

State of North Carolina
Department of Correction
Division of Prisons

Chapter: B
Section: .0600
Title: **Prison Industry
Enhancement (PIE)
Program**
Issue Date: 10/02/20
Supersedes: 02/08/01

POLICY & PROCEDURES

References

Related ACA Standards

5th Edition Standards for Adult Correctional Institutions 5-ACI-1D-17, 5-ACI-7A-03, 5-ACI-7A-04, 5-ACI-7A-05, 5-ACI-7A-06, 5-ACI-7A-07, 5-ACI-7A-08, 5-ACI-7A-09, 5-ACI-7A-10, 5-ACI-7A-11, 5-ACI-7A-12, 5-ACI-7A-13, 5-ACI-7A-14, 5-ACI-7A-15, 5-ACI-7B-04

.0601 PURPOSE

The Prison Industry Enhancement (PIE) Program provides selected **offenders** the opportunity for employment by a private industry employer on-site at designated prison facilities. The PIE program provides selected **offenders** an opportunity to earn wages, to pay dependent support, to re-pay a partial cost of their incarceration, to pay restitution or court fines, to pay into the victims' compensation fund, to pay State and Federal taxes, and to gain employment skills.

.0602 REQUIREMENTS

The **Commissioner of Prisons** determines the location of PIE programs in the Division of Prisons. The identification and selection of private industry employers is a cooperative decision made by the Division of Prisons, Correction Enterprises and others as designated by the Secretary of **the Department of Public Safety**. Correction Enterprises holds certification from the U.S. Department of Justice, Bureau of Justice Assistance to operate PIE programs for the **Division of Adult Correction and Juvenile Justice**. Each separate PIE program requires certification and authorization by the Bureau of Justice Assistance.

.0603 DEFINITIONS

- (a) Prison Industry Enhancement (PIE) Program- The program established by federal law that allows private commercial employers to employ prison **offenders** on-site at a prison in the manufacture of goods and services that are then sold in the public marketplace.
- (b) PIE Certification - Certification awarded by the U.S. Department of Justice, Bureau of Justice Assistance to correctional agencies that have met stipulated conditions and aspire to have private industry operations on the grounds of a prison.

- (c) PIE Employer - A private employer who employs offenders on-site at a prison in the manufacture of goods and services.
- (d) PIE Program Area - The area or space designated for PIE program work activities at the prison facility or at other **Division of Adult Correction and Juvenile Justice** property.
- (e) Cost Accounting Center - The designation given to each separate PIE program in the **Division of Adult Correction and Juvenile Justice** for the purpose of fiscal accounting. If a single PIE employer has a program at more than one location, each location represents a distinct cost accounting center.
- (f) PIE Program Agreement - An agreement signed by an **offender** employed by a PIE employer that specifies the conditions of employment.
- (g) PIE Program Coordinator - The designation given to the Division of **Adult Correction and Juvenile Justice** staff person responsible for coordinating a PIE program at a facility.
- (h) Civilian PIE Employees - Persons hired by the PIE employer from the community to serve as the employer's representative in the operation of the PIE program and to supervise the work performed by **offenders**.

.0604 PIE PROGRAM OPERATION

- (a) PIE programs operate on the grounds of a prison or on other **Division of Adult Correction and Juvenile Justice** property as approved by the Secretary of the **Department of Public Safety**. The space allocated for a PIE program is clearly designated and is made a part of the agreement with the PIE employer. The PIE employer and the employer's representatives are given open access to the allocated space whenever requested. Access may be limited during times of operational emergencies.
- (b) PIE programs operate within constraints and limitations imposed by the **warden** of the prison facility made necessary for the security and safety of the public, the prison, its staff and **offenders**. Scheduled and unscheduled security searches of the PIE program area are conducted at the discretion of the facility **warden**. When possible, security searches are conducted in the manner that is the least intrusive on PIE operations.
- (c) The **warden** assumes responsibility for **offender** security. The PIE employer is responsible for **offender** work supervision.

