inmates will be transferred to an appropriate Pre-Release Center/Institution in Labor Crew status. An inmate assigned to the Labor Crew Program will either be assigned to a job within the Pre-Release Center, to a Correctional Officer supervised litter crew, or to an outside Contracted Agency crew.

51.1 In accordance with the Omnibus Sentencing Reform Act (6/2/10), certain violent offenders are eligible to be considered for the Labor Crew/Work Program. An offender is eligible for the program if the offender is sentenced for voluntary manslaughter (Section 16-3-50), kidnapping (Section 16-3-910), carjacking with or without Bodily Injury (Section 16-3-1075), burglary in the 2nd degree (Section 16-11-312 (B)), armed robbery (Section 16-11-330 (A)), or attempted armed robbery (Section 16-11-330 (B)), or Manufacturing/Distribution of Methamphetamine, 1st, 2nd, & 3rd (Section 44-53-370 (B)), and the crime did not involve any criminal sexual conduct, and the offender is within five (5) years of max-out or supervised re-entry eligibility date. Offenders that are eligible to be screened pursuant to this Act are only those offenders whose offense date occurred on or after 6/2/10. The offenses listed above will be eligible for the Work Program if convicted of Possession of a Firearm (Firearm Provision) during the commission of these violent crimes.

51.2 Inmates in special programs are not eligible to be screened for the labor crew/work program. Programs include PRE-RELEASE, SPICE, ATU, SHOCK, JUMPSTART, VETERANS DORM at MacDougall, and YOPRS. Inmates assigned to a designated facility will only be screened upon request. Inmates in lock-up and in R&E status are also not eligible to be screened.

## Section 8. Security Criteria Chart

CRITERIA	LEVEL 1A LABOR CREW/WORK PROGRAM CONDITIONS LC/WP	LEVEL 1B CONDITIONS	LEVEL 2 CONDITIONS	LEVEL 3 CONDITIONS
<b>Severity of current offense Manual check-</b>	No sex offenses  Non-violent offense No Category 4 or 5 offenses except certain violent offenses pursuant to Sentencing Reform Act of 6/2/2010**	First time Category 5 offenses. First time violent offense. No sex offenses or sex registry offenses.	All Categories except Life without Parole.	All Categories, Life without parole
<b>Incarcerative Sentence</b>	Five (5) years or less to max-out for Labor Crew YOA's must be referred by YOIS	Eight (8) years or less to max-out	Ten (10) years served in SCDC or ten (10) years to Max-out	All categories, Life without Parole
<b>Prior Criminal History</b>	No prior violent or any Category 4 or 5 convictions/commitments No prior sex or plea-bargained sex conviction, commitments, arrests, or nol <b><i>prossed</i></b> .	Unlimited non-violent priors May have one (1) prior Category 4 dominant commitment  No prior kidnapping convictions, commitments, or arrests. <b><i>except certain violent offenses pursuant to Sentencing Reform Act of 6/2/2010**</i></b>  No prior sex or plea bargained sex conviction or commitment (do <u>not</u> count by dominant commitment)  No prior sex arrest, dismissed/nol prossed within last 10 years	No more than two (2) Category 4 or 5 prior dominant commitments, if current offense is non-violent One (1) violent prior dominant commitment, if current offense is violent No more than two (2) violent prior dominant commitments if current offense is non-violent	Three (3) or more Category 4 or 5 prior dominant commitments, if current offense is non-violent  Two (2) prior violent dominant commitments, if current offense is violent.  Three (3) or more prior violent dominant commitments, if current offense is non-violent.

CRITERIA	LEVEL 1A LABOR CREW/WORK PROGRAM CONDITIONS LC/WP	LEVEL 1B CONDITIONS	LEVEL 2 CONDITIONS	LEVEL 3 CONDITIONS
<b>Disciplinary Convictions</b>	<p>No pending disciplinary for eligibility</p> <p>No major disciplinary conviction within past 6 months for eligibility</p> <p>No more than two (2) "Major" disciplinary convictions within past 12 months (different dates) for eligibility</p> <p>Unlimited "Administrative" disciplinary convictions after placement and no "Major" disciplinary convictions after placement</p> <p>No drug disciplinary convictions within past 24 months for eligibility.</p> <p>No removal for disciplinary convictions from a LC/WP within past 24 months for eligibility. Male inmates will be placed in a facility other than the one where the disciplinary occurred.</p> <p>No assaultive disciplinary conviction within past 24 months for eligibility.</p> <p>* No Sexual Misconduct and/or Exhibitionism or Public Masturbation disciplinary convictions within the last 24 months for eligibility.</p>	<p>No pending disciplinary for eligibility</p> <p>No major disciplinary conviction within past 6 months for eligibility.</p> <p>* No Sexual Misconduct and/or Exhibitionism or Public Masturbation disciplinary conviction within the past twenty-four (24) months for eligibility.</p> <p>No more than two (2) "Major" disciplinary convictions within past 12 months (different dates)for eligibility.</p> <p>Unlimited "Administrative" disciplinary convictions after placement and no "Major" disciplinary convictions after placement</p> <p>No drug disciplinary conviction within past 24 months for eligibility</p> <p>No assaultive disciplinary conviction within past 24 months for eligibility.</p>	<p>Major disciplinary conviction within past six (6) months, review on case-by-case basis.</p> <p>No more than four (4) major disciplinaries in last twelve months for eligibility</p> <p>* No more than two (2) Sexual Assault , Sexual Misconduct, and/or Exhibitionism or Public Masturbation disciplinary convictions within the last twelve months for eligibility</p> <p>For lifers with parole, no major disciplinary conviction for ten (10) years.</p>	<p>* Three (3) or more sexual assault and/or sexual misconduct and/or Exhibitionism or Public Masturbation disciplinary convictions within 12 months.</p> <p>Five (5) or more "Major" disciplinary convictions within 12 months.</p>
<b>Adjustment</b>	No removal for adjustment problems from a Designated Facility within 6 months prior to placement date (i.e., any removal of a	<p>If age 17-20, must have H. S. Diploma or GED</p> <p>No substantiated security concerns</p>		

CRITERIA	LEVEL 1A LABOR CREW/WORK PROGRAM CONDITIONS LC/WP	LEVEL 1B CONDITIONS	LEVEL 2 CONDITIONS	LEVEL 3 CONDITIONS
	disciplinary)  No termination from a job or program within past 6 months If age 17-20, must have H S. Diploma or GED			
<b>Detainers</b>	No Category 4 or higher (wanted or hold)  No out-of-state/federal detainers (wanted/notify/hold)  No ICE detainers  No Category 4 or 5 open arrest (Notify only)	No Category 4 or higher (wanted or hold)  No out-of-state/federal detainers (wanted/notify/hold)  No ICE detainers No Category 4 or 5 open arrest (Notify only)	No Category 5 (wanted or hold)	
<b>Escapes</b>	No Class I or Class II escapes Other escape-related offenses, review on case-by-case basis	No Class I escapes  No Class II escape within last 10 years Other escape-related offenses, review on case-by-case basis	No Class I escape within last 10 years of return  No more than (1) class II Escape within 10 years	
<b>Resident Stability</b>	No NC (non US citizens)  No UO	No NC (non US citizens)  No UO		
<b>STG</b>	No validated STG	No validated STG	Validated STG-GP	Validated STG GP

\*\* Reference paragraph 49.1 (Voluntary Manslaughter, Kidnapping, Carjacking with/without Bodily Injury, Burglary 2nd - violent, Armed Robbery, Attempted Armed Robbery, Manufacturing/Distribution of Meth, 1st, 2nd, & 3rd and the crime did not involve any criminal sexual conduct and the offender is within five (5) years of max-out.)  
 Inmates who are in possession of a firearm during the commission (Firearm Provision) of the above listed violent crimes are eligible for consideration for the Labor Crew/Work Program. Offense date occurred on or after 6/2/10. Level 1B Inmates will be eligible for labor crews in Level 1B, Level 2 and Level 3 institutions upon meeting other specific classification criteria. Only statutory non-violent inmates with no prior history of violent convictions may be assigned to contract labor crews.

