

Chapter HSS 313

CORRECTIONS INDUSTRIES IN ADULT INSTITUTIONS

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Note: Several sections in this chapter have explanatory material relating to the text of the rule. This material can be found in an appendix following the last section of this chapter.

HSS 313.01 Purpose. The purposes of Wisconsin corrections industries are to assist in reintegration of inmates into their communities by providing meaningful employment opportunities within correctional institutions and to maintain self-supporting industries through the sale of products and services. The following goals are relevant to the fulfillment of these purposes:

- (1) To provide the inmate with work skills, habits and training necessary to compete in the modern job marketplace, thereby increasing the potential for a successful return to society;
- (2) To develop programs that reinforce individual dignity and meet the needs of the individual inmate employe;
- (3) To utilize modern production methods and business practices similar to those used by private industry;
- (4) To develop, produce and market products of benefit to customers at a competitive price;
- (5) To sell to customers products and services unavailable to them through alternative sources; and
- (6) To pay inmate employes a wage based upon work productivity.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.015 Applicability. (1) This chapter is created under the authority of s. 227.014, Stats., and implements ss. 53.09, 56.01, 56.03, 56.06 and 56.21, Stats.

- (2) The definitions in chs. HSS 302, 303 and 310 apply to this chapter.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.02 Description of industries. Wisconsin corrections industries shall keep a written description of all its operations including but not limited to job positions, job titles, job descriptions, pay scales, probationary term, work hours and specific work rules. This description

shall be available to inmates and the public. The description of industries shall be updated to reflect change.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.025 Authority of program review committee (PRC). The program review committee (PRC) has authority over an inmate's program assignment, and this authority applies to this chapter. Sections HSS 302.18 to 302.20 govern PRC criteria and procedures.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.03 Application and approval. (1) Any inmate may apply for a position in industries. The application shall include the inmate's preferences for positions.

(2) The shop supervisor shall:

(a) Interview applicants for specific positions under his or her supervision. If an opening occurs, the shop supervisor may select any inmate applicant for the position and recommend that the PRC approve the inmate for the specific program assignment.

(b) Use only the following criteria in the selection of applicants:

1. Attitude;
2. Willingness to learn;
3. Experience and training;
4. Physical ability if relevant to the position;
5. Unique skills applicable to the particular position;
6. Past employment in the industries program; and
7. Medical history.

(3) The PRC, using the procedure and criteria of ch. HSS 302, shall make the decision to approve or deny the specific program assignment.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.04 Probationary period. (1) Every inmate hired for a new position by Wisconsin corrections industries shall serve a probationary period during which the inmate's employment may be terminated by the inmate or the supervisor. If terminated by the supervisor, an inmate may appeal through the inmate complaint review system (ICRS) under ch. HSS 310.

(2) Inmates beginning their first appointment for industries shall not receive sick leave or bonus pay under s. HSS 313.08 (4) and (6) during the probationary period.

(3) The duration of the probationary period term for any position shall be established prior to interviewing any inmate.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.05 Evaluation. (1) Each employe's performance shall be evaluated at least once a month by the supervisor. The evaluation shall be written and shall include underlying facts supporting conclusions based upon the criteria of sub. (2).

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(2) The criteria to be used in evaluating employes include, but are not limited to, the following:

- (a) Quality of performance of assigned duties;
- (b) Observation of safety regulations;
- (c) Initiative;
- (d) Attendance;
- (e) Sanitation;
- (f) Attitude towards fellow employes and staff; and
- (g) Improvement.

(3) The shop supervisor shall meet with the employe during the evaluation to discuss the employe's performance.

(4) Copies of the employe evaluation report shall be distributed to the inmate, the industries executive management, the supervisor and the social services staff.

(5) A recommendation concerning extra good time for those inmates to whom 1983 Wisconsin Act 528 does not apply shall be included in the evaluation. The criteria for an extra good time recommendation shall be those under s. HSS 302.31 (4) to (6).

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82; am. (5), Register, February, 1987, No. 374, eff. 3-1-87.

HSS 313.06 Termination. (1) After an inmate employe has completed the probationary period, he or she may be terminated under this section. The types of termination are as follows:

(a) *Voluntary.* An inmate may voluntarily terminate his or her employment with Wisconsin corrections industries.

(b) *Serious work rule violations.* Serious violations of the administrative rules of the division or specific work rules of the position may be cause for immediate discharge. These include, but are not limited to:

1. Direct insubordination (such as refusal to work);
2. Serious disregard of safety regulations; and
3. Walking off the job.

(c) *Substandard performance.* If an employe's performance is consistently substandard under s. HSS 313.05, the following procedure shall be used for termination:

1. A supervisor dissatisfied with an employe's performance shall hold at least 2 counseling sessions with the employe during which the supervisor explains the problem and the supervisor and the employe attempt to find a solution to the problem.

2. Following 2 counseling sessions, the supervisor may retain the employe or, if no satisfactory solution is found, may terminate the employe.

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3. A record of the counseling session shall be made in a log of all counseling sessions.

(d) *Transfer.* An employe shall be terminated upon transfer to another institution. If an industries facility is operating at the new institution, the employe may be given priority consideration for rehiring under s. HSS 313.10.

