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SUMMARY OF REVISION/REVIEW

PROCESS – XIII.A. - Language updated. Minor grammar changes throughout.

APPROVED:

June 30, 2024

REVISED:

Rob Jeffreys Rob Jeffreys (Apr 22, 2024 17:42 CDT)

Rob Jeffreys, Director Nebraska Department of Correctional Services

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PURPOSE

To provide Nebraska Department of Correctional Services (NDCS) policy for the daily activity of an incarcerated individual involved in a work or program assignment and to establish uniform practice under which incarcerated individuals are paid for work performed. (ACI-7A-08)

NDCS shall assign/select and retain incarcerated individual workers on the basis of demonstrated ability and qualifications. No person shall, on the grounds of race, gender, disability, national origin, age, religion, creed or political belief, be excluded from work and program assignments. This policy is not intended to, nor shall it limit the ability of NDCS to restrict assignment to individuals housed within the facility wherein a particular work assignment is located. (ACI-3D-04, ACRS-6B-01, ACRS-6B-02)

NDCS shall assign individuals to facility work/programs that will enhance their personal development and the efficient operation of their assigned facility. To the extent practicable, each facility should maintain a written plan which provides full time work and/or program assignments for all incarcerated individuals in the general population, including disabled individuals. NDCS shall ensure all eligible incarcerated individuals are assigned a facility job unless assigned to an approved education or training program. Incarcerated individuals have the option of refusing to participate in any rehabilitation or treatment programs except adult basic education and programs required by Nebraska Revised Statute §79-201 or ordered by the sentencing court or paroling authority. (ACI-7A-01, ACI-7A-02)

Work assignments should, whenever possible, be a type that will afford an opportunity to learn a job skill and develop good work habits and attitudes that can apply to jobs after they are release. (ACI-7A-03)

Work assignments shall include correctional industries (see Policy 113.18 *Cornhusker State Industries: Job Classification and Stipends*), facility maintenance, operations, and at facilities with appropriate custody and supervision, public works and community projects. (ACI-7A-04)

Advice and assistance of labor, business and industrial organizations will be used by designated NDCS team members to assist incarcerated individuals in developing skills relevant to the job market. (ACI-7A-05)

PROCESS

I. HEALTH AND SAFETY (ACI-7A-07)

- A. All facility work, industrial, and vocational/educational programs must meet minimum applicable federal, state or local work, health and safety standards.
- B. Annual health and safety inspections will be conducted by outside authorities. A monthly inspection of work and program areas will be conducted by a safety/sanitation officer with weekly inspections conducted by qualified facility team members.
- II. FACILITY WORK AND PROGRAM STRUCTURE (ACI-7A-08)
 - A. Facility work and program opportunities will, as closely as possible, provide a workday that approximates a workday in the community. (ACI-7A-06)
 - B. Activities that would interfere with daily work and program efforts are to be closely scrutinized and avoided whenever possible.

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- C. Where appropriate, special, and/or protective clothing will be issued to individuals assigned to specialized work. Assignments to the Skilled Nursing Facility, food service, recycling, laundry, maintenance, and industries shops may require such clothing.
- D. Work Assignments
 - 1. A classification authority must approve all work assignment/re-assignments (see Policy 201.01 *Incarcerated Individual Classification*). The warden/designee must approve all off-unit work assignments/re-assignments in secure facilities. Individuals who have an escape/attempted escape from a secure facility within the last 10 years are prohibited from being classified to off-unit work assignments with the exception of education and food service positions that do not require work outside of the confines of the kitchen/dining hall areas (i.e. not allowed to push food carts outside of the kitchen, taking trash to dumpsters, working on the loading dock, etc.).
 - 2. Individuals who have a history of assaultive behavior within the last three years are prohibited from being classified to off-unit work assignments with the exception of education and food service positions (as described above). Assaultive behavior is defined as any class I misconduct report for Assault, Murder/Manslaughter, Sexual Assault or Mutinous Actions or Part 1 offense conviction(s) (1st Degree Murder, 2nd Degree Murder, Manslaughter, 1st Degree Assault, 1st Degree Sexual Assault of a Child, Robbery). Requests for an exception to these limitations must be initiated in writing by the warden/designee to the deputy director-prison operations. This provision does not apply to individuals housed at a community corrections center or the Work Ethic Camp.
 - 3. A list of all work assignment changes must be distributed to the warden, deputy/assistant/associate warden, major, unit administrator, unit managers and the respective work supervisors whenever work assignment changes are approved.
- E. All work assignments shall be for a 5-day work week or 4-day/extended-hour-day work week.
- F. Due to the limited work assignments at intake facilities/designated units (Nebraska Correctional Center for Women, Nebraska Correctional Youth Facility and Reception and Treatment Center) and to allow time for completion of required intake assessments, individuals housed in intake facilities/designated units may not be immediately eligible for a work assignment.
- G. All work assignments shall be formally classified according to the skill level required and the degree of physical or mental effort required. All work assignments shall not exceed a 5-day assignment. When an individual works a designated day off, it is expected that he/she will have their work schedule adjusted so as to not exceed a 5-day work week. In such cases, the work area supervisor shall submit an Incident Report providing justification to the facility Business Office within 5-business days. The business office shall notify the facility warden of the Incident Report.
- H. Incarcerated individuals shall be compensated for work performed in their work assignment. To the degree possible, facility work programs shall be incentive based. (ACI-7A-13)