#### **Section 40.**

The Classification Caseworker/CPS will assign inmates to EWC jobs using standardized criteria which include such factors as:

- Risk Factor: Escape risk, security threat group, custody designation, disciplinary history, current institutional adjustment, current offense, violent tendencies, and PREA status.
- Institutional Need: Work force requirements of the unit, skills possessed by each inmate, and skill requirements of vacant jobs.
- Job Restrictions: Limiting physical and psychological factors (as noted on each inmate's health summary) for classification will be followed by the ICC. This will also include any recommendations of health services professional treatment staff.
- Educational/Vocational: The inmate's need or desire to attend academic or vocational school. Inmates reading on or below the 8th grade level will require mandatory placement in an education program.
- Food Service Assignments: Inmates assigned to food service duties must be screened by health services personnel and should be thoroughly instructed regarding sanitation and personal hygiene by the food service supervisor prior to actually working in food service.
- Health-Related Criteria: (treatment program, psychiatric, handicapped, mentally retarded, ATU, etc.) Current medical status (i.e., no exposure to direct sunlight or other special job assignment needs due to medical conditions) and current mental health, intellectual impairment, physical handicap, or disability status.

NOTE: Consideration will be given to all criteria to ensure that safety, security, and treatment needs of all inmates are being met and that the safety and security of staff and the institution are maintained.

**SECTION 24-13-660.** Public service work performed by inmates.

(A) A criminal offender committed to incarceration anywhere in this State may be required by prison or jail officials to perform public service work or related activities while under the supervision of appropriate employees of a federal, state, county, or municipal agency, or of a regional governmental entity or special purpose district. Prison or jail officials shall make available each inmate who is assigned to the program for transportation to his place of work on all days when work is scheduled and shall receive each inmate back into confinement at the respective facility after work is concluded. This public service work is considered to be a contribution by the inmate toward the cost of his incarceration and does not entitle him to additional compensation.

(B) No offender may be allowed to participate in these public service work activities unless he first is properly classified and approved to be outside the prison or jail without armed escort.

(C) The public service work requirement in subsection (A) operates only when adequate supervision and accountability can be provided by the agency, entity, district, or organization which is responsible for the work or related activity. The types of public service work permitted to be performed include, but are not limited to, litter control, road and infrastructure repair, and emergency relief activities.

(D) The South Carolina Department of Corrections may enter into a contractual agreement with any federal, state, county, or municipal agency, or with any regional governmental entity or public service district, to provide public service work or related activities through the use of inmate labor under authorized circumstances and conditions. A county municipal, or multijurisdictional jail, detention facility, or prison camp also may provide public service work or related activities through the use of inmate labor in accordance with the Minimum Standards for Local Detention Facilities in South Carolina and with applicable statutes and ordinances.

(E) It is the policy of this State and its subdivisions to utilize criminal offenders for public service work or related activities whenever it is practical and is consistent with public safety. All eligible agencies, entities, districts, and organizations are encouraged to participate by using a labor force that can be adequately supervised and for which public service work or related activities are available.

(F) Nothing in this section may be construed to prohibit or otherwise to limit the use of inmate labor by the South Carolina Department of Corrections within its own facilities or on its own property, or by any local governing body within its own facilities or on its own property. Further, nothing in this section prevents the South Carolina Department of Corrections or a local detention facility from escorting and supervising any inmate for a public purpose when the department or the local detention facility provides its own security.

**§ 24-3-40. Disposition of wages of prisoner allowed to work at..., SC ST § 24-3-40**

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KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Code of Laws of South Carolina 1976 Annotated
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Title 24. Corrections, Jails, Probations, Paroles and Pardons
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Chapter 3. State Prison System
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Article 1. Persons Confined and Use Thereof Generally
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Code 1976 § 24-3-40

§ 24-3-40. Disposition of wages of prisoner allowed to work at **paid** employment.

Effective: July 1, 2017

Currentness

(A) Unless otherwise provided by law, the employer of a prisoner authorized to work at **paid** employment in the community under Sections 24-3-20 to 24-3-50 or in a prison industry program provided under Article 3 of this chapter shall **pay** the prisoner's wages directly to the Department of Corrections.

If the prisoner is serving his sentence in a local detention or correctional facility pursuant to a designated facilities agreement or in a local work/punishment program, or if the local governing body elects to operate one, then the same provisions for payment directly to the official in charge of the facility shall apply if the facility has the means to account for such monies.

The Director of the Department of Corrections, or the local detention or correctional facility manager, if applicable, shall deduct the following amounts from the gross wages of the prisoner:

(1) If restitution to a particular victim or victims has been ordered by the court, then twenty percent must be used to fulfill the restitution obligation. If a restitution payment schedule has been ordered by the court pursuant to Section 17-25-322, the twenty percent must be applied to the scheduled payments. If restitution to a particular victim or victims has been ordered but a payment schedule has not been specified by the court, the director shall impose a payment schedule of equal monthly payments and use twenty percent to meet the payment schedule so imposed.

(2) If restitution to a particular victim or victims has not been ordered by the court, or if court-ordered restitution to a particular victim or victims has been satisfied then:

(a) if the prisoner is engaged in work at **paid** employment in the community, five percent must be placed on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984, Public Law 98-473, Title II, Chapter XIV, Section 1404, and fifteen percent must be retained by the department to support services provided by the department to victims of the incarcerated population; or



**§ 24-3-40. Disposition of wages of prisoner allowed to work at..., SC ST § 24-3-40**

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(b) if the prisoner is employed in a prison industry program, ten percent must be directed to the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund for use in training, program development, victim compensation, and general administrative support pursuant to Section 16-3-1410 and ten percent must be retained by the department to support services provided by the department to victims of the incarcerated population.

(3) Thirty-five percent must be used to pay the prisoner's child support obligations pursuant to law, court order, or agreement of the prisoner. These child support monies must be disbursed to the guardian of the child or children or to appropriate clerks of court, in the case of court ordered child support, for application toward payment of child support obligations, whichever is appropriate. If there are no child support obligations, then twenty-five percent must be used by the Department of Corrections to defray the cost of the prisoner's room and board. Furthermore, if there are no child support obligations, then ten percent must be made available to the inmate during his incarceration for the purchase of incidentals pursuant to subsection (4). This is in addition to the ten percent used for the same purpose in subsection (4).

(4) Ten percent must be available to the inmate during his incarceration for the purchase of incidentals. Any monies made available to the inmate for the purchase of incidentals also may be distributed to the person or persons of the inmate's choice.

(5) Ten percent must be held in an interest bearing escrow account for the benefit of the prisoner.

(6) The remaining balance must be used to pay federal and state taxes required by law. Any monies not used to satisfy federal and state taxes must be made available to the inmate for the purchase of incidentals pursuant to subsection (4).

(B) The Department of Corrections, or the local detention or correctional facility, if applicable, shall return a prisoner's wages held in escrow pursuant to subsection (A) as follows:

(1) A prisoner released without community supervision must be given his escrowed wages upon his release.

(2) A prisoner serving life in prison or sentenced to death shall be given the option of having his escrowed wages included in his estate or distributed to the persons or entities of his choice.

(3) A prisoner released to community supervision shall receive two hundred dollars or the escrow balance, whichever is less, upon his release. Any remaining balance must be disbursed to the Department of Probation, Parole and Pardon Services. The prisoner's supervising agent shall apply this balance toward payment of the prisoner's housing and basic needs and dispense any balance to the prisoner at the end of the supervision period.

