



# INTERNAL MANAGEMENT POLICY & PROCEDURE

**Applicability:**  ADULT Operations Only     JUVENILE Operations Only     DEPARTMENT-WIDE


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**IMPP #:** 04-109A

**PAGE #:** 1 of 5

**FISCAL:** Earnings Disbursement for Residents Engaged in Work Release and Private Industry Employment

**Original Date Issued:** 02-12-15    **Replaces IMPP Issued:** 11-01-21    **CURRENT EFFECTIVE DATE:** 04-20-22

**Approved By:**  , **Secretary Next Scheduled Review:** 04/2025

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## POLICY

The Warden is to be authorized to provide loans from the Inmate Benefit Fund, not to exceed \$200, to permit the purchase of necessary items by residents during their initial placement and participation in a traditional work release program. The facility is to establish procedures for the residents' request or application for the loan and provisions for repayment of the loan.

All monies received by residents from traditional work release, private non-prison based industry, or private prison based industry employment are to be secured and disbursed in a manner and in the amount required by State statute and administrative regulations.

Any rate or percentage allocation increasing or decreasing the room and board or transportation rate is to take effect on the date specified as established by the Department of Administration or the Secretary of Corrections pursuant to K.A.R. 44-8-102. All payroll or other forms of compensation received after the effective date of an increase or decrease is subject to the new rates regardless of the actual pay period.

## DEFINITIONS

**Certified Employer:** A private industry or other private business employing residents in either a prison or non-prison-based industry or business under terms of an agreement that meets the criteria for approval of such an employment program by the U.S. Department of Justice's Private Sector/Prison Industry Enhancement Certification Program (PIECP).

**Dependents:** All family members and any other persons known to be lawfully entitled to support from the resident.

**Incidental Expenses:** Expenditures for work-related items approved by the warden, such as welding gloves, a bus pass to get to work, safety goggles, meals, vending machine access, or any other items that are work related and are required for the job.

**Mandatory Savings:** A savings account in which a specified portion of resident earnings from work release or private industry employment is deposited and maintained until the resident's release from custody. The use of the funds in the account is restricted to the payment of garnishment(s).

**Non-Certified Employer:** A private industry or business employing residents in either a prison or non-prison-based industry or business under terms of an agreement that does not meet the criteria for approval of such an employment program by the U.S. Department of Justice's Private Sector/Prison Industry Enhancement Certification Program (PIECP).

Private Non-Prison Based Industry: Resident employment for a private business enterprise outside a correctional facility pursuant to K.A.R. 44-8-115.

Private Prison Based Industry: Resident employment for a private business enterprise that operates on the grounds of a correctional facility pursuant to K.A.R. 44-8-116.

Traditional Work Release: Resident employment for a private business enterprise pursuant to K.S.A. 75-5267 or K.S.A. 75-5268.

## **PROCEDURES**

### **I. Determination of Financial Responsibility or Obligation**

- A. Upon final approval of a resident for participation in a work release program or other non-facility employment, the following information is to be forwarded immediately by the Warden or designee of the receiving facility to:
  - 1. The Senior Administrative Specialist for Child Support Enforcement, Department for Children and Families (DCF), using the sample letter to DCF (Attachment A) or by electronic mail addressed to [DCF.csscustomer@ks.gov](mailto:DCF.csscustomer@ks.gov), with the following information:
    - a. Resident's name and date of birth;
    - b. Resident's social security number and;
    - c. Proposed facility for program placement;
  - 2. The county in which the resident was sentenced using the sample letter to the county of conviction (Attachment B) with the following information:
    - a. Resident's name;
    - b. Resident's social security number; and
    - c. Proposed facility for program placement.
- B. The facility staff is to also review the resident's file to determine if any court ordered restitution is listed on the journal voucher.
- C. Any change in a resident's status under this work program is to be reported immediately by the Warden or designee to the Director of Administrative Services for Child Support Enforcement, DCF.

