

Back Wage Policy for Inmate Workers Under the Prison Industry Enhancement Certification Program (PIECP)

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Background:

18 USC 1761 (c), the statute authorizing the Prison Industry Enhancement Certification Program (PIECP), states that PIECP inmates must “have, in connection with PIECP work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed. The Bureau of Justice Assistance (BJA) [1999 PIECP Guideline](#) gives the State wage setting agencies authority to make wage determinations for PIECP workers that are comparable to those in effect for similarly situated workers. When a compliance assessment reveals that the wages paid to PIECP inmate workers are less than the wages approved by the State wage setting agency (usually the Department of Economic Security or DES), BJA will work with the PIECP Certificate Holder to determine the extent of the back wages and amounts due, and to design a compliance plan to ensure the back wages are paid to the workers in question (where possible), or to an alternate recipient when reasonable efforts have failed to yield reliable information about the location of released former PIECP workers. Alternate recipients might include the inmate welfare fund, the victims’ compensation fund to which PIECP victims’ deductions are usually sent, or any other organization proposed by the Certificate Holder and agreed upon by BJA.

Policy:

In determining appropriate back wage amounts, the Certificate Holder should calculate the difference per hour, between the DES approved wage amount and the actual wage amount paid to each PIECP worker. Back wages should be calculated for every payroll period falling within the period of non-compliance. The total amount of back wages which must be paid equals the cumulative unpaid wages for all of the payroll periods that fall within the non-compliance time frame.

Regardless of the Cost Accounting Center models in place within the Certificate Holder’s work pilot project, BJA holds the Certificate Holder as the entity ultimately responsible for complying with the PIECP wage requirements. The Certificate Holder and proposed recipient(s) must also agree upon the amount of back wages due. The back wage amounts must be paid within 90 days of the date when BJA approves of the Certificate Holder’s identified back wage amounts. If the Certificate Holder continues to operate in non-compliance, after being informed of instances of non-compliance with the PIECP wage requirements and the back wage policy, and refuses BJA proposed compliance plans, BJA will take action to terminate the Certificate Holder’s PIECP certification.

Further Information:

For further information on this policy, contact Julius Dupree at Julius.Dupree@usdoj.gov or 202-514-1928.