



# Prison Industry Enhancement Certification Program (PIECP)

## Application for Certification

# ***BJA PIECP Application for Certification***

**(Revised August 2004)**

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## FOREWORD

The Prison Industry Enhancement Certification Program (PIECP) was first authorized by Congress as part of the Justice System Improvement Act of 1979. The Program was expanded from 7 to 20 pilot projects under the Justice Assistance Act of 1984, and from 20 to 50 projects under the Crime Control Act of 1990. The Program's legislation, codified at 18 U.S.C. 1761(c), states that the Bureau of Justice Assistance (BJA) PIECP projects are excepted from certain Federal constraints on the marketability of prisoner-made goods. Specifically, PIECP applicants who have been determined by the Director of BJA to meet statutory and guideline requirements are permitted to sell their products in interstate commerce and to contract with the Federal government for amounts in excess of \$10,000.

The PIECP was created to encourage states and counties to establish employment opportunities for inmates, which approximate those found in the private sector. States or counties participating in the program must have statutory authority to administer prison industry projects and to sell prisoner-made goods on the open market.

All public departments of correction and juvenile justice agencies authorized by law to administer prison industry programs are eligible to apply for PIECP certification; such public agencies are also eligible members of umbrella authorities, authorized by law to administer prison industry programs. Certificate Holders may, in turn, designate one or more Cost Accounting Centers (CACs) as part of their overall certified PIECP program. CACs are distinct goods production units that are managed as separate accounting entities within any one certified PIECP program. Private prisons may participate in PIECP as designated CACs and as part of BJA's certified programs within the jurisdiction in which they are located. The remaining jurisdictions of the private prison inmate workers must also be certified by BJA as having met all PIECP criteria.

BJA evaluates each application on the basis of compliance with statutory and administrative requirements. An applicant's compliance with the statutory and administrative requirements must be documented by a completed ***Application for Certification***, including copies of pertinent statutes, administrative regulations, and written policies and procedures. Applicants in need of additional materials, further information, or assistance, may contact BJA's technical assistance grantee at:

National Correctional Industries Association  
800 North Charles Street, STE 550B  
Baltimore, MD 21201  
PHONE: (410) 230-3972 FAX: (410) 230-3981  
E-mail: [info@nationalcia.org](mailto:info@nationalcia.org)

Applicants should mail two *copies* of the completed ***Application for Certification***, including attachments, to: **Bureau of Justice Assistance, Attention: PIECP Program Office, 810 Seventh Street NW, 4th Floor, Washington, D.C. 20531.**

The *original* completed form with attachments should be mailed to: **NCIA, Attention: PIE Project Coordinator, 800 N. Charles Street, STE 550B Baltimore, MD 21201.**

## PIECP Certification Process

When a correctional agency or authority wishes to participate in the PIECP, an application must be prepared and submitted to the Bureau of Justice Assistance, U.S. Department of Justice. The applicant determines whether a Single or Umbrella Authority application is the most appropriate given the unique circumstances in that jurisdiction. Applicants must then demonstrate that the necessary statutory and/or administrative authority to meet all mandatory program and administrative criteria is in place, as well as appropriate policies and procedures to implement program requirements, before BJA PIECP certification is issued. Additionally, a site visit will be performed by experienced federal and state practitioners to review and evaluate submitted materials, to ensure their accuracy and completeness. Lastly, if and when PIECP certification is granted, it may be suspended or terminated at the discretion of BJA if program standards are not maintained in keeping with the PIECP federal guidelines and statutory requirements or for prolonged inactivity of six months or longer.

The PIECP ***Application for Certification*** must be submitted and approved prior to the designation of specific production operations and partnerships with private industry, known as **Cost Accounting Centers (CACs)**. The ***Notice of Cost Accounting Center (CAC) Designation, National Environmental Policy Act (NEPA) Requirements Checklist***, and ***Request for Categorical Exclusion*** identify the information that must be provided to BJA prior to any CAC start-up. These forms may be obtained by logging onto [www.nationalcia.org](http://www.nationalcia.org). You may also contact NCIA for electronic versions of these forms.

### **There are three required elements to the PIECP Application for Certification:**

- PIECP Certification Applicant Data Sheet
- PIECP Mandatory Program Requirements Certification
- PIECP Supporting Documentation

If you intend to submit a Single Agency Application, please complete the ***Single Agency Applicant Data Sheet*** on the following page. If you intend to submit an Umbrella Authority Application, please refer to page 3 for additional information and requirements then complete the ***Umbrella Authority Applicant Data Sheet***.

Respond to the requested information and documentation as completely as possible. The BJA Program Manager for PIECP will contact you regarding any additional requirements once your application has been received and reviewed. Please allow four to six weeks for initial processing of application.