(2) Whenever an employe is terminated, the supervisor shall write the decision and facts applicable to the criteria of s. HSS 313.05 (2). This record shall include, but is not limited to, the following information:

- (a) Name of employe terminated;
- (b) Date of termination;
- (c) Shop name;
- (d) Supervisor's name; and
- (e) Reasons for termination including underlying facts and criteria used for decision.

(3) If an employe is terminated under this section, referral shall be made to the PRC for review under ch. HSS 302.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.07 Discipline. A finding of guilt in a disciplinary process under ch. HSS 303 shall not result in automatic termination from employment, but if the conduct underlying the disciplinary violation relates to job performance, it may be considered along with the criteria under s. HSS 313.05 in any decision to terminate.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.08 Compensation in industry shops. (1) Each employe shall be paid a base wage established by industries management. Upward pay adjustments may be made at the recommendation of the shop supervisor based upon the monthly employe evaluation report.

(2) Overtime pay at the rate of one and one-half times the base wage shall be given to employes for hours worked exceeding 8 hours per day during the regular work week. Twice the base wage rate shall be paid for work on Sundays and state holidays.

(3) Employes assigned to the second shift may be paid a differential amount per hour in addition to the base wage they receive.

(4) (a) Employes who have completed the probationary period shall be eligible for 20 days of sick leave per year for nonwork-related illness. Sick leave pay shall be an amount equal to the entry-level wage rate for hours missed.

(b) An employe who wishes to claim sick leave must obtain permission from appropriate staff.

(5) Employes shall be paid one-half their base pay if the shop is temporarily closed so that inmates are unable to work. This subsection applies only when the shop is closed for reasons unrelated to actions of employes.

(6) A bonus based upon revenues of Wisconsin corrections industries may be paid to all employees.

(7) Employees injured in the performance of their job duties shall receive full pay while recuperating. An inmate may file a claim with the worker's compensation division of the Wisconsin department of industry, labor and human relations if the injury is of sufficient severity to affect earning capacity following release.

(8) Employees of the division's contract work experience program may be paid piece-rate wages.

(9) An employee who has been charged with violation of a disciplinary rule and found not guilty shall be paid for all hours absent from work due to the disciplinary proceedings. If the employee is found guilty, he or she shall receive no pay for hours absent due to the proceedings.

(10) During the month following completion of the probationary period, employees shall receive an hourly wage increase equal to a minimum of 10% of maximum base rate rounded to the nearest 5 cents.

(11) Nonmonetary or monetary awards may be established by management. Any awards shall be based upon a written plan established by management.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.09 Work day. (1) The regular work day for industries positions shall be not less than 6 nor more than 8 hours excluding overtime.

(2) Employees shall be paid for all time for which they work.

(3) An employee shall obtain a pass before leaving the shop during work hours. Passes to leave the shop are discouraged except when necessary for programming or when an emergency exists.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.10 Placement priority upon transfer. (1) Employees who are transferred to another institution for other than discipline and population pressure reasons may be given a priority consideration over applicants who have never worked for Wisconsin corrections industries. See s. HSS 313.03 (2) (b).

(2) An inmate who has been transferred and hired at the new institution may be given his or her previous rate of pay if the inmate is as competent as the other workers in the new shop.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.11 Inmate management advisory committees. (1) Wisconsin corrections industries may establish inmate advisory committees consisting of inmates from the various shops.

(2) Inmate advisory committees may discuss topics related to industry operations. Inmate advisory committees are encouraged to formulate their own agendas for discussion.

(3) Regular meetings are encouraged between inmate advisory committees and the executive management staff of industries or their representatives.

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(4) An inmate advisory committee is not a labor union. Inmate labor unions are prohibited.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.12 Affirmative action. (1) Wisconsin corrections industries shall promote equal employment opportunity through affirmative action in programs and practices including, but not limited to: recruitment, selection, promotion, termination, layoff, pay rates, training programs and appointment to committees. The goal of the affirmative action program is a racially balanced inmate work force in each employing unit that reflects the racial percentages of the institutions.

(2) Corrections industries will gather pertinent racial information from its employing units monthly. A monthly report by the affirmative action office of the department of health and social services, the administrator and the head of industries will be prepared including the following information: shop name, monthly work force by race, average monthly pay by race, average hourly pay by race, percentage representation by race.

(3) Efforts should be made to offer women and men similar opportunities, consistent with available resources.

(4) Industries management shall monitor status reports under this section and direct corrective action if necessary.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

HSS 313.13 Total shop shutdown and layoff. (1) The management of Wisconsin corrections industries has the authority to lay off inmate employes when business conditions dictate such action.

(2) If a layoff situation is temporary, the affected employe shall receive one-half his or her base pay during the layoff period. A "temporary layoff" means a period of 15 working days or less.

(3) Employes who are involuntarily permanently separated from employment with Wisconsin corrections industries are eligible to receive a separation allowance equal to 2 weeks base wages using a normal work week for computation. "Involuntarily permanently separated" employes are those who are dropped from employment and are not reemployed within 15 working days.

(4) If the employe separated under sub. (3) is called back within 60 calendar days following involuntarily separation, he or she shall return at the former base wage rate.

(5) An employe who is laid off from one shop may be offered a position in another shop. If the employe does not accept the offered position, the employe shall be terminated from employment with Wisconsin corrections industries and receive no further pay or benefits.

(6) Any employe temporarily laid off shall be referred to the PRC for reassignment.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.