**§ 24-3-40. Disposition of wages of prisoner allowed to work at..., SC ST § 24-3-40**

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**Credits**

HISTORY: 1962 Code § 55-321.2; 1966 (54) 2180; 1980 Act No. 431, § 2; 1986 Act No. 462, § 9; 1993 Act No. 181, § 393; 1994 Act No. 500, § 2; 1995 Act No. 7, Part II, § 54; 1999 Act No. 68, § 2; 2000 Act No. 387, Part II, § 83A; 2010 Act No. 237, § 4, eff June 11, 2010; 2017 Act No. 96 (S.289), § 10, eff July 1, 2017.

**Editors' Notes****Relevant Additional Resources**

Additional Resources listed below contain your search terms.

**CROSS REFERENCES**

Earnings of **inmate** working in private industry must be **paid** directly to Department of Corrections and applied as provided under this section, see § 24-3-430.

**FEDERAL ASPECTS**

Provisions of the Victims of Crime Act of 1984, P.L. 98-473, Title II, Chapter XIV, Section 1404, see 42 U.S.C.A. § 10603.

**Relevant Notes of Decisions (11)**

View all 12

Notes of Decisions listed below contain your search terms.

**In general**

**Inmates** working in prison industries program could not maintain declaratory-judgment action seeking declaration that Department of Corrections (DOC) violated prison industry statutes by allegedly diverting portion of **inmates'** hourly wage and violated prevailing wage provision of prison industry statute; rather, **inmates** were to present such claims via the **inmate** grievance procedure. *Torrence v. South Carolina Dept. of Corrections* (S.C. 2007) 373 S.C. 586, 646 S.E.2d 866, rehearing denied. Declaratory Judgment [↗](#) 84; Prisons [↗](#) 315

Alleged actions of Department of Corrections (DOC), in removing money remitted by private industry sponsor as wages for **inmates** participating in prison industries program and then disbursing from the lower amount the **percentages** listed in statute governing disbursement of prisoner wages, violated the statute governing disbursement of prisoner wages, which directed DOC to disburse the money based on gross wages. *Torrence v. South Carolina Dept. of Corrections* (S.C. 2007) 373 S.C. 586, 646 S.E.2d 866, rehearing denied. Prisons [↗](#) 172

Prevailing wage statutes did not give **inmates** private right of action against state Department of Corrections (DOC) for alleged violation of statutes in **paying** training wage, and minimum wage, to **inmates** employed in prison industry; overall purpose of prevailing wage statutes was to prevent unfair competition, and nothing in statutes indicated legislative intent to create civil liability for violation of statutes. *Adkins v. South Carolina Dept. of Corrections* (S.C. 2004) 360 S.C. 413, 602 S.E.2d 51. Action [↗](#) 3; Prisons [↗](#) 309

**Remedies**

**§ 24-3-40. Disposition of wages of prisoner allowed to work at..., SC ST § 24-3-40**

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Crime victims and **inmates'** dependents, as beneficiaries of wages paid to **inmates** participating in prison industries program, could not maintain declaratory-judgment action seeking declaration that Department of Corrections (DOC) violated prison industry statutes by allegedly diverting portion of **inmates'** hourly wage and violated prevailing wage provision of prison industry statute; rather, the victims and dependents were to maintain their claims through the DOC's internal grievance procedure. *Torrence v. South Carolina Dept. of Corrections* (S.C. 2007) 373 S.C. 586, 646 S.E.2d 866, rehearing denied. Declaratory Judgment ⚡ 84; Prisons ⚡ 381

**Inmates** working in the prison industries program have a cognizable, state-created interest in having the Department of Corrections (DOC) pay them according to the statutory scheme governing the program, but they do not have a private right of action; instead, the DOC's internal grievance procedure, with recourse to the Administrative Law Court, is the appropriate way to have a prisoner's wage claim adjudicated. *Torrence v. South Carolina Dept. of Corrections* (S.C. 2007) 373 S.C. 586, 646 S.E.2d 866, rehearing denied. Action ⚡ 3; Prisons ⚡ 309; Prisons ⚡ 315

**Inmates** working in prison industries program could not maintain declaratory-judgment action seeking declaration that they were entitled to immediately access their wages held in escrow; rather, **inmates** were to present this claim via the **inmate** grievance procedure. *Torrence v. South Carolina Dept. of Corrections* (S.C. 2007) 373 S.C. 586, 646 S.E.2d 866, rehearing denied. Declaratory Judgment ⚡ 84; Prisons ⚡ 315

**Inmates**, who did not have private civil cause of action under prevailing wage statutes to maintain action against state Department of Corrections (DOC) for alleged violations of statutes by DOC in **paying inmates** for their work in prison industry, could seek remedy by filing **inmate** grievance to protest DOC's failure to **pay** wages in accordance with mandatory statutory provisions. *Adkins v. South Carolina Dept. of Corrections* (S.C. 2004) 360 S.C. 413, 602 S.E.2d 51. Prisons ⚡ 273; Prisons ⚡ 315

**Remedies of crime victims and inmates' dependents**

Crime victims and **inmates'** dependents, who were directly entitled to a portion of **inmates'** wages earned through the prison industries program, were to be afforded due process before being denied this state created right, and thus victims and dependents were entitled to maintain their own claims through the Department of Corrections' (DOC's) internal grievance procedure and did not need to rely on the **inmates'** own grievance claims. *Torrence v. South Carolina Dept. of Corrections* (S.C. 2007) 373 S.C. 586, 646 S.E.2d 866, rehearing denied. Constitutional Law ⚡ 4822; Constitutional Law ⚡ 4840; Prisons ⚡ 381

**Deductions**

The South Carolina Department of Corrections (SCDC) was not entitled to deduct security costs and overhead from **inmate's** gross wages earned under service work contract entered into by SCDC as part of Prison Industries program during one-month gap between end-date of budget proviso for fiscal year and effective date of statute authorizing certain deductions from **inmate's** pay under service work contract, including "any other required deductions," even though contract included language that "SCDC shall be responsible to **pay inmate** workers, cover security costs and [Prison Industries] overhead," since more general statutory provision, which was effective during one-month gap and governed **paid** employment of **inmates**, did not authorize such deductions. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Prisons ⚡ 181

Issue of proper deductions taken from **inmate's** pay for work performed under service work contract entered into by South Carolina Department of Corrections (SCDC) as part of Prison Industries program was raised by **inmate** and SCDC in

**§ 24-3-40. Disposition of wages of prisoner allowed to work at..., SC ST § 24-3-40**

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proceedings before Administrative Law Court (ALC), and, thus, issue was properly before ALC, where **inmate** requested, in his brief, that ALC calculate his back wages less any deductions authorized by applicable statute, and SCDC argued, in its brief, that deductions for overhead and security costs were authorized by service work contract. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Prisons ¶ 293

Statute authorizing certain deductions from **inmate's pay** under service work contract was neither remedial nor procedural and operated prospectively only, and, thus, retroactive application of statute to **inmate's wages** violated his due process rights, since **inmate** had right to wages, prior to effective date of statute authorizing certain deductions from his **pay**, pursuant to budget provisos and statutes requiring **inmates** to earn prevailing wage, **inmate's** right to certain wage became vested as soon as he earned that wage, and increase in deductions retroactively to gross wages earned prior to effective date divested **inmate's** vested right to higher net wage under statute governing **paid** employment of **inmates**. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Constitutional Law ¶ 4822; Prisons ¶ 181

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Code 1976 § 24-3-40, SC ST § 24-3-40

Current through 2019 Act No. 25 and Act No. 27, subject to technical revisions by the Code Commissioner as authorized by law before official publication.

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§ 24-3-430. Inmate labor in private industry authorized;..., SC ST § 24-3-430

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Code of Laws of South Carolina 1976 Annotated
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Title 24. Corrections, Jails, Probations, Paroles and Pardons
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Chapter 3. State Prison System
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Article 3. Prison Industries
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Code 1976 § 24-3-430

§ 24-3-430. **Inmate** labor in private industry authorized; requirements and conditions.

