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# State of Alabama Department of Corrections

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April 8, 2024

ADMINISTRATIVE REGULATION  
NUMBER 410

OPR: MEN'S AND WOMEN'S SERVICES

## WORK RELEASE ORGANIZATION AND FUNCTION

### I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures for the organization and function of Work Release.

### II. POLICY

It is the policy of the ADOC to assist Minimum-Community custody inmates in preparing for release and to aid in their transition from a structured institutional environment back into the community.

### III. DEFINITIONS AND ACRONYMS

- A. **Community-Based Facility**: An ADOC Facility which houses Minimum-Community custody inmates.
- B. **Day Labor**: Work performed where the Work Release Program participant is hired and paid one day at a time.
- C. **Exploitation**: The act or fact of treating someone unfairly to benefit from their work, to include, but not be limited to, unfair payment.
- D. **Institutional Job Review Board**: A multi-disciplinary board responsible for screening inmates for job placement within the Work Release Program. This Board is comprised of, but not limited to, the Job Placement Officer (JPO), classification personnel, and a Correctional Captain. The Board receives final approval through the Warden.

- E. **Job Placement Officer (JPO)**: An individual designated by the Facility Warden/Designee to oversee the job selection process for inmates participating in the Work Release Program and to supervise inmates in the Program.
- F. **Minimum-Community Custody**: The custody level of inmates who are allowed gainful employment in the community on a full-time basis and are supervised in community-based facilities when not working.
- G. **Work Release Program**: A transitional/rehabilitative type program in which selected inmates are allowed to leave a community-based facility for gainful civilian employment on a full-time and part-time basis and return to the facility when not working.

#### IV. **RESPONSIBILITIES**

- A. The Deputy Commissioners for Men's and Women's Services have overall responsibility for developing, administering, and coordinating the Work Release Program.
- B. The ADOC General Counsel is responsible for ensuring compliance with ADOC policies and state and federal law regarding the execution of ADOC contracts.
- C. The Director of Classification is responsible for identifying inmates for participation in the Work Release Program.
- D. The Research and Planning Director is responsible for preparing a monthly report capturing Work Release Program data.
- E. Work Release Program Wardens/Designees are responsible for the operation, security, administration, accountability, and maintenance of their respective facilities.
- F. The Institutional Business Office Manager/Designee is responsible for ensuring that Work Program contracts (ADOC Form 410-A, *Work Release Program Employer Agreement*, and Form 410-B, *Work Release Program Inmate Agreement*) are up to date and that proper payment is received from the employer.
- G. The JPO/Designee is responsible for ensuring that the proper inmates designated for the Work Release Program are assigned to the correct job. The JPO/Designee is also responsible for ensuring that the employer and inmates follow all ADOC rules and regulations and applicable contracts, including: ADOC Form 410-A, *Work Release Program Employer Agreement*, and Form 410-B, *Work Release Program Inmate Agreement*.

V. **PROCEDURES**

- A. The Director of Classification identifies inmates who are eligible to participate in the Work Release Program based on criteria established in the ADOC Classification Manuals.
- B. The JPO selects inmates from those identified as eligible to participate in the Work Release Program by the Director of Classification. The JPO recommends identified inmates to the Institutional Job Review Board.
- C. The Institutional Job Review Board will review and select inmates for employment, in accordance with AR 444, *Inmate Work Programs*.
- D. The Warden/Designee has final approval for placing identified inmates in a specific job placement.
- E. In considering a particular job placement, the Warden/Designee shall determine that:
  - 1. The inmate will not be subject to exploitation;
  - 2. The inmate will receive compensation equal to that of comparable workers and no less than federal minimum wage;
  - 3. The inmate will not be employed under adverse or unacceptable working conditions; and
  - 4. The worksite is managed in a manner that reasonably ensures accountability for the inmate while onsite.
- F. Inmates assigned to Work Release Programs shall not be employed as strike breakers, allowed to join labor unions, or be used in impairing any existing contracts.
- G. No inmate granted privileges of the Work Release Programs shall be deemed an agent, employee, or involuntary servant of the ADOC while involved in the free community or while going to and from employment or other specified areas.
- H. Work Release Program employment neither constitutes nor implies a contractual agreement between the employer and the ADOC beyond the scope of the specific job placement of the inmate, as detailed in the attached Work Release Employer Agreement and Job Description and Supervisor Plan.
- I. Inmates assigned to the Work Release Program may not enter into any contract without written approval of the Warden/Designee in consultation with the ADOC Legal Division.