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I. Absences for Parole Board reviews/hearings and Institutional Disciplinary Committee (IDC) and Unit Disciplinary Committee (UDC) hearings shall be considered excused absences with stipends up to one hour duration.

III. UNIVERSAL WORK/PROGRAM REQUIREMENTS

- A. Must be on time and at work unless properly excused by the supervisor.
- B. Must follow team member instructions.
- C. Must complete duty assignments as determined by the designated work area supervisor.
- D. Must cooperate with supervisor, accept instructions and be appropriately responsive to constructive criticism.
- E. Must maintain harmonious relationships with NDCS team members and other workers.
- F. Must not access NDCS team member computers and/or other electronic devices or security equipment.
- G. Must not be in designated staff areas unsupervised.
- H. Must not access confidential information.
- IV. PEER PROGRAMS (Peer Health Porter Program Protocol (Attachment A))
 - A. <u>Health Porter Program</u>

Health Porter Program procedures are detailed in the *Health Porter Program Protocol* (see Policy 106.02 *Opportunities for Change*).

B. Intentional Peer Support Program

Intentional Peer Support Program procedures are detailed in the *Intentional Peer Support Program Protocol* (see Policy 106.02 *Opportunities for Change*).

C. Non-Clinical Program Peer Facilitator Program

Non-Clinical Program Peer Facilitator Program procedures are detailed in the *Non-Clinical Program Peer Facilitator Program Protocol* (see Policy 106.02 *Opportunities for Change*).

V. EDUCATION PROGRAMS

A. On occasion, incarcerated individuals may be assigned to participate in high school, ABE, GED and/or ESL as a full-time basis; however, generally these are half-day assignments. In the case of half-day assignments, individuals will also be required to be assigned to a half-time facility work assignment, residential substance abuse or residential mental health treatment. Individuals will not receive stipends for any other educational programming (vocational or college education).

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- B. Stipends for individuals assigned to high school, ABE, GED and/or ESL will be at the Worker I rate. Stipends will be calculated as ½ of Worker I rate for attending educational programming and ½ from the work site at the assigned stipend rate for those duties. Individuals shall only receive stipends for actual days of work attendance or education. Those individuals who work in positions with stipends at the Worker II or III rate will be paid at the higher rate assignment for the total day; their participation in education will be considered voluntary.
- C. Educational assignments are considered 5-day work week assignments, except weeks when a state holiday occurs.
- D. Individuals assigned to high school, ABE, GED and/or ESL will only receive stipends for actual school attendance. For example, individuals will not receive stipends for teacher inservice days, breaks between terms, holidays, or absences. Education team members have the option of not giving stipends to an individual for the day if it has been documented that the individual is an unexcused absence or is present but does not actively participate in the class activity.