- (d) The PIE employer ensures the availability on-site of non-offender, civilian supervisory staff when offenders are engaged in PIE employment.
- (e) An offender employed by PIE can be given increasing work responsibilities by the PIE employer; however, no offender can act as a work supervisor over other offenders.
- (f) Regular hours of operation are established jointly by the PIE employer or the employer's representative and the facility warden. Changes to the regular hours of operation are agreed to in advance of the change. Unanticipated emergencies experienced by the PIE employer or by the prison facility can result in an immediate suspension in operations or a modification to the normal schedule. The facility warden or designee has the sole authority to temporarily cease operations of the PIE program when conditions are such that the security and safety of the facility are in jeopardy. PIE program work resumes as soon as practical after emergency situations are resolved.
- (g) The area allocated for the PIE program is not to be used for other prison facility purposes without the written agreement of the PIE employer or the employer's representative. The PIE program area is off-limits to all offenders except those offenders who are employed by the PIE program or those offenders who have been directed by staff to be in the area for a specific purpose.
- (h) PIE program areas are well maintained by the PIE employer to ensure a safe, clean work environment. The PIE employer adheres to accepted safe work practices to include all related rules and standards promulgated by the Occupational Safety and Health Agency. The PIE employer is responsive to findings resulting from safety inspections and makes necessary and timely changes in work practices or in working conditions noted during the inspection.
- (i) The facility warden ensures that a standard operating procedure is written for the facility that specifies all necessary information about PIE program operations at that location. Standard operating procedure information should include but is not limited to information on: Training of employers and their staff on Custodial Agent training which includes PREA, hours of operation, description of the PIE program work area, offender access and supervision, PIE employer access procedures, delivery schedules and procedures, security measures and searches, offender employment procedures, notification to the PIE employer of offender absences, offender and staff orientation, coordination processes between the PIE employer and the facility, and designated contact persons.

.0605 OFFENDER PARTICIPATION IN PIE PROGRAMS

(a) Employment Criteria and Selection

Offenders eligible for PIE employment are identified by the facility warden or designee through established offender assignment procedures (Chapter C .2800, Offender Assignment) at the prison where the PIE program is located. Offenders' eligibility will be the same as if they were being reviewed to work for Correction Enterprises. Offenders can be recruited from other facilities. A list of eligible offenders is to be given to the PIE employer.

- (1) The PIE employer selects offenders for employment from the list of eligible offenders. The decision to employ specific offenders from the list is at the discretion of the PIE employer.
- (2) Offenders who meet the following criteria are eligible for employment by the PIE employer:
 - (A) The offender has not committed an infraction within ninety (90) days of beginning PIE employment.
 - (B) The offender has performed satisfactorily in an incentive wage position or in a Correction Enterprise position for twelve (12) months during the current sentence, or has a combination of six (6) months satisfactory performance in a work assignment and has completed a six (6) months vocational program during the current sentence.
 - (C) The offender has a high school education, GED or HSE (high school equivalency).
 - (D) The offender meets any separate criteria for employment established by the PIE employer.
 - (E) The offender agrees to the conditions of PIE employment.
- (3) Priority eligibility listing will be given to those offenders who either have restitution or other court payment obligations or to offenders with dependents that they agree to support. Other offenders are placed on the employment eligibility list after those offenders with restitution or with dependents are employed or rejected for employment by the PIE employer.