### **II. Disbursement of 401 K / Retirement Account**

- A. Residents participating in a 401k/retirement plan may not withdraw monies from such a fund without prior approval from their facility Warden or designee, irrespective of whether such withdrawals are allowed by his/her employer.
  - 1. Approved withdrawals will be subject to a mandatory ten percent (10%) savings withholding.

### **III. Private Industry / Work Release Deductions**

- A. Work release and/or private industry unpaid deductions consisting of loans, state clothing, postage, prescription drugs, room and board, transportation, crime victims and court ordered restitution are to become an obligation upon the resident's transfer to another facility or release from incarceration.
  - 1. The obligations will remain payable upon re-incarceration or transfer to another facility.
  - 2. The facility at which the obligation was incurred is responsible for maintaining the supporting documentation.

#### **IV. Loans from Inmate Benefit Fund**

- A. Work release participants authorized to receive a loan from the Inmate Benefit Fund are to agree, in writing per the Work Release Loan Agreement Form (Attachment C), to repay the loan from the income realized in the first three (3) paychecks, or on a payment schedule as approved by the Warden or designee.
- B. Each facility with a traditional work release program is to establish procedures for the processing of loans from the Inmate Benefit Fund, to include:
  - 1. The resident request/application for a loan;
  - 2. Identification of staff responsible for the review, approval, and distribution of loan funds; and
  - 3. The replacement of funds to the Inmate Benefit Fund upon the repayment of the loan or the withholding of funds in the event the loan is not repaid when the resident terminates from the program.

#### **V. Disbursement of Disposable Earnings at All Facilities**

- A. The Warden of each facility housing residents engaged in non-institutional employment is to ensure that all income received from such employment is credited to the participant's account.
- B. Upon receipt and crediting, the Warden or designee is to disburse these funds as follows:
  - 1. The resident is to be allowed to retain a stipulated amount deemed necessary by the Warden for incidental expenses. In no case is this amount to exceed \$35 per week.
    - a. The bus card, cab or privately owned vehicle expense for residents employed under the provisions of a work release program is to be excluded from this incidental expense limit, since fees for transportation provided by the facility are not included within this limit.
  - 2. Monies for fees, fines, and other payments are to be withheld, per IMPP 04-106A.
  - 3. Monies for food and lodging are to be withheld at the rate of twenty-five percent (25%) of a resident's gross pay (including work, holiday, sick, vacations, etc.) per pay period.
    - a. For purposes of this policy, the time period from 12:01 a.m. Sunday through midnight of the following Saturday is to constitute an established weekly pay period.
    - b. The money withheld is to be deposited in the State General Fund.
    - c. If the money withheld is from private non-prison based or private prison-based work release earnings, pursuant to K.A.R. 44-8-115 and 44-8-116, these monies are to be deposited in the Kansas Correctional Industries Fund.
  - 4. Residents who are transported to and from work by facility staff are to have funds withheld to defray the cost of such transportation at either a rate equivalent to the private car mileage rate established by the Secretary of Administration or at a rate otherwise approved by the Deputy Secretary Facilities Management, but not exceeding the private car mileage rate.
  - 5. Residents having dependents verified as recipients of public assistance under Section I of this policy are to have twenty-five percent (25%) of their remaining salary forwarded to the Kansas Payment Center as per specifications provided by the Department for Children and Families or other states' jurisdictions.
  - 6. The Warden or designee is to withhold an amount, not to exceed twenty-five percent (25%) of the resident's remaining salary, for payment of obligations that relate to the care and support

of the resident's immediate family and that have been reduced to judgment.