- J. Inmates assigned to the Work Release program may not operate any motor vehicle without the written approval of the Warden/Designee and in accordance with AR 441, *Inmate Drivers*.
- K. Type of Work:
1. Generally, there is no restriction on the types of jobs in which Work Release Program participants may be employed, except, and not limited to, the following:
    - a. Under no circumstances will Work Release program participants be allowed employment of any type where the major business is dispensing alcoholic beverages, such as lounges, bars, nightclubs, discos, or other establishments serving alcohol.
    - b. Careful consideration will be given to employment in food establishments serving alcoholic beverages, such as restaurants and country clubs, which assure that the Work Release Program participants do not serve alcohol and have no unsupervised contact with alcohol-related products.
  2. Each job offer will be investigated by the JPO/Designee to determine that it is consistent with Work Release Program policies and objectives. The expectation is that the job selected will be that which best fulfills the mission of ADOC.
  3. Preference will be given to jobs related to prior training, work experience, or institutional training and that are suitable for continuation as post-release employment.
- L. Disbursement of Earnings:
1. The earnings of the inmate will, whenever possible, be made payable to the ADOC and the inmate. All required deductions will be made by the employer just as they apply to any other employee.
  2. Forty percent (40%) of an inmate's gross earnings will be deducted by the ADOC to assist in defraying the cost of his/her incarceration. The balance will be credited to the Inmate Trust Fund (ITF) account. When restitution, court costs, attorney fees, or child support have been court ordered, the inmate may be required to make incremental payments towards the sum so ordered.

3. Inmates participating in the Work Release Program may draw up to the following:
 

a. ITF balance under \$99.00:	Inmates allowed to draw \$30 biweekly.
b. ITF balance \$100 - \$199:	Inmates allowed to draw \$40 biweekly.
c. ITF balance \$200 - \$299:	Inmates allowed to draw \$60 biweekly.
d. ITF balance \$300 and over:	Inmates allowed to draw \$90 biweekly which includes an extra \$30 for those inmates who purchase their own lunch instead of taking a sack lunch from the facility (Otherwise, \$60 limit is applicable).

**NOTE:** Except for inmates who are permitted to go on furlough, work release inmates are not allowed to have a total balance of more than \$90 on their debit card. For example, if an inmate has a current balance of \$70 on his or her debit card and requests an additional \$30 be added (\$70 plus \$20 equals \$90). However, if an inmate is permitted to go on furlough, and additional \$15 per day for each day the inmate is scheduled to be on furlough can be loaded onto the inmate's debit card.

4. The ADOC will deduct the cost of any positive drug screen from the inmate's ITF account.
5. Any remaining ITF funds will be dispensed to the inmate upon his/her release.

M. Transportation:

1. Those inmates using a departmental vehicle will be assessed a fee of two dollars and fifty cents (\$2.50) one-way or five dollars (\$5.00) round-trip for transportation to and from employment. Medical trips will be free.
2. Wardens/Designees will ensure that each inmate's ITF account is debited weekly for inmate transportation to and from employment provided by departmental vehicles.
3. The Business Office Manager/Designee will post, on a weekly basis, all transportation charges as determined by the Facility's Daily Log or the Inmate Sign-In/Sign-Out Log. Charges will then be posted to the inmates' accounts in accordance with instructions included within the automated ITF system.

4. All inmates agree to pay transportation charges for using ADOC vehicles as a condition of participation in the Work Release Program. No withdrawal request will be required from the inmate in order to post transportation charges.
  5. The Business Office Manager/Designee will issue a check on the inmates' ITF accounts for weekly total transportation charges and submit it to ADOC Central Accounting for deposit it into the Corrections Special Revenue Fund (fund number 0382).
  6. Any exceptions to the use of state vehicles (such as the employer providing transportation or the inmate walking to the job site) must be approved in writing by the Warden/Designee.
  7. Inmates will not be permitted to utilize any personally-owned vehicles for their transportation.
- N. Work release inmates are authorized to wear civilian clothing deemed suitable to the type of employment and in accordance with ADOC policy.
- O. All leave and passes will be conducted in accordance with AR 405, *Inmate Emergency Visit, Pass, and Leave Program*.
- P. Removal of an inmate from the Work Release Program is a decision made by the Warden/Designee in accordance with public safety and institutional security concerns, disciplinary regulations, classification procedures, and established policies.
- Q. The JPO/Designee will conduct periodic job checks of Work Release Program inmates on the job, will conduct employer interviews, and will search inmate work areas as needed. This is not designed or intended to disrupt work but to provide support and gather information regarding the program.
- R. Accounting and Reports:
1. Accurate accounting of all money earned, disbursements, and expenditures will be conducted by the Business Office of the Work Release Center. Monthly reports will specify the number of men/women in the Work Release Program, money earned, taxes, and deductions made, removals if any, and other information deemed appropriate.
  2. The designated Work Release Center staff will submit the facility's monthly reports to ADOC Central Accounting and the Research and Planning Division.