VI. RESIDENTIAL TREATMENT PROGRAMS

- A. When applicable, stipends for individuals assigned to a residential treatment program will be at the Worker I rate and are considered 5-day work week assignments. Individuals shall only receive stipends for actual treatment days; treatment stipends are received on state holidays.
- B. When applicable, stipends will be calculated as ½ of Worker I rate for a residential treatment program and ½ from the work assignment site. Individuals who work in positions with stipends at the Worker II or III rate will be paid at the higher rate assignment for the total day and their participation in a residential treatment program will be considered voluntary.
 - 1. Residential Mental Health Program

Individuals who are assigned to a residential mental health program may receive a daily stipend for treatment. However, once providers determine the individual is psychiatrically stable, they will be classified to a half-day work/education assignment and will receive a half-day treatment stipend.

2. Residential Sex Offender Programming

Individuals who are enrolled in the residential sex offender program do not receive a stipend for treatment and will be classified to a full-time work/education assignment.

3. Residential Substance Use Programming

Individuals who are enrolled in the residential substance use program will be classified to a half-day work/education assignment and will receive a stipend for half-day residential substance mental health programming.

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VII. ADMINISTRATIVE, MEDICAL, AND WORK LAY-IN

- A. The warden/designee may authorize administrative lay-in pay when incarcerated individuals are unable to work for reasons outside of their control at the stipend equal to the Worker I daily rate.
- B. Health Services team members may authorize medical lay-in. An incarcerated individual will not receive a stipend when on a medical lay-in status.
- C. The warden/designee may authorize work lay-in in situations where an incarcerated individual refuses to work as directed at their assigned work/program location or it is determined that the individual's presence at that work site compromises the work effort and/or security of that work. Written notice of the work lay-in shall be provided to the individual. An individual may remain on work lay-in status until they are reclassified to another work assignment or are allowed to return to work at their original work/program assignment. A stipend is not authorized for an individual on a work lay-in status.

VIII. TERMINATION

The warden/designee has the authority to remove an individual worker for disruption, poor work performance or other reasons consistent with the efficient operation and good order of the facility and NDCS rules and regulations. Said terminations shall be processed through the Unit/Institutional Classification Committee.

IX. HOWARD'S DAY

Holiday stipends will be paid for Howard's Day, September 2nd, if the incarcerated individual has a facility work assignment as of that date. Individuals who work on Howard's Day shall receive holiday stipends for the work. The work rosters for September 2 in CIPS will have a box to check if the individual is to receive Howard's Day holiday stipend. (Nebraska Revised State Statute §83-454)

X. AUTHORIZED WORKER CLASSIFICATIONS

The following classification system for authorized worker classifications:

WORKER LEVEL	<u>RATE</u> NUMBER	WORK DESCRIPTION
Worker I, Education or Treatment	1	Work does not require any specialized training and/or experience. Individuals enrolled in high school, ABE, GED and/or ESL educational classes. Individuals in residential treatment programs that do not allow work assignments in addition to their treatment program.
		Individuals transferring from one facility to another will be assigned only to Worker I level positions. Eligibility for Worker II and III level positions consistent with this policy will be dependent on availability of said positions, their demonstrated work performance and institutional disciplinary record (as described below).

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Worker II	2	supervision; ind Individuals must performance as Performance Exconsidered for a addition, individu misconduct report [H] offenses for considered for Exceptions may b	documented on t	experience. Factory work he NICaMS efore being position. In any guilty as I or Class II before being II position.
Worker III	3	that are normal professional assig satisfactory work NICaMS Performa considered for a addition, individu misconduct report [H] offenses for a considered for Exceptions may b	is requiring highly skille ly assigned as lead nments. Individuals mus performance as docum ance Evaluation Review in available Worker II uals must not have infractions for any Clas period of twelve-months an available Worker e considered on a case- f the warden/designee.	persons or t demonstrate nented on the before being I position. In any guilty as I or Class II before being III position.
Worker I	4	require any special Individuals transfe be assigned only for Worker II and policy will be dependent their demonstrate	our-day work week. W alized training and/or exp erring from one facility t to Worker I level position III level positions consist endent on availability of s d work performance an I (as described below).	perience. o another will ons. Eligibility stent with this said positions,
Worker II	5	supervision; ind individuals must performance as Performance Exconsidered for a addition, individu misconduct report [H] offenses for considered for Exceptions may b	quiring limited to ividuals with some t demonstrate satisf documented on t	any guilty s I or Class II before being II position.
Worker III	6	4-day/extended-he assignments requ	our-day work we iring highly skilled indivi	eek. Work duals that are

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normally assigned as lead persons or professional assignments. Individuals must demonstrate satisfactory work performance as documented on the NICaMS Performance Evaluation Review before being considered for an available Worker III position. In addition, individuals must not have any guilty misconduct report infractions for any Class I or Class II [H] offenses for a period of twelve-months before being considered for an available Worker III position. Exceptions may be considered on a case-by-case basis at the discretion of the warden/designee.