- (4) An employment application will be completed by all **offenders** eligible for PIE employment.
 - (5) A Work Release Action Form (DC-190) is completed in sections A, B, C, & D. Work Release Action Forms that are approved by the facility **warden** are submitted to the Work Release Accounting Office in Raleigh.
- (b) Employment Conditions
- (1) **Offenders** employed in the PIE program must perform satisfactorily in their jobs as determined by the PIE employer.
 - (2) **Offenders** employed in the PIE program must participate in other programs and activities as specified in the PIE Program Agreement or as required by the classification/program authorities at the facility.
 - (3) **Offenders are encouraged to** remain free of infractions during the period of PIE employment. PIE employed **offenders** who commit infractions are **subject to removal** from the PIE program.
 - (4) **Offenders** selected for PIE employment must sign a statement affirming that their participation in PIE is voluntary.
- (c) Employment Termination
- (1) The PIE employer or representative may terminate employment for any **offender** at any time. The decision to terminate and the reasons for termination should be reported to the local PIE Program Coordinator when the action is taken.
 - (2) The facility **warden** or designee may remove any **offender** from the PIE program if the **offender** does not maintain criteria for PIE employment, violates the employment conditions as stated above, or for other administrative reasons critical to the custody, security, safety and operation of the facility. Actions taken by the facility **warden** are reported to the PIE employer or representative as soon as possible so as not to interfere with work or production.
 - (3) A Work Release Action Form (DC-190) approved by the facility **warden** showing the **offender's** removal from PIE employment is forwarded to the Work Release Accounting Office in Raleigh.
- (d) No **offender** is guaranteed employment with a PIE program. The selection and employment of an **offender** is a discretionary decision made by the Division of Prisons and the PIE employer.

- (e) The period of time an **offender** is employed in a PIE program is at the discretion of the employer and the Division of Prisons.
- (f) Employment in a PIE program cannot be substituted as an alternative assignment for an **offender** otherwise eligible for work release placement.

.0606 DISPOSITION OF OFFENDER WAGES

- (a) For the purposes of this policy, the wages paid to **offenders** employed in Prison Industry Enhancement Programs are managed the same as wages paid to **offenders** who are on work release. The Work Release Accounting Office in Raleigh manages **offender** wages paid through PIE employment after the PIE employer makes all applicable federal and state tax deductions to include, as a minimum, federal withholding tax, North Carolina state withholding tax and FICA withholding.
- (b) The payment priorities found in North Carolina General Statute 148-33.1 on the “Sentencing, quartering and control of prisoners with work-release privileges” and used for the collection and disbursement of work release **offender** net earnings are adopted in this policy for PIE employed **offenders**.
- (c) Additional PIE program requirements of payment into a victim’s compensation fund will be managed by the Work Release Accounting Office.
- (d) The same rules established for **offenders** on work release that are used for calculating per diem costs, dependent support payments, restitution payments, court fines and special payments are adopted in this policy for PIE employed **offenders**.

.0607 CIVILIAN PIE PROGRAM EMPLOYEES

- (a) The PIE employer employs persons from the community to represent the employer and to act as supervisors for **offender** workers.
- (b) The PIE Program Coordinator provides an orientation to all civilian supervisory staff employed by the PIE employer.
- (c) The facility **warden** ensures that a criminal background investigation is conducted on each person from the community employed in the PIE program. Civilian employees of the PIE employer cannot have a criminal record. Any exceptions to this requirement will be decided by the **Commissioner** of Prisons or **their** designee.

- (d) Custodial agent training will be provided to PIE employers and their staff as noted in .0604 (i) of this policy.

.0608 WORKER’S COMPENSATION REQUIREMENT

- (a) All PIE employers are required to have Worker’s Compensation Insurance that compensates an offender for an injury that occurs on the job. The facility warden verifies compliance and annually documents the insurance company’s name, policy number and expiration date.

.0609 OTHER REQUIREMENTS

- (a) Access to information concerning an offender and information shared with the PIE employer concerning an offender are limited to matters of public record as defined in Policy and Procedure Chapter D .0600 Access to Information/Offender Records. No other information is provided.
- (b) Offenders assigned to the PIE program are awarded #3 gain/earned time. Offenders assigned to the PIE program are not eligible to receive over time sentence credits based on a PIE job.



Commissioner of Prisons

October 02, 2020
Date

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