3. The Research and Planning Division will prepare a monthly statistical report, which will contain each facility's Work Release Program information for publication on the ADOC website.
- S. Before an inmate reports to his/her assigned job placement, the JPO/Designee must provide an orientation to the inmate outlining the rules and expectations of the program.
- T. When an inmate is accepted into the Work Release Program, he/she must understand and sign the Form 410-B, *Work Release Program Inmate Agreement*.
- U. Before a Work Release program participant begins work, his/her employer must complete and sign Form 410-A, *Work Release Program Employer Agreement*.

## **VI. DISPOSITION**

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

## **VII. FORMS**

- A. ADOC Form 410-A, *Work Release Program Employer Agreement*.
- B. ADOC Form 410-B, *Work Release Program Inmate Agreement*.
- C. ADOC Form 410-C, *Description of Work and Supervision Plan*.
- D. ADOC Form 410-D, *Inmate Employee Assigned to the Employer*.
- E. ADOC Form 410-E, *Personally Owned Vehicle (POV)*.
- F. ADOC Form 410-F, *Employer Information*.

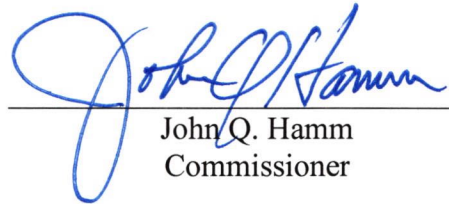
## **VIII. SUPERSEDES**

This Administrative Regulation supersedes AR 410, *Work Release Organization and Function*, dated January 3, 2023.

## **IX. PERFORMANCE**

- A. Code of Alabama (1975), Section 14-1-1.1 *et seq.*
- B. Code of Alabama, Title 14, Chapter 8.
- C. ADOC Male and Female Classification Manuals.

- D. Administrative Regulation 405, *Inmate Emergency Visit, Pass, and Leave Program.*
- E. Administrative Regulation 441, *Inmate Drivers.*
- F. Administrative Regulation 439, *Community Work Center/Community Based Facility Inmates Working on Community Projects and Safety Training for Inmates Working Near Roadways.*
- G. Administrative Regulation 444, *Inmate Work Programs.*



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John Q. Hamm  
Commissioner



# WORK RELEASE PROGRAM EMPLOYER AGREEMENT

This Work Release Program Employer Agreement (“Agreement”) has been entered into by \_\_\_\_\_ (“Employer”) and the Alabama Department of Corrections \_\_\_\_\_ (“Institution” or “ADOC”).

## RECITALS

WHEREAS Employer is in need of workers to employ in general services; and,

WHEREAS, the ADOC has within its custody certain inmates who are capable of providing the services requested by Employer.

NOW, THEREFORE, the Parties agree to execute the following Agreement as follows:

## TERMS

1. **TERM:** The term of this Agreement shall begin on \_\_\_\_\_ 20\_\_\_\_, the date last signed below, and shall continue for one (1) year. Thereafter, upon mutual agreement of the Parties, it may be renewed in one (1) year increments.
2. **BUSINESS OPERATION:** If Employer is required by law or local ordinance to have a business license, a copy of the license must be provided to and will be retained at the Work Release facility. If no business license is required according to law, Employer must show proof to the Facility Warden/Designee that the work to be done by the inmate is directly related to the business and is necessary in carrying out the company’s normal and ongoing business function. Employer must produce business receipt documentation at the request of the Facility Warden/Designee to show the legitimacy of the Employer’s operations.
3. **DESCRIPTION OF WORK AND SUPERVISION PLAN:** Prior to executing this Agreement, the Employer warrants that it has submitted the attached Description of Work and Supervision Plan, which is hereby attached and incorporated as if set forth herein, indicating the type of work to be provided, the supervision plan, and whether the Employer will be providing transportation. By his/her signature below, the Warden certifies that he/she, or his/her designee, has reviewed and approved the Description of Work and Supervision Plan. The inmate must be utilized ONLY for the job described. At no time shall the work performed be in another state. Failure of the Employer to comply with this provision shall be considered a breach to this Agreement, and may be grounds for immediate termination, in the sole discretion of the ADOC.
4. **CHANGES:** The Description of Work and Supervision Plan may be changed without formally amending this Agreement, provided that the changes shall be agreed upon by the Warden/Designee and the Employer at least seven (7) days in advance of the planned change and such changes are in writing and made part of this Agreement.