***Single Agency Applicant Data Sheet***

**AGENCY:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

**PRIMARY STAFF CONTACT FOR PIECP ISSUES:**

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

To the best of my knowledge, the information submitted in this application and its attachments is correct. I agree to allow the Bureau of Justice Assistance access to records necessary to document compliance with PIECP requirements. I am duly authorized to submit this application\* on behalf of the above referenced agency.

**Authorized by:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

***\*If the person signing this application is not the agency head, please attach a letter of delegation of authority from the agency head.***

## **Umbrella Authority Applicant Process**

When more than one correctional agency within a state (i.e. multiple county departments' of correction) wishes to participate in the PIECP as one coordinated program, an Umbrella Authority Application must be completed and submitted to BJA. An **Umbrella Authority** may include state and local correctional agencies as well as juvenile justice agencies. A BJA certified Umbrella Authority may designate PIECP Cost Accounting Centers (a distinct goods production unit that is managed as a separate accounting entity) within its member agencies as well as within members' private prisons. The Authority assumes compliance monitoring responsibility with respect to **all** designated CACs within its membership agencies.

The applicant Authority must have in place the appropriate statutory and/or administrative authority to meet all mandatory program criteria, as well as appropriate policies and procedures to implement program requirements. The applicant Authority should refer to the PIECP Guideline (Federal Register, April 7, 1999, Volume 64, Number 66, pages 17000 to 17014), for a comprehensive listing of all PIECP mandatory requirements (see **Mandatory Program Requirements** below).

### **Special Requirements for Umbrella Authority Application**

#### **1. Eligibility**

The applicant Authority must be able to demonstrate that it has the requisite authority, derived from its State Legislative and/or Executive Branch, to ensure compliance with all PIECP administrative and program requirements.

#### **2. Demonstration of Capability**

- The applicant Authority must have established policies and procedures to oversee the effective implementation of the PIECP by all member agencies participating in the Program. These policies and procedures must, at a minimum, address all PIECP compliance requirements.
- The applicant Authority must have on record a written statement reflecting an understanding shared by the member agencies that the applicant Authority is responsible for ensuring compliance by all agencies participating in the PIECP and that the participating members agree to implement PIECP operations through the establishment of CACs pursuant to the administrative and program policies and procedures established by the applicant Authority. This requirement can be met by statute or ordinance, as well as by Inter-agency agreements or memoranda of understanding.

#### **3. Attachments**

- Authority for the applicant to act as the Certificate Holder for State and local departments of corrections and juvenile justice agencies wishing to participate in the PIECP.

- A listing and brief description of the individual agency members of the applicant Authority
- Policies and procedures describing how the applicant Authority will manage the PIECP including:
  1. Review and Approval of Applications for Participation in the PIECP by Eligible Corrections Agencies within the State
  2. Designation and Undesignation of CACs
  3. Conducting Compliance Reviews of Participating Agencies; and the Quarterly Collecting, Analyzing and Reporting of Information to BJA on All PIECP Cost Accounting Centers
  4. Voluntary and Involuntary Decertification of Member Corrections Agencies
  5. Preparation of Written Statements Ensuring Compliance by All Agencies Participating in the PIECP Program and Agreement to Implement PIECP Operations through the Designation of CACs

***Umbrella Authority Applicant Data Sheet***

**UMBRELLA AUTHORITY:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**PRIMARY CONTACT FOR PIECP:**

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

To the best of my knowledge, the information submitted in this application and its attachments is correct. I agree to allow the Bureau of Justice Assistance access to records necessary to document compliance with PIECP requirements. I am duly authorized to submit this application \* on behalf of the above referenced agency.

**Authorized by:**

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

***\*If the person signing this application is not the chief executive of the Umbrella Authority, please attach a delegation of authority letter.***



# Mandatory Program Requirements

The applicant states that it has the requisite statutory and/or administrative authority to meet the following mandatory PIECP requirements:

**1. Eligibility**

- Authority to sell prisoner-made goods on the open market
- Authority for the applicant agency or umbrella authority to administer a PIECP program
- Authority to create prison industry partnerships with the private sector

**2. Inmate Wages**

- Authority to pay inmates participating in PIECP wages at a rate not less than that paid for work of a similar nature in the locality in which the work takes place (prevailing wage), and never less than the Federal minimum wage.