Currentness

(A) The Director of the Department of Corrections may establish a program involving the use of **inmate** labor by a nonprofit organization or in private industry for the manufacturing and processing of goods, wares, or merchandise or the provision of services or another business or commercial enterprise considered by the director to enhance the general welfare of South Carolina. No violent offender shall be afforded the opportunity to perform labor for nonprofit organizations if such labor is outside the confines of a correctional institution. **Inmates** participating in such labor shall not benefit in any manner contradictory to existing statutes.

(B) The director may enter into contracts necessary to implement this program. The contractual agreements may include rental or lease agreements for state buildings or portions of them on the grounds of an institution or a facility of the Department of Corrections and provide for reasonable access to and egress from the building to establish and operate a facility.

(C) An **inmate** may participate in the program established pursuant to this section only on a voluntary basis and only after he has been informed of the conditions of his employment.

(D) No **inmate** participating in the program may earn less than the prevailing wage for work of similar nature in the private sector.

(E) **Inmate** participation in the program may not result in the displacement of employed workers in the State of South Carolina and may not impair existing contracts for services.

(F) Nothing contained in this section restores, in whole or in part, the civil rights of an **inmate**. No **inmate** compensated for participation in the program is considered an employee of the State.

(G) No **inmate** who participates in a project designated by the Director of the Bureau of Justice Assistance pursuant to Public Law 90-351 is eligible for unemployment compensation upon termination from the program.

**§ 24-3-430. Inmate labor in private industry authorized;..., SC ST § 24-3-430**

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(H) The earnings of an inmate authorized to work at paid employment pursuant to this section must be paid directly to the Department of Corrections and applied as provided under Section 24-3-40.

**Credits**

HISTORY: 1995 Act No. 7, Part II, § 43; 1998 Act No. 355, § 1.

**Editors' Notes****FEDERAL ASPECTS**

Public Law 90-351 see, 42 U.S.C.A. 3711 et seq.

**Relevant Notes of Decisions (19)**

[View all 19](#)

Notes of Decisions listed below contain your search terms.

**Wages**

Statute authorizing certain deductions from inmate's pay under service work contract was neither remedial nor procedural and operated prospectively only, and, thus, retroactive application of statute to inmate's wages violated his due process rights, since inmate had right to wages, prior to effective date of statute authorizing certain deductions from his pay, pursuant to budget provisos and statutes requiring inmates to earn prevailing wage, inmate's right to certain wage became vested as soon as he earned that wage, and increase in deductions retroactively to gross wages earned prior to effective date divested inmate's vested right to higher net wage under statute governing paid employment of inmates. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Constitutional Law [§ 4822](#); Prisons [§ 181](#)

Although the federal Fair Labor Standards Act (FLSA) does not apply to inmate workers, statutes governing prison industries programs (PIP) compel the Department of Corrections to ensure inmate workers who are employed in a PIP receive the same pay rates and employment conditions as their non-inmate peers in the same locality. *South Carolina Dept. of Corrections v. Tomlin* (S.C.App. 2010) 387 S.C. 652, 694 S.E.2d 25, certiorari dismissed. Prisons [§ 172](#)

While the prevailing wage statutes for inmates working in prison industries programs (PIP) do not entitle inmates to a private right of action in tort for Department of Corrections' failure to comply with those statutes, inmates may protest through the grievance process the Department's failure to comply with these statutes. *South Carolina Dept. of Corrections v. Tomlin* (S.C.App. 2010) 387 S.C. 652, 694 S.E.2d 25, certiorari dismissed. Prisons [§ 273](#)

Inmate was entitled to time-and-a-half pay for overtime worked in prison industries program (PIP), under prison industries statutes providing that rate of pay for inmate labor in a PIP could not be less than that paid for work of a similar nature in the private sector in the locality in which the work was performed. *South Carolina Dept. of Corrections v. Tomlin* (S.C.App. 2010) 387 S.C. 652, 694 S.E.2d 25, certiorari dismissed. Prisons [§ 172](#)

## § 24-3-430. Inmate labor in private industry authorized;..., SC ST § 24-3-430

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Although the federal Fair Labor Standards Act (FLSA) does not apply to **inmate** workers, statutes governing prison industries programs (PIP) compel the Department of Corrections to ensure **inmate** workers who are employed in a PIP receive the same **pay** rates and employment conditions as their non-**inmate** peers in the same locality. South Carolina Dept. of Corrections v. Cartrette (S.C.App. 2010) 387 S.C. 640, 694 S.E.2d 18, certiorari dismissed as improvidently granted 396 S.C. 523, 722 S.E.2d 805. Prisons ☞ 172

While **inmates** working in a prison industries program (PIP) are not entitled to a private right of action in tort to challenge Department of Corrections' alleged noncompliance with governing statutes, they may protest through the grievance process the Department's failure to comply with these statutes. South Carolina Dept. of Corrections v. Cartrette (S.C.App. 2010) 387 S.C. 640, 694 S.E.2d 18, certiorari dismissed as improvidently granted 396 S.C. 523, 722 S.E.2d 805. Prisons ☞ 273

**Inmate** was entitled to time-and-a-half **pay** for overtime worked in prison industries program (PIP), under prison industries statutes providing that rate of **pay** for **inmate** labor in a PIP could not be less than that **paid** for work of a similar nature in the private sector in the locality in which the work was performed. South Carolina Dept. of Corrections v. Cartrette (S.C.App. 2010) 387 S.C. 640, 694 S.E.2d 18, certiorari dismissed as improvidently granted 396 S.C. 523, 722 S.E.2d 805. Prisons ☞ 172

**Inmate's** participation in voluntary program which served Department of Corrections by employing and training **inmates** was not a right, but a privilege, and this employment program did not meet the test for a state-created liberty interest because it did not present an atypical, significant hardship on **inmates** who were not permitted to participate, and consequently, **inmate**, in being terminated from his prison employment, did not suffer an infringement upon his liberty interests for due process purposes; there was no statutory requirement that all correctional facilities employ voluntary employment program, or that an **inmate** participate. Skipper v. South Carolina Dept. of Corrections (S.C.App. 2006) 370 S.C. 267, 633 S.E.2d 910. Constitutional Law ☞ 4822; Prisons ☞ 173

Department of Corrections was required to **pay inmate** in prison industries program the prevailing wage; nothing in the statutory scheme creating prison industries program authorized Department to **pay** a training wage less than the prevailing wage. Wicker v. South Carolina Dept. of Corrections (S.C. 2004) 360 S.C. 421, 602 S.E.2d 56. Prisons ☞ 172

State's statutory mandate that **inmates** be **paid** the prevailing wage in prison industries program created an interest that could not be denied without due process, and thus, Department of Corrections' failure to **pay** prevailing wage was reviewable by Administrative Law Judge. Wicker v. South Carolina Dept. of Corrections (S.C. 2004) 360 S.C. 421, 602 S.E.2d 56. Constitutional Law ☞ 4822; Prisons ☞ 172; Prisons ☞ 293

Prevailing wage statutes did not give **inmates** private right of action against state Department of Corrections (DOC) for alleged violation of statutes in **paying** training wage, and minimum wage, to **inmates** employed in prison industry; overall purpose of prevailing wage statutes was to prevent unfair competition, and nothing in statutes indicated legislative intent to create civil liability for violation of statutes. Adkins v. South Carolina Dept. of Corrections (S.C. 2004) 360 S.C. 413, 602 S.E.2d 51. Action ☞ 3; Prisons ☞ 309

## Remedies

**Inmates'** grievances to amount of **pay** received under Prevailing Wage Statute and contract for work performed as part of prison industry program were grievances to South Carolina Department of Corrections (SCDC) "policies/procedures" rather than to incidents, and, thus, were excepted from grievance system policy's 15-day filing deadline for incident grievances;