Designated 61-63 Designated full-time positions at community corrections locations requiring specialized skills. These positions require the director's approval to be created.

Health Porter I 91 Health Porters that are beginning or restarting the program and need considerable supervision and instruction in carrying out their duties; limited or no experience in a healthcare setting; may have limited knowledge of certain applications. Works as directed and/or assigned.

- Health Porter 92 Semi-skilled worker who can perform tasks with some Ш instruction and supervision; has a working knowledge of the duties assigned to Incarcerated individual Health Porters. Is assigned to provide assistance to peers in a housing unit setting and also works as directed and/or assigned. Individuals must demonstrate satisfactory work performance for a minimum of 6months in a Health Porter I position as documented on the NICaMS Performance Evaluation Review before being considered for an available Health Porter II position. In addition, individuals must not have any guilty misconduct report infractions for any Class I or Class II [H] offenses for a period of twelve-months before being considered for an available Health Porter II position. Exceptions may be considered on a case-by-case basis at the discretion of the warden/designee.
- Health Porter 93 Skilled worker who is able to complete assigned tasks without instruction. The worker should be able to show less skilled workers the correct process for completing tasks. Is assigned to provide assistance to peers in a Skilled Nursing Facility and also works as directed and/or assigned. Individuals must demonstrate satisfactory work performance for a minimum of 6-months in a Health Porter II position as documented on the NICaMS Performance Evaluation Review before being considered for an available Health Porter III position. In addition, individuals must not have any guilty misconduct report infractions for any Class I

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or Class II [H] offenses for a period of twelve-months before being considered for an available Health Porter III position. Exceptions may be considered on a caseby-case basis at the discretion of the warden.

Full-Time	93	Designated full-time positions only at the Nebraska
Intentional		Correctional Youth Facility (NCYF) requiring specialized
Peer Support		skills and a history of appropriate institutional behavior.
Specialist		Require screening and approval of the NCYF warden in
		consultation with the deputy directors-rehabilitative
		services and deputy director-prison operations.

NOTE: Individuals assigned to a specific Worker Level at the time this policy revision is implemented who do not meet the eligibility criteria established above shall not be removed from that Worker Level unless/until an event occurs that renders them ineligible for the specific Worker Level on/after the revision date of this policy. Individuals previously assigned to a Worker Level that has been eliminated shall be placed in the most similar Worker Level position described above.

XI. STIPEND STRUCTURE

A. Daily Rates of Stipend

1.	Worker I/Student/Treatment	\$1.26/Day
2.	Worker II	\$2.30/Day
3.	Worker III	\$3.83/Day
4.	*Worker I (4-Day Work Week)	\$1.58/Day
5.	*Worker II (4-Day Work Week)	\$2.88/Day
6.	*Worker II (4-Day Work Week)	\$4.79/Day

*Work areas specified as a 4-day extended-hour work week will require the Warden's approval before inmate accounting establishes stipend rates (4), (5), and (6) within a work area.

7.	Health Porter I	\$4.37/Day
8.	Health Porter II	\$6.13/Day
9.	Health Porter III	\$8.69/Day
10.	Full-Time Intentional Peer Support Specialist (NCYF only) (see NCYF Positive Peers Protocol (Atta	\$8.69/Day achment B))

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B. <u>Hourly Rates of Stipend</u>

- (61) *Designated Work Detail \$1.13/Hour
- (62) **Designated Work Detail Gov Res Initial \$1.30/Hour
- (63) **Designated Work Detail Gov Res 6 month \$1.55/Hour

*Community Corrections Centers only

**Community Corrections Center-Lincoln only. Work detail individuals at the Governor's Residence shall have a starting stipend of \$1.30/hour. After 6-months of good performance, their stipend shall be increased to \$1.55/hour, where it will remain for their duration of their assignment. Work detail individuals assigned to the Governor's Residence may also be eligible to receive bonuses based on performance as determined by the Governor's Residence team members.