**3. Non-Inmate Worker Displacement**

- Commitment to prevent the displacement of free-world employed workers by PIECP inmate workers within the defined locality
- Commitment to prevent business partners from the displacement of their own free-world employed workers by PIECP inmate workers
- Authority to obtain from the state's Department of Economic Security (or equivalent) assurances that PIECP inmate labor will not result in the displacement of employed workers; be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality; or impair existing contracts for services

**4. Benefits**

- Authority to provide Workers' Compensation coverage, Private Workers' Compensation Insurance, or comparable self-funded coverage to participating PIECP inmates.
- Authority, if applicable, to provide PIECP inmate workers with Social Security coverage (payment of FICA is a mandatory requirement for **Employer Model CACs**, where the inmates work directly for a private sector company **or** within a private prison).

**5. Deductions**

- Authority to make authorized deductions (taxes, room and board, family support, and victims' compensation) from PIECP inmate wages, if the applicant Agency/Authority chooses to take deductions.

**6. Voluntary Participation**

- Authority to assure that inmates work under PIECP voluntarily, including the use of volunteer participation agreements that include wage deduction schedules, if any.

**7. Consultation with Organized Labor**

- Authority to consult with representatives of local union central bodies or comparable labor organizations prior to the start-up of PIECP Cost Accounting Centers

**8. Consultation with Local Private Industry**

- Authority to consult with local private industry prior to the start-up of PIECP Cost Accounting Centers

**9. National Environmental Policy Act (NEPA) Requirements**

- Administrative authority to comply with NEPA

*I certify that the applicant Agency/Authority has the requisite statutory and/or administrative authority and will exercise that authority to comply with the mandatory PIECP requirements.*

**Printed Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# Documentation Requirements

## 1. Eligibility

All departments of corrections and juvenile justice agencies authorized by law to administer prison industry programs are eligible to apply for PIECP Single Agency Certification. PIECP Certificate Holders may designate CACs within themselves, as well as within private prisons located in the same jurisdiction. **Private prison inmate workers must be remanded from PIECP certified jurisdictions.**

### Please provide the following attachments:

- Authority for the sale of inmate-produced goods on the open market
- Authority for the applicant Agency/Authority to administer a PIECP program
- Authority to involve the private sector in partnerships involving inmates for the production of goods that will enter into interstate commerce
- Supporting policies and procedures covering management of PIECP program, including CAC designation or undesignation, and monitoring procedures to ensure compliance with all mandatory program criteria
- For Umbrella Authority applicants, the interagency agreement or memorandum of understanding that establishes the relationship(s) with participating correctional jurisdictions

## 2. Inmate Wages

PIECP inmate workers must receive “wages at a rate not less than that paid for work of a similar nature in the locality in which the work is to be performed.” **Note:** The applicant should refer to BJA's PIECP Guideline, pages 17009 to 17010, for specific requirements as to inmate wages

### Please provide the following attachments:

- Authority to pay inmates participating in PIECP wages at a rate not less than that paid for work of a similar nature in the locality in which the work is to be performed
- Policies and procedures describing the process used to determine the inmate wage rate and to annually update the wage rate through the appropriate state agency responsible for wage determinations, usually the **Department of Economic Security (DES)** or equivalent agency. Prior to CAC start-up, the applicant agency must have received a DES wage rate determination for each PIECP worker job classification. The development of a wage plan is strongly encouraged, that accounts for an inmate worker's experience, seniority, and performance
- Policies and procedures for wage determination, if verification cannot be obtained from the appropriate state agency. Prior to CAC start-up, the applicant agency must have gathered and analyzed the information necessary to "self-determine" the appropriate private sector wage rate and obtained

BJA's approval of the process undertaken. This process cannot be used when the Certificate Holder disagrees with the wage determination; but only when the DES will not provide such determinations. (See the **Notice of Cost Accounting Center Designation (CAC)** form for specific requirements.)

- Applicant agency's definition of "locality" for PIECP wage calculation purposes

### 3. Non-Inmate Worker Displacement

PIECP CAC operations must not result in the displacement of employed workers; be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality; or significantly impair existing contracts. The term "displacement," as used in this provision, includes all such prohibited activities, as well as the inappropriate transfer of private sector job functions to PIECP inmates. **Note:** The applicant agency should refer to BJA's PIECP Guideline, pages 17010 to 17011, for specific requirements pertaining to worker displacement.