## § 24-3-430. Inmate labor in private industry authorized;..., SC ST § 24-3-430

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policy expressly excepted “policies/procedures” grievances from deadline, grievances challenging SCDC’s day-to-day operations fell within SCDC’s proposed definition of “policies/procedures,” **inmates’ pay** under statute was expression of legislative policy, and contractual **pay** was not incident, in that it effected numerous **inmates** and was not temporally limited. *Ackerman v. South Carolina Dept. of Corrections* (S.C.App. 2016) 415 S.C. 412, 782 S.E.2d 757, rehearing denied, certiorari denied. Prisons ☞ 283

Crime victims and **inmates’** dependents, as beneficiaries of wages paid to **inmates** participating in prison industries program, could not maintain declaratory-judgment action seeking declaration that Department of Corrections (DOC) violated prison industry statutes by allegedly diverting portion of **inmates’** hourly wage and violated prevailing wage provision of prison industry statute; rather, the victims and dependents were to maintain their claims through the DOC’s internal grievance procedure. *Torrence v. South Carolina Dept. of Corrections* (S.C. 2007) 373 S.C. 586, 646 S.E.2d 866, rehearing denied. Declaratory Judgment ☞ 84; Prisons ☞ 381

**Inmates** working in the prison industries program have a cognizable, state-created interest in having the Department of Corrections (DOC) pay them according to the statutory scheme governing the program, but they do not have a private right of action; instead, the DOC’s internal grievance procedure, with recourse to the Administrative Law Court, is the appropriate way to have a prisoner’s wage claim adjudicated. *Torrence v. South Carolina Dept. of Corrections* (S.C. 2007) 373 S.C. 586, 646 S.E.2d 866, rehearing denied. Action ☞ 3; Prisons ☞ 309; Prisons ☞ 315

Although **inmate** had no claim for civil damages, he was entitled to file a grievance with the Department of Corrections regarding the fact that he was not being paid in accordance with the Prevailing Wage Statute for work performed in prison industries program. *Wicker v. South Carolina Dept. of Corrections* (S.C. 2004) 360 S.C. 421, 602 S.E.2d 56. Prisons ☞ 273

**Inmates**, who did not have private civil cause of action under prevailing wage statutes to maintain action against state Department of Corrections (DOC) for alleged violations of statutes by DOC in paying **inmates** for their work in prison industry, could seek remedy by filing **inmate** grievance to protest DOC’s failure to pay wages in accordance with mandatory statutory provisions. *Adkins v. South Carolina Dept. of Corrections* (S.C. 2004) 360 S.C. 413, 602 S.E.2d 51. Prisons ☞ 273; Prisons ☞ 315

### Remedies of crime victims and inmates’ dependents

Crime victims and **inmates’** dependents, who were directly entitled to a portion of **inmates’** wages earned through the prison industries program, were to be afforded due process before being denied this state-created right, and thus victims and dependents were entitled to maintain their own claims through the Department of Corrections’ (DOC’s) internal grievance procedure and did not need to rely on the **inmates’** own grievance claims. *Torrence v. South Carolina Dept. of Corrections* (S.C. 2007) 373 S.C. 586, 646 S.E.2d 866, rehearing denied. Constitutional Law ☞ 4822; Constitutional Law ☞ 4840; Prisons ☞ 381

### Review

**Inmate** failed to preserve for appeal to Administrative Law Court (ALC) his argument that he was entitled to overtime **pay**, even though South Carolina Department of Corrections (SCDC) addressed issue of overtime in its grievance determination; **inmate** did not request overtime **pay** on any grievance form filed with SCDC. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Prisons ☞ 293

Issue, which was raised by **inmate** to Administrative Law Court (ALC) in his wage-related grievance proceeding challenging



**§ 24-3-430. Inmate labor in private industry authorized;..., SC ST § 24-3-430**

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pay received from Prison Industries program, of whether South Carolina Department of Corrections (SCDC) should be ordered to process wage grievances for other inmates participating in same program who did not file their own grievances was manifestly without merit, and, thus, ALC was not required to address it, even though ALC did not expressly state in its order that such issue was manifestly without merit, since there was no requirement in ALC rules that opinion was required to specifically state that issue was manifestly without merit in order to avoid addressing it. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. *Prisons* 293

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Code 1976 § 24-3-430, SC ST § 24-3-430

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§ 24-13-930. Surrender of inmates' earnings; amounts deductible., SC ST § 24-13-930

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Code of Laws of South Carolina 1976 Annotated

Title 24. Corrections, Jails, Probations, Paroles and Pardons

Chapter 13. Prisoners Generally

Article 11. Work/Punishment Program for **Inmates** Confined in Local Correctional Facilities

Code 1976 § 24-13-930

§ 24-13-930. Surrender of **inmates'** earnings; amounts deductible.

Currentness

The earnings of each **inmate** participating in the work/punishment program, less payroll deductions required by law, must be collected by or surrendered to the official administering the program or his authorized representative. From these earnings, the official may deduct in the following order:

- (a) any amount the **inmate** may be legally obligated to **pay**, or that the **inmate** desires to **pay**, for the support of the **inmate's** dependents;
- (b) any amount the **inmate** may be legally obligated to **pay** in restitution to the victim of his offense;
- (c) not less than five dollars nor more than ten dollars per workday to offset the cost to the local facility providing food, lodging, supervision, clothing, and care to the **inmate**. Any remaining amount of the **inmate's** earnings must be credited to the **inmate's** earnings account to be disbursed to the **inmate** upon release or to be disposed of according to applicable regulations of the local correctional facility.

**Credits**

HISTORY: 1986 Act No. 462, § 7.

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Code 1976 § 24-13-930, SC ST § 24-13-930

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## § 24-3-315. Determinations prerequisite to selecting prison..., SC ST § 24-3-315

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Code of Laws of South Carolina 1976 Annotated
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Title 24. Corrections, Jails, Probations, Paroles and Pardons
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Chapter 3. State Prison System
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Article 3. Prison Industries
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### Code 1976 § 24-3-315

#### § 24-3-315. Determinations prerequisite to selecting prison industry project.

Currentness

The Department of Corrections shall ensure that inmates participating in any prison industry program pursuant to the Justice Assistance Act of 1984 is on a voluntary basis. The director must determine prior to using inmate labor in a prison industry project that it will not displace employed workers, that the locality does not have a surplus of available labor for the skills, crafts, or trades that would utilize inmate labor, and that the rates of pay and other conditions of employment are not less than those paid and provided for work of similar nature in the locality in which the work is performed.

#### Credits

HISTORY: 1987 Act No. 177 § 2; 1993 Act No. 181, § 409.

#### Editors' Notes

#### Relevant Additional Resources

Additional Resources listed below contain your search terms.

### CROSS REFERENCES

Employer, of prisoner authorized to work at paid employment in a prison industry program provided under this article, must pay prisoner's wages directly to the Department of Corrections, see § 24-3-40.

#### Relevant Notes of Decisions (7)

[View all 7](#)

Notes of Decisions listed below contain your search terms.