7. After deduction of the above amounts, payment of costs assessed to the resident pursuant to the code of civil procedure.
    - a. Payment of federal filing fees assessed by the courts pursuant to the 28 U.S.C. § 1915.
    - b. Payment of state filing/docket fees assessed under K.S.A. 60-2001.
    - c. Residents owing other court costs associated with a civil case are to have two percent (2%) of their remaining salary remitted to the court.
      - (1) Attorney fees are not included in court costs, unless there is a statute involved in the proceedings that clearly authorizes such.
  8. Residents are to pay five percent (5%) of their gross wages to the clerk of the district court in which the crime occurred, pursuant to an order for restitution from the court, if:
    - a. The resident is subject to an order of the court for immediately payable restitution; or
    - b. The resident has entered into an agreement to pay restitution in connection with assignment to traditional or private industry work release.
    - c. Residents may increase their restitution payment by written request to the Warden or designee.
  9. If a resident is employed in a private non-prison based or prison-based work release program and the court ordered restitution payment is less than five percent (5%) of the resident's gross wages, the difference between five percent (5%) of gross wages and the court ordered restitution is to be paid to the Crime Victims Compensation Board.
    - a. Such payment to the Crime Victims Compensation Board is not to apply to residents in traditional work release.
  10. Accounts of residents whose restitution debts are turned over to collection agents per K.S.A. 75-719 are to be debited for the applicable collection fee, which is to be submitted together with the restitution payment to the collection agency. The contract between the Judicial Branch and the contracting agent determines the amount of the collection fee.
  11. Residents owing criminal court costs, fines and fees, including attorney fee reimbursements to county of conviction or Board of Indigent Defense Services as provided in the journal entry of conviction, are to have two percent (2%) of their remaining salary remitted to the court.
  12. After all previous deductions have been made, the Warden or designee is to be responsible for placement to equal a standard amount of only ten percent (10%) of the resident's remaining salary into a mandatory savings account for disbursement to the resident upon release from custody.
  13. Any monies remaining may be expended by the resident at their discretion, subject to the approval for withdrawal by the warden or designee. Other obligations acknowledged by the resident, in writing, may be made by the Secretary of Corrections or designee, in accordance with IMPP 11-101A.
- C. Residents are to be advised of the above deductions and acknowledge the deductions applicable to their potential earned wages. The Consent of Employment Form (Attachment D) is to be signed by the resident and witnessed by facility staff upon acceptance of employment by the resident and before the resident begins working.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders, residents, and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents, or offenders, or an independent duty owed by the Department of Corrections to employees, residents, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

### **REPORTS REQUIRED**

None.

### **REFERENCES**

K.S.A. 60-2001, 75-719, 75-5211, 75-5267, 75-5268  
K.A.R. 44-8-102, 44-8-115, 44-8-116  
IMPP 04-106A, 11-101A

### **HISTORY**

02-12-15 Original  
07-28-17 Revision 1  
11-16-17 Revision 2  
04-20-18 Revision 3  
10-2019 Memo 1  
05-2020 Memo 2  
11-1-21 Revision 4  
04-20-22 Revision 5

### **ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	<a href="#">Sample letter to DCF</a>	1 page(s)
B	<a href="#">Sample letter to County of Conviction</a>	1 page(s)
C	<a href="#">Work Release Loan Agreement Form</a>	1 page(s)
D	<a href="#">Consent of Employment Form</a>	2 page(s)

(Sample Letter on Facility Letterhead)

DATE

Senior Administrative Specialist  
Office of the Director of Administrative Services  
Child Support Enforcement Program  
P. O. Box 497  
300 SW Oakley St.  
First Floor Biddle Bldg.  
Topeka, KS 66601

Dear Sir/Madam

The individuals named on the attached listing, who are in the custody of the Secretary of Corrections, will soon be placed in paid, private-employment positions. Their wages are subject to the provisions of K.S.A. 75-5268. This statute provides that, if any of the dependents of a resident placed in such a position are receiving public assistance, a reasonable percentage of the resident's net pay is to be forwarded to the court which ordered support for the resident's dependent(s), or if there is no such order, to the Secretary of the Department for Children and Families.

We request that your program promptly notify us as to which of the listed residents fall into the second category, so that we may forward the funds deducted for this purpose to your program. We also request that your program notify us of any court order of which you are aware.