C. Incentive Stipends

Non-clinical program peer facilitators shall receive a \$5.00 weekly incentive stipend in addition to their earned daily work stipend only if they are actively involved in program facilitation during that week. These stipends are processed by completing an Inmate Pay Document.

- D. Step or merit increases are NOT authorized. Individual workers may receive a stipend increase only if promoted to an available higher stipend position.
- E. Stipends may be authorized by the director/designee for special circumstances.

XII. POSITIONS CONTROL

- A. All facilities shall designate incarcerated individual stipend centers. A stipend center is a work area where incarcerated individuals responsible to a supervisor report their time for stipend purposes. Each facility may have up to 99 stipend centers.
- B. The stipend schedule shall be based upon objective criteria and position availability. Budgets shall be set annually via a formula based on the number of incarcerated individuals expected to have a work assignment at a facility and specified percentages for each of the daily stipend rates.
- C. Worker I positions, to include education and treatment positions, shall not be limited.
- D. Within each stipend center, the number of incarcerated individuals assigned to positions of Worker II and Worker III shall be established and a position number assigned. A work assignment is intended to perform duties/functions in a distinct location. These positions will be identified as full day or half-day workers.
- E. Each facility shall be assigned sufficient Health Porter I, II and III positions to meet the needs of the incarcerate population. The number of Health Porter I, II and III positions shall

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be determined by the medical director and the facility warden based on the recommendations from facility director of nursing/associate director of nursing.

- F. Once established, the number of positions determined in Procedure XII.B. above shall be maintained. No individual may be promoted/assigned to a Worker II or III position unless a position is vacant. An individual may not be assigned to more than one full-time position or its equivalency. An individual may not receive a stipend for more than one full-time equivalency for any day.
- G. Additions or changes to the number of positions authorized other than Work I or to stipend centers must be approved by the warden in consultation with the deputy directoradministrative services. Any approved changes will be forwarded by the facility business manager to the controller for approval and changes in the CIPS. Inmate accounting team members will enter approved changes in CIT.
- H. Facility business managers are responsible for monitoring work assignments as compared to authorized positions. Additionally, they will complete a monthly review to see that stipends are posted appropriately and identify any errors. Inmate accounting will be notified of errors in accordance with the stipend procedures. This review should be documented for auditing purposes.

XIII. STIPEND PROCEDURES

- A. All stipends will be processed in the Corrections Inmate Payroll System (CIPS). Stipends not processed in CIPS will be submitted on an *Inmate Payment Document* (Attachment D). *Inmate Payment Document* forms referenced in this policy are to be requested from inmate accounting. Access to CIPS and CIPS reports/queries in NICaMS will only be granted by completion of a CIPS Authorization Form (Attachment C), and after appropriate training is completed. Approval by the warden/designee and inmate accounting is required. Access will be processed by the NDCS help desk team members.
- B. All stipends will be based on a calendar month and paid on the 12th workday of the month. Stipend rate changes must be entered in CIPS prior to the individual receiving notice of the change.
- C. Individuals shall only receive stipends for actual days or hours worked, with the exception of Howard's Day (Process IX.) and, if authorized, Administrative Lay-in (Process VII.).
- D. Work area supervisors shall record attendance and absence, including the reason absent from work, on daily rosters in CIPS. When the reason absent is unknown supervisors should select "No Show". Roster entries should be entered daily and monitored by facility business managers to see that they are completed timely. Timely completion allows additional monitoring through reports in NICaMS to assure individuals receive stipends accurately. Supervisors will have access to rosters for 5-work days following the end of the month.
- E. At a minimum, performance ratings shall be entered for all workers at least quarterly during the last five calendar days of the reporting month. In addition, prior to being considered for a higher-level position, demotion to a lower-level position or termination, performance ratings must be entered. Ratings will be on a scale of 0 to 5. Ratings of 0, 1, and 5 require comments to be entered. Supervisors are encouraged to enter comments on all evaluations to indicate both good performance and areas for improvement.