#### In general

Statute authorizing certain deductions from inmate's pay under service work contract was neither remedial nor procedural and operated prospectively only, and, thus, retroactive application of statute to inmate's wages violated his due process rights, since inmate had right to wages, prior to effective date of statute authorizing certain deductions from his pay, pursuant to budget provisos and statutes requiring inmates to earn prevailing wage, inmate's right to certain wage became vested as soon as he earned that wage, and increase in deductions retroactively to gross wages earned prior to effective date divested inmate's vested right to higher net wage under statute governing paid employment of inmates. Gatewood v. South

**§ 24-3-315. Determinations prerequisite to selecting prison..., SC ST § 24-3-315**

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Carolina Dept. of Corrections (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Constitutional Law ⚡ 4822; Prisons ⚡ 181

Although the federal Fair Labor Standards Act (FLSA) does not apply to **inmate** workers, statutes governing prison industries programs (PIP) compel the Department of Corrections to ensure **inmate** workers who are employed in a PIP receive the same **pay** rates and employment conditions as their non-**inmate** peers in the same locality. South Carolina Dept. of Corrections v. Tomlin (S.C.App. 2010) 387 S.C. 652, 694 S.E.2d 25, certiorari dismissed. Prisons ⚡ 172

While the prevailing wage statutes for **inmates** working in prison industries programs (PIP) do not entitle **inmates** to a private right of action in tort for Department of Corrections' failure to comply with those statutes, **inmates** may protest through the grievance process the Department's failure to comply with these statutes. South Carolina Dept. of Corrections v. Tomlin (S.C.App. 2010) 387 S.C. 652, 694 S.E.2d 25, certiorari dismissed. Prisons ⚡ 273

**Inmate** was entitled to time-and-a-half **pay** for overtime worked in prison industries program (PIP), under prison industries statutes providing that rate of **pay** for **inmate** labor in a PIP could not be less than that **paid** for work of a similar nature in the private sector in the locality in which the work was performed. South Carolina Dept. of Corrections v. Tomlin (S.C.App. 2010) 387 S.C. 652, 694 S.E.2d 25, certiorari dismissed. Prisons ⚡ 172

Although the federal Fair Labor Standards Act (FLSA) does not apply to **inmate** workers, statutes governing prison industries programs (PIP) compel the Department of Corrections to ensure **inmate** workers who are employed in a PIP receive the same **pay** rates and employment conditions as their non-**inmate** peers in the same locality. South Carolina Dept. of Corrections v. Cartrette (S.C.App. 2010) 387 S.C. 640, 694 S.E.2d 18, certiorari dismissed as improvidently granted 396 S.C. 523, 722 S.E.2d 805. Prisons ⚡ 172

While **inmates** working in a prison industries program (PIP) are not entitled to a private right of action in tort to challenge Department of Corrections' alleged noncompliance with governing statutes, they may protest through the grievance process the Department's failure to comply with these statutes. South Carolina Dept. of Corrections v. Cartrette (S.C.App. 2010) 387 S.C. 640, 694 S.E.2d 18, certiorari dismissed as improvidently granted 396 S.C. 523, 722 S.E.2d 805. Prisons ⚡ 273

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Code 1976 § 24-3-315, SC ST § 24-3-315

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§ 24-13-80. Prisoners to pay for certain costs; definitions; criteria..., SC ST § 24-13-80

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Code of Laws of South Carolina 1976 Annotated
Title 24. Corrections, Jails, Probations, Paroles and Pardons
Chapter 13. Prisoners Generally
Article 1. General Provisions

Code 1976 § 24-13-80

§ 24-13-80. Prisoners to **pay** for certain costs; definitions; criteria for deductions from **inmates'** accounts; reimbursement to **inmates**; recovery from estates of **inmates**.

Effective: June 11, 2010

Currentness

(A) As used in this section:

(1) "Detention facility" means a municipal or county jail, a local detention facility, or a state correctional facility used for the detention of persons charged with or convicted of a felony, misdemeanor, municipal offense, or violation of a court order.

(2) "**Inmate**" means a person who is detained in a detention facility by reason of being charged with or convicted of a felony, a misdemeanor, a municipal offense, or violation of a court order.

(3) "Medical treatment" means each visit initiated by the **inmate** to an institutional physician, physician's extender including a physician's assistant or a nurse practitioner, dentist, optometrist, or psychiatrist for examination or treatment.

(4) "Administrator" means the county administrator, city administrator, or the chief administrative officer of a county or municipality.

(5) "Director" means the agency head of the Department of Corrections.

(B) The administrator or director, whichever is appropriate, may establish, by rules, criteria for a reasonable deduction from money credited to the account of an **inmate** to:

(1) repay the costs of:

**§ 24-13-80. Prisoners to pay for certain costs; definitions; criteria..., SC ST § 24-13-80**

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(a) public property wilfully damaged or destroyed by the **inmate** during his incarceration;

(b) medical treatment for injuries inflicted by the **inmate** upon himself or others;

(c) searching for and apprehending the **inmate** when he escapes or attempts to escape. The costs must be limited to those extraordinary costs incurred as a consequence of the escape; or

(d) quelling a riot or other disturbance in which the **inmate** is unlawfully involved;

(2) defray the costs **paid** by a municipality or county for medical services for an **inmate**, which have been requested by the **inmate**, if the deduction does not exceed five dollars for each occurrence of treatment received by the **inmate**. If the balance in an **inmate's** account is less than ten dollars, the fee must not be charged. However, a deficiency balance must be carried forward and, upon a deposit or credit being made to the **inmate's** account, any outstanding balance may be deducted from the account. This deficiency balance may be carried forward after release of the **inmate** and may be applied to the **inmate's** account in the event of subsequent arrests and incarcerations. This item does not apply to medical costs incurred as a result of injuries sustained by an **inmate** or other medically necessary treatment for which that **inmate** is determined not to be responsible.

(C) All sums collected for medical treatment must be reimbursed to the **inmate**, upon the **inmate's** request, if the **inmate** is acquitted or otherwise exonerated of all charges for which the **inmate** was being held.

(D) The detention facility may initiate an action for collection of recovery of medical costs incurred pursuant to this section against an **inmate** upon his release or his estate if the **inmate** was executed or died while in the custody of the detention facility.

**Credits**

HISTORY: 1994 Act No. 497, Part II, § 44A; 1995 Act No. 7, Part II, § 44; 2010 Act No. 237, § 69, eff June 11, 2010.

**Editors' Notes****Relevant Additional Resources**

Additional Resources listed below contain your search terms.

**EFFECT OF AMENDMENT**

The 2010 amendment, in subsection (A)(1) inserted “, a local detention facility, or a”; rewrote subsection (B)(2); and inserted “, upon the **inmate's** request,” in subsection (C).

§ 24-13-80. Prisoners to pay for certain costs; definitions; criteria..., SC ST § 24-13-80

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**CROSS REFERENCES**


Medical services for **inmates**, see § 24-7-110.

**Relevant Notes of Decisions (1)**

[View all 1](#)

Notes of Decisions listed below contain your search terms.

**In general**

Debiting **inmate's** prison trust account to cover hospital emergency room treatment he received after being attacked by other **inmates** was not authorized by South Carolina statute providing deductions from such accounts of costs of medical treatment for injuries inflicted by **inmate** upon himself or others. *Burks v. Pate* (C.A.4 (S.C.) 2005) 119 Fed.Appx. 447, 2005 WL 19485, Unreported, on remand 2005 WL 4859266. Prisons  117

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§ 24-1-295. Employment of inmates for work involving..., SC ST § 24-1-295

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Code of Laws of South Carolina 1976 Annotated
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Title 24. Corrections, Jails, Probations, Paroles and Pardons
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Chapter 1. Department of Corrections
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Code 1976 § 24-1-295

§ 24-1-295. Employment of **inmates** for work involving exportation of products; deductions from wages.

Effective: August 1, 2007

Currentness

The Director of the Department of Corrections may enter into contracts with private sector entities that allow **inmate** labor to be provided for prison industry service work and export work that involves exportation of products. The use of **inmate** labor may not result in the displacement of employed workers within the local region in which work is being performed. Pursuant to this section, service work is defined as any work that includes repair, replacement of original manufactured items, packaging, sorting, recycling, labeling, or similar work that is not original equipment manufacturing. The department may negotiate the wage to be **paid** for **inmate** labor provided under prison industry service work contracts and export work contracts, and these wages may be less than the prevailing wage for work of a similar nature in the private sector. However, the Director of the Department of Corrections shall deduct the following from the gross earnings of the **inmates** engaged in prison industry service work in addition to any other required deductions:

(1) If restitution to a particular victim or victims has been ordered by a court of appropriate jurisdiction, then twenty percent must be used to fulfill the restitution obligation.