When known, we have also listed the names and addresses of dependents of the listed residents. This information is provided to allow your program to expedite processing of this request. We look forward to hearing from your program in the near future.

Sincerely,

\_\_\_\_\_  
Warden or designee

\_\_\_\_/\_\_\_\_

Attachment

Date

Clerk of the District Court  
\_\_\_\_\_ County Courthouse  
City, State, Zip

Dear Clerk:

This letter of inquiry is being written about possible cases with court costs and restitution, involving \_\_\_\_\_.

In accordance with K.S.A. 75-5268 Work release and job training programs; disposition of compensation, “. . . The balance of the moneys paid to the secretary or the designated representative of the secretary shall be disbursed for the following purposes: . . . (e) . . . payment of a reasonable amount for costs assessed to the inmate pursuant to the code of civil procedure;” and “(f) to the clerk of the district court in which the crime occurred, payment of a reasonable amount pursuant to an order for all costs, fines, fees and restitution assessed. Such payment shall be distributed in the following order of priority: Restitution, costs, fines and fees;....”

Please provide a detailed itemized listing of all monies owed to include amount owed and whether it is for restitution, etc. Please forward the requested information to my attention at the below address. Payment for authorized claims will commence once confirmation is received.

Case #	Court Costs Assessed Pursuant to the Code of Civil Procedure	Attorney Fees/Statute Pursuant to the Code of Civil Procedure	Restitution	Criminal Court Costs, Fines and Fees

If you are unable to assist me in this matter, I would appreciate being given the contact information of those who might be able to help. Thank you for your time and efforts regarding this inquiry.

Sincerely,

Warden or Designee

\_\_\_\_/\_\_\_\_

**KANSAS DEPARTMENT OF CORRECTIONS**

**WORK RELEASE LOAN AGREEMENT**

I, \_\_\_\_\_, a resident at the \_\_\_\_\_ Work Release Facility, am a participant in the work release program. I am requesting a loan in the amount of \$ \_\_\_\_\_ from the facility's Inmate Benefit Fund.

I authorize the \_\_\_\_\_ facility to withhold the total amount of this loan from the first three (3) paychecks for repayment of this loan, or as specified below if another repayment schedule is authorized.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If I am transferred or terminate from the work release program prior to full repayment of this loan, I authorize the Kansas Department of Corrections to withhold all money earned or received by me, and to apply the withheld funds toward the remaining balance of this loan until it has been fully repaid.

I have read, or have had read to me, the above agreement. I acknowledge that I understand all terms of the agreement and that I will comply with the said terms.

\_\_\_\_\_  
Signature of Resident /Participant

\_\_\_\_\_  
KDOC Number

Approved:

\_\_\_\_\_  
Warden or designee

\_\_\_\_\_  
Date



**KANSAS DEPARTMENT OF CORRECTIONS**

**PRIVATE PRISON OR NON-PRISON INDUSTRY PROGRAMS, AND TRADITIONAL WORK RELEASE  
CONSENT OF EMPLOYMENT**

I, \_\_\_\_\_, have volunteered for employment  
(Resident Name) (KDOC Number)

with \_\_\_\_\_ I understand and agree that  
(Company Name)

the following deductions are to be made from the wages earned from my employment. I understand that allowable deductions for PIECP certified private industry and work release programs may not exceed 80% of gross wages.

1. Gross Wage Deductions

- a. Federal Income Tax
- b. State Income Tax
- c. Social Security Tax
- d. Miscellaneous Deductions (work boots, tools, etc.)
- e. Room and Board

(1) A deduction of twenty-five percent (25%) of gross pay per pay period (including work, holiday, sick, vacation, etc.) is to be withheld from resident earnings for room and board.

- f. Victims Compensation/Court Order Restitution for Residents Employed in Private Prison Based or Non-Prison Based or Work Release Programs.