#### **Please provide the following attachments:**

- Authority to prohibit the displacement of non-inmate workers by PIECP inmate workers
- Policies and procedures addressing the non-displacement determination process
- State's DES statement: Prior to CAC start-up, the applicant Agency/Authority must obtain a written projection from the state's DES (or other appropriate state agency) that the CAC will not result in the displacement of non-inmate workers performing the same work, regardless of wage rate. The state's DES non-displacement projection must be tied to the private sector wage requirement such that the non-displacement determination reflects a realistic community wage rate for similar work performed in the locality. In cases where the appropriate state agency cannot make a non-displacement determination, the applicant Agency/Authority should propose and confer with BJA, on a case-by-case basis, as to alternative measures to address this requirement.
- Private sector partner statement: Prior to CAC start-up, the applicant Agency/Authority must provide written documentation reflecting the private sector partner's agreement not to displace its non-inmate employees by employing PIECP inmate
- Applicant Agency/Authority's definition of "locality" for PIECP displacement purposes

### 4. Benefits

PIECP programs must provide inmate workers with benefits comparable to those made available by the Federal or State Government to similarly situated private sector employees, including workers' compensation and, Social Security (FICA) for inmates working in **Employer Model CACs**. **NOTE: Employer Model CACs** (where inmates work directly for the private company or in a CAC within a private prison) **must** provide Social Security (FICA) coverage to PIECP workers or provide BJA with written evidence of exemption from the Social Security

Administration and/or the IRS; **Customer Model** CACs (where inmates work for the correctional industry agency) are not required to offer Social Security coverage to workers.

**Please provide the following attachments:**

- Authority for the provision of Worker's Compensation Coverage, Private Workers' Compensation Insurance, or comparable self-funded coverage for PIECP inmate workers, along with supporting policies and procedures to implement the process by which coverage will be provided
- Authority for the provision of Social Security to PIECP inmate workers, **where appropriate**, along with supporting policies and procedures addressing the process by which Social Security will be provided

**5. Deductions**

The Certificate Holder is not required to take deductions from PIECP inmate wages under the PIECP legislation. Deductions, however, may be required under other Federal statutes, such as the Internal Revenue Code. If a Certificate Holder elects to take deductions from a PIECP inmate's gross wages, it may do so only for the following purposes: (1) taxes (Federal, state, local); (2) reasonable charges for room and board as determined by the applicant Agency/Authority's chief correctional official, or, in the case of out-of-state PIECP inmate workers, the remanding agencies' chief correctional official; (3) allocation for support of family pursuant to State statute, court order, or agreement by the offender; and (4) contributions of not more than 20 percent, but not less than 5 percent, of gross wages to any fund established by law to compensate the victims of crime. Such deductions, in the aggregate, cannot exceed 80 percent of gross wages. **NOTE:** If the CAC is housed in or managed by a private prison, written authority must exist from each remanding jurisdiction for any deductions taken. Victims' compensation payments must be returned to each respective worker's remanding jurisdiction.

**If applicant elects to take eligible deductions, please provide the following attachments:**

- Statutory or administrative authority, and supporting policies and procedures, to make deductions from inmate gross wages for:
  1. **Taxes:** Federal, State, and Local taxes, including Social Security where appropriate
  2. **Room and board:** A reasonable percentage, to be determined by the applicant Agency/Authority and approved by the applicant's chief correctional official. If a CAC is housed in or managed by a private prison, disposition of room and board payments must be determined by the remanding jurisdiction(s) in conjunction with the applicant Agency/Authority
  3. **Family support:** Court ordered child support and/or voluntary support to families
  4. **Victims' compensation:** Contributions to the State Victims' Compensation fund established by law to receive such funds.
- A sample PIECP inmate wage deduction form, reflecting the PIECP inmate's

agreement to all deductions. Each deduction should be calculated separately as a percentage of total gross wages; total deductions from gross wages may not exceed 80%. Deductions from remaining gross wages, if any are taken, may be directed only to satisfy the PIECP inmate's legal obligations, including fines and restitution. Mandatory savings programs are at the discretion of the Certificate Holder.

## **6. Voluntary Participation**

Each PIECP inmate worker must indicate, in writing, that he or she (a) agrees voluntarily to participate in the PIECP program, and (b) agrees voluntarily, and in advance, to specific deductions made from gross wages, as well as all other financial arrangements made as to earned PIECP wages.

### **Please provide the following attachments:**

- Authority, along with supporting policies and procedures, assuring that inmate work in PIECP employment programs will be voluntary. [**See Attachment A for sample form**]

## **7. Consultation with Organized Labor**

PIECP Certificate Holders must consult with representatives of local union central bodies or similar labor union organizations prior to the start-up of a PIECP CAC. Certificate Holders should consult with all such organizations that may have an interest in the trade or skill to be performed by the PIECP inmates. If there are no local union bodies or labor organizations, consultation must be made with state union bodies or similar state-wide labor organizations. In addition, Certificate Holders must provide adequate information about the contemplated work, such as, at a minimum, an identification of the scope of the intended CAC and projected start-up date as well as an explanation of the fact that consultation is required and comments are invited. Copies of public notices or minutes from industry board meetings may serve as alternative forms of consultation.

### **Please provide the following attachment:**

- Authority, along with supporting policies and procedures, requiring the provision of written