(2) If restitution to a particular victim or victims has not been ordered by a court of appropriate jurisdiction, or if the court-ordered restitution to a particular victim or victims has been satisfied, then twenty percent must be applied to the South Carolina Victim Compensation Fund.

(3) Thirty-five percent must be used to **pay** the prisoner's child support obligations pursuant to law, court order, or agreement of the prisoner. These child support monies must be disbursed to the guardian of the child or children or to appropriate clerks of court, in the case of court ordered child support, for application toward payment of child support obligations, whichever is appropriate. If there are no child support obligations, then twenty-five percent must be used by the Department of Corrections to defray the cost of the prisoner's room and board. Furthermore, if there are no child support obligations, then ten percent must be made available to the **inmate** during his incarceration for the purchase of incidentals pursuant to item (4). This is in addition to the ten percent used for the same purpose in item (4).

(4) Ten percent must be made available to the **inmate** during his incarceration for the purchase of incidentals. Any monies made available to the **inmate** for the purchase of incidentals also may be distributed to the person or persons of the **inmate's** choice.



**§ 24-1-295. Employment of inmates for work involving..., SC ST § 24-1-295**

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(5) Ten percent must be held in an interest bearing escrow account for the benefit of the prisoner.

(6) The remaining balance must be used to **pay** federal and state taxes required by law. Any monies not used to satisfy federal and state taxes must be made available to the **inmate** for the purchase of incidentals pursuant to item (4).

**Credits**

HISTORY: 2007 Act No. 68, § 2, eff August 1, 2007.

**Relevant Notes of Decisions (7)**

[View all 7](#)

Notes of Decisions listed below contain your search terms.

**In general**

**Inmates'** grievances to amount of **pay** received under Prevailing Wage Statute and contract for work performed as part of prison industry program were grievances to South Carolina Department of Corrections (SCDC) "policies/procedures" rather than to incidents, and, thus, were excepted from grievance system policy's 15-day filing deadline for incident grievances; policy expressly excepted "policies/procedures" grievances from deadline, grievances challenging SCDC's day-to-day operations fell within SCDC's proposed definition of "policies/procedures," **inmates' pay** under statute was expression of legislative policy, and contractual **pay** was not incident, in that it effected numerous **inmates** and was not temporally limited. *Ackerman v. South Carolina Dept. of Corrections* (S.C.App. 2016) 415 S.C. 412, 782 S.E.2d 757, rehearing denied, certiorari denied. Prisons [§ 283](#)

**Constitutional issues**

Statute authorizing certain deductions from **inmate's pay** under service work contract was neither remedial nor procedural and operated prospectively only, and, thus, retroactive application of statute to **inmate's** wages violated his due process rights, since **inmate** had right to wages, prior to effective date of statute authorizing certain deductions from his **pay**, pursuant to budget provisos and statutes requiring **inmates** to earn prevailing wage, **inmate's** right to certain wage became vested as soon as he earned that wage, and increase in deductions retroactively to gross wages earned prior to effective date divested **inmate's** vested right to higher net wage under statute governing **paid** employment of **inmates**. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Constitutional Law [§ 4822](#); Prisons [§ 181](#)

**Deductions**

The South Carolina Department of Corrections (SCDC) was not entitled to deduct security costs and overhead from **inmate's** gross wages earned under service work contract entered into by SCDC as part of Prison Industries program during one-month gap between end-date of budget proviso for fiscal year and effective date of statute authorizing certain deductions from **inmate's pay** under service work contract, including "any other required deductions," even though contract included language that "SCDC shall be responsible to **pay inmate** workers, cover security costs and [Prison Industries] overhead," since more general statutory provision, which was effective during one-month gap and governed **paid** employment of **inmates**, did not authorize such deductions. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304,

**§ 24-1-295. Employment of inmates for work involving..., SC ST § 24-1-295**

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785 S.E.2d 600, rehearing denied, certiorari denied. Prisons ☞ 181

Security costs and overhead connected with Prison Industries program of the South Carolina Department of Corrections (SCDC) constituted “other required deductions” for purposes of statute authorizing deductions from inmate’s pay “in addition to any other required deductions” under service work contract as part of program, since such expenses were built into negotiated wage, contract’s payment provision stated that any increase in inmate’s wage would “only reflect SCDC’s increased costs of prison overhead,” and statutory provisions implied that SCDC had flexibility to determine amount it would charge industry sponsor to compensate SCDC for inmate labor and any other costs SCDC might incur to make such work available for eligible inmates. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Prisons ☞ 181

**Review**

Inmate asserting wage grievance challenge preserved for appeal his question of whether retroactive application of statute authorizing certain deductions from inmate’s pay under service work contract as part of Prison Industries program by Administrative Law Court (ALC) violated his due process rights, even if inmate did not raise issue before ALC, since ALC’s application of statute to inmate’s wage deductions prior to statute’s effective date implied it operated retroactively, inmate’s challenge to which statute applied to his wage deductions fairly encompassed retroactivity question, and question of whether applying statute retroactively violated due process was fairly subsumed within question of whether it in fact operated retroactively. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Prisons ☞ 298

Inmate failed to preserve for appeal to Administrative Law Court (ALC) his argument that he was entitled to overtime pay, even though South Carolina Department of Corrections (SCDC) addressed issue of overtime in its grievance determination; inmate did not request overtime pay on any grievance form filed with SCDC. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Prisons ☞ 293

Issue, which was raised by inmate to Administrative Law Court (ALC) in his wage-related grievance proceeding challenging pay received from Prison Industries program, of whether South Carolina Department of Corrections (SCDC) should be ordered to process wage grievances for other inmates participating in same program who did not file their own grievances was manifestly without merit, and, thus, ALC was not required to address it, even though ALC did not expressly state in its order that such issue was manifestly without merit, since there was no requirement in ALC rules that opinion was required to specifically state that issue was manifestly without merit in order to avoid addressing it. *Gatewood v. South Carolina Dept. of Corrections* (S.C.App. 2016) 416 S.C. 304, 785 S.E.2d 600, rehearing denied, certiorari denied. Prisons ☞ 293

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§ 42-7-65. Average weekly wage designated for certain categories..., SC ST § 42-7-65

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Code of Laws of South Carolina 1976 Annotated
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Title 42. Workers' Compensation
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Chapter 7 Funds
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Article 1. State Accident Fund
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Code 1976 § 42-7-65

§ 42-7-65. Average weekly **wage** designated for certain categories of employees.

Effective: June 7, 2010

Currentness

Notwithstanding the provisions of Section 42-1-40, for the purpose of this title and while serving in this capacity, the total average weekly **wage** of the following categories of employees is the following:

(1) for all members of the State and National Guard, regardless of rank, seventy-five percent of the average weekly **wage** in the State for the preceding fiscal year, or the average weekly **wage** the service member would be entitled to, if any, if injured while performing his civilian employment, if the average weekly **wage** in his civilian employment is greater;

(2) for all voluntary firemen of organized voluntary rural fire units and voluntary municipal firemen, thirty-seven and one-half percent of the average weekly **wage** in the State for the preceding fiscal year;

(3) for all members of organized volunteer rescue squads, thirty-seven and one-half percent of the average weekly **wage** in the State for the preceding fiscal year;

(4) for all volunteer deputy sheriffs, thirty-seven and one-half percent of the average weekly **wage** in the State for the preceding fiscal year; and

(5) for all volunteer state constables appointed pursuant to Section 23-1-60, while performing duties in connection with their appointments and authorized by the State Law Enforcement Division, thirty-seven and one-half percent of the average weekly **wage** in the State for the preceding fiscal year.