(1) No less than five percent (5%) of gross wages earned by a resident employed in private non-prison based or prison-based industry and work release programs is to be deducted for the purpose of victim's compensation. The amount deducted may be paid to the district court pursuant to an order for restitution or to the Crime Victims Compensation Board or the DOC Victim Assistance Fund or a combination thereof, so long as the total is not less than five percent (5%) of the resident's gross wages.

- g. Court Ordered Child Support

2. Correctional Facility Deductions

- a. Incidental Expenses

(1) The resident is to be allowed to retain a stipulated amount deemed necessary by the Warden for incidental expenses as defined in IMPP 04-109A. In no case, is this amount to exceed \$35 per week. Any incidental expenses for meals or food shall not reduce the resident's room and board obligation. Bus cards, cab or privately owned vehicle expense for residents employed under the provision of a work release program are excluded from the incidental expense limit. Incidental expenses are not authorized as an allowable deduction from gross wages for residents working within private PIECP programs.

- b. Transportation Charge

(1) If facility staff provides transportation to and from work, funds are to be withheld to defray the cost of such transportation at a rate equivalent to the private car mileage rate established by the Kansas Secretary of Administration, or at a rate otherwise approved by the Deputy Secretary of facility Management, but not exceeding the private car mileage rate. Transportation expenses are not authorized as an allowable deduction from gross wages for residents working within private PIECP programs.

- c. Dependent Support

(1) If dependents are receiving public assistance, twenty-five percent (25%) of the

remaining salary is to be forwarded to Kansas Payment Center as per specifications provided by the Department for Children and Families or other states' jurisdictions.

- (2) For obligations that relate to the care and support of the resident's immediate family and which have been reduced to judgment, twenty-five percent (25%) of the remaining salary is to be forwarded to the court ordering the support.
  - d. After deduction of the above amounts, payment of costs assessed to the resident pursuant to the code of civil procedure.
    - (1) Payment of federal filing fees assessed by the courts pursuant to the 28 U.S.C. § 1915.
    - (2) Payment of state filing/docket fees assessed under K.S.A. 60-2001.
    - (3) Residents owing other court costs associated with a civil procedure are to have two percent (2%) of their remaining salary remitted to the court.
      - i) Attorney fees are not included in court costs, unless there is a statute involved in the proceedings that clearly authorizes such.
  - e. Court Ordered Restitution for Residents Employed in Traditional Work Release
    - (1) A deduction of at least five percent (5%) of gross wages is to be withheld and paid to the clerk of the district court in which the crime occurred, pursuant to an order of restitution from the court, regardless of whether restitution is immediately payable. Residents in traditional work release do not pay five percent (5%) of their gross wages to the Crime Victims Compensation Board.
  - f. Accounts of residents whose restitution debt are turned over to collection agents per K.S.A. 75-719 are to be debited for the applicable collection fee, which is to be submitted together with the restitution payment to the collection agency. The contract between the Judicial Branch and the contracting agent determines the amount of the collection fee.
  - g. Residents owing criminal court costs, fines and fees including attorney fee reimbursements to county of conviction or Board of Indigent Defense Services as provided in the journal entry of conviction are to have two percent (2%) of their remaining salary remitted to the court.
  - h. Mandatory Savings
    - (1) After the deductions noted above have been made, ten percent (10%) of the resident's remaining salary is to be deposited in a savings account for disbursement to the resident only upon his/her release from custody.
3. Net Salary
- a. Monies remaining after the above deductions may be expended at the resident's discretion subject to the applicable procedures established by the Department and the warden.

Payment made for court costs and court ordered restitution, may be applied differently by the court than reflected on the Department of Corrections records. **It is my responsibility to inquire with the courts on the amount collected for court ordered restitution, court costs, fines, fees, and civil procedure costs and how my payments were allocated by the courts.** My signature below signifies my understanding of the required payroll deductions and my voluntary employment with this private company/industry.

\_\_\_\_\_  
(Resident Signature and KDOC Number)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Date)