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- F. The facility business office will monitor entries in CIPS throughout the month by reviewing reports from NICaMS and actual data in CIPS. The facility business office team members will have access to update CIPS through the seventh workday of the subsequent month to resolve issues. Reports used to monitor these entries include, but are not limited to, the following:
 - 1. Individuals With More Than 1.0 Work Assignment
 - 2. More Than 1.0 FTE Per Day
 - 3. Work Assignment Attendance
- G. Any stipend not posted through the normal process shall be submitted to inmate accounting on *Inmate Payment Document* (Attachment D) and approved by the facility business manager. Multiple month's stipends may be included on the same document, if stipends for those months have posted. *Inmate Payment Document* must identify for each individual the specific days of the month the individual is to receive stipends.
- H. A separate line should be used for each month an individual receives stipends. *Inmate Payment Document* (Attachment D) will typically be posted to the incarcerated individual's account within five working days after receipt by inmate accounting, but not prior to the scheduled stipend date. An explanation or justification must be provided. Verification should be completed in the facility business office to assure that the stipend is appropriate. A NICaMS work assignment attendance report shall be attached for each individual for the month. Inmate accounting will also complete a verification using CIPS and NICaMS reports. Documents lacking sufficient documentation or detail will have emails sent to facility business office team members to obtain the necessary information. An error on an *Inmate Payment Document* will delay the posting of the entire document.
- I. Individuals will receive an Inmate Pay Stub for all their stipends processed in CIPS for each month. All inquiries concerning stipends shall be made via unit team members to the facility business office. Requests for additional information shall be made via the business office to inmate accounting. Individuals who believe their stipend is incorrect should report discrepancies within 60 days following receipt of their Pay Stub to the work area supervisor. All *Inmate Payment Documents* (Attachment D) adjusting back stipends must be submitted to inmate accounting within 75 calendar days of the original payment posting date. An *Inmate Payment Document* should not include a stipend rate change, unless an incident report is submitted to the facility warden and the controller.
- J. Administrative Lay-in stipends must be activated by inmate accounting before the option is available for a facility. The facility warden can request that lay-in stipend be enabled as needed. Lay-in stipends are paid at the minimum daily stipend rate. Lay-in stipend may be paid by checking the appropriate box on a roster.
- K. During a pandemic response, individuals assigned to a community corrections center who are laid off or terminated from their community work release job, will be temporarily demoted to community A custody status to cease paying maintenance fees. They will be given a work detail assignment during the demotion. If the facility is unable to provide a work detail assignment, the individual will be paid an Administrative Lay-in stipend until a work detail position becomes available.

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- L. The following reports will be available to the facility business office on the NDCS shared drive:
 - 1. Detailed Pay Report by Work Area
 - 2. Summary Pay Report
 - 3. Incarcerated individual Position Staffing Report
 - 4. Incarcerated individual Pay Stub

REFERENCE

- I. STATUTORY REFERENCE AND OTHER AUTHORITY
 - A. Neb. Rev. Stat. §79-201, §83-183, §83-183.01, §83-454
- II. NDCS POLICIES
 - A. Policy 106.02 Opportunities for Change
 - B. Policy 113.02 Inmate Accounting
 - C. Policy 113.18 Cornhusker State Industries: Job Classification and Stipends
 - D. Policy 201.01 Incarcerated individual Classification

III. ATTACHMENTS

- A. Peer Health Porter Program Protocol
- B. NCYF Positive Peers Protocol
- C. CIPS Authorization Form
- D. Inmate Payment Document (DCS-A-acc-011)
- IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)
 - A. Expected Practices for Adult Correctional Institutions (ACI) (5th Edition): 5-ACI-3D-04, 5-ACI-7A-01, 5-ACI-7A-02, 5-ACI-7A-03, 5-ACI-7A-04, 5-ACI-7A-05, 5-ACI-7A-06, 5-ACI-7A-07, 5-ACI-7A-13
 - B. Standards for Adult Community Residential Services (ACRS) (4th Edition): 4-ACRS-6B-01, 4-ACRS-6B-02