The **wages** provided in items (2), (3), (4), and (5) of this section may not be increased as a basis for any computation of benefits because of employment other than as a volunteer. Persons in the categories provided by items (2), (3), (4), and (5) must be notified of the limitation on average weekly **wages** prescribed in this section by the authority responsible for obtaining coverage under this title.

**§ 42-7-65. Average weekly wage designated for certain categories..., SC ST § 42-7-65**

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“Volunteer firemen” and “rescue squad members” mean members of organized units whose membership is certified to the municipal clerk or chairman of the council of the municipality or county in which their unit is based by the chief officer of the unit concerned. A “volunteer deputy sheriff” is a volunteer whose membership is certified by the sheriff to the governing body of the county. No volunteer deputy sheriff may be included under the provisions of this title unless approved by the governing body of the county or municipality. A voluntary constable appointed pursuant to Section 23-1-60 must be included under the provisions of this title only while performing duties in connection with his appointment and as authorized by the State Law Enforcement Division. The workers’ compensation premiums for these constables must be paid from the state general fund upon warrant of the Chief of the State Law Enforcement Division. Notwithstanding any other provision of law, voluntary firemen of organized volunteer fire units and members of organized volunteer rescue squads are covered under this title by the county governing body unless the governing body of the county opts out of the coverage.

The average weekly wage for inmates of the State Department of Corrections as defined in Section 42-1-480 is forty dollars a week. However, the average weekly wage for an inmate who works in a federally approved Prison Industries Enhancement Certification Program must be based upon the inmate’s actual net earnings after any statutory reductions. The average weekly wage for county and municipal prisoners is forty dollars a week. The average weekly wage for students of high schools, state technical schools, and state-supported colleges and universities while engaged in work study, marketing education, or apprentice programs on the premises of private companies or while engaged in the Tech Prep or other structured school-to-work programs on the premises of a sponsoring employer is fifty percent of the average weekly wage in the State for the preceding fiscal year.

**Credits**

HISTORY: 1983 Act No. 33 § 2; 1983 Act No. 92 § 4; 1984 Act No. 424, § 3; 1985 Act No. 174, § 2, eff June 24, 1985; 1991 Act No. 16, § 2, eff April 9, 1991; 1996 Act No. 259, § 2, eff April 1, 1996; 1998 Act No. 419, Part II, § 24A, eff July 1, 1998; 2002 Act No. 339, § 38, eff July 2, 2002; 2005 Act No. 80, § 1, eff upon approval (became law without the Governor’s signature on May 31, 2005); 2005 Act No. 98, § 2, eff June 1, 2005; 2010 Act No. 219, § 1, eff June 7, 2010.

**Editors’ Notes****Relevant Additional Resources**

Additional Resources listed below contain your search terms.

**RESEARCH REFERENCES****Treatises and Practice Aids**

2 Modern Workers Compensation § 201:19, Prison Inmates.

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Code 1976 § 42-7-65, SC ST § 42-7-65

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§ 24-13-210. Credit given inmates for good behavior., SC ST § 24-13-210

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KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

Code of Laws of South Carolina 1976 Annotated

Title 24. Corrections, Jails, Probations, Paroles and Pardons

Chapter 13. Prisoners Generally

Article 3. Reduction in Sentence; Early Release

Code 1976 § 24-13-210

§ 24-13-210. Credit given inmates for good behavior.

Effective: June 11, 2010

Currentness

(A) An inmate convicted of an offense against this State, except a "no parole offense" as defined in Section 24-13-100, and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of twenty days for each month served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(B) An inmate convicted of a "no parole offense" against this State as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of three days for each month served. However, no inmate serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. No inmate convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(C) An inmate convicted of an offense against this State and sentenced to a local detention facility, or upon the public works of any county in this State, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined, and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of one day for every two days served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which good conduct credits must be computed.

**§ 24-13-210. Credit given inmates for good behavior., SC ST § 24-13-210**

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(D) If an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, or temporarily confined, held, detained, or placed in any facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the facility during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If an inmate sentenced to a local detention facility or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility that is not under the direct control of the local detention facility, to include a prisoner on a labor crew or any other assigned detail or placement, or a prisoner in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the local official having charge of the inmate. The decision to withhold forfeited good conduct time is solely the responsibility of officials named in this subsection.

(E) Any person who has served the term of imprisonment for which he has been sentenced less deductions allowed for good conduct is considered upon release to have served the entire term for which he was sentenced unless the person is required to complete a community supervision program pursuant to Section 24-21-560. If the person is required to complete a community supervision program, he must complete his sentence as provided in Section 24-21-560 prior to discharge from the criminal justice system.

(F) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole and Pardon Services' prerelease or community supervision program as provided in Section 24-21-560.

**Credits**

HISTORY: 1962 Code § 55-8; 1952 Code § 55-8; 1942 Code § 1578; 1932 Code § 1578; Cr. C. '22 § 531; 1914 (28) 617; 1935 (39) 467; 1938 (40) 1833; 1955 (49) 475; 1956 (49) 1776; 1958 (50) 1910; 1959 (51) 123; 1960 (51) 1917; 1973 (58) 428; 1980 Act No. 513, § 1; 1986 Act No. 462, § 13; 1993 Act No. 181, § 437; 1995 Act No. 83, § 26; 2010 Act No. 237, § 72, eff. June 11, 2010.

**Notes of Decisions (8)**

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Code 1976 § 24-13-210, SC ST § 24-13-210

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**§ 24-13-230. Reduction of sentence for productive duty..., SC ST § 24-13-230**

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KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Code of Laws of South Carolina 1976 Annotated
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Title 24. Corrections, Jails, Probations, Paroles and Pardons
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Chapter 13. Prisoners Generally
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Article 3. Reduction in Sentence; Early Release
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## Code 1976 § 24-13-230

§ 24-13-230. Reduction of sentence for productive duty assignment or participation in academic, technical, or vocational training program.

Effective: June 11, 2010

Currentness

(A) The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department, except an inmate convicted of a "no parole offense" as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of zero to one day for every two days he is employed or enrolled. A maximum annual credit for both work credit and education credit is limited to one hundred eighty days.

(B) The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department serving a sentence for a "no parole offense" as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of six days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. No prisoner convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150. A maximum annual credit for both work credit and education credit is limited to seventy-two days.

(C) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole and Pardon Services' prerelease or community supervision program as provided in Section 24-21-560.

(D) The amount of credit to be earned for each duty classification or enrollment must be determined by the director and published by him in a conspicuous place available to inmates at each correctional institution. If a prisoner commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the work credit or education credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections.

**§ 24-13-230. Reduction of sentence for productive duty..., SC ST § 24-13-230**

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(E) The official in charge of a local detention facility must allow an inmate sentenced to the custody of the facility who is assigned to a mandatory productive duty assignment a reduction from the term of his sentence of zero to one day for every two days so employed. The amount of credit to be earned for each duty classification must be determined by the official in charge of the local detention facility and published by him in a conspicuous place available to inmates.

(F)(1) An individual is eligible for the educational credits provided for in this section only upon successful participation in an academic, technical, or vocational training program.

(2) The educational credit provided for in this section, is not available to any individual convicted of a violent crime as defined in Section 16-1-60.

(G) The South Carolina Department of Corrections may not pay any tuition for college courses

**Credits**

HISTORY: 1962 Code § 55-8.1; 1963 (53) 506; 1964 (53) 2165; 1969 (56) 273; 1974 (58) 2366; 1978 Act No. 496 § 16; 1986 Act No. 462, § 14; 1993 Act No. 181, § 438; 1995 Act No. 83, § 28; 2010 Act No. 237, § 73, eff June 11, 2010.

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Code 1976 § 24-13-230, SC ST § 24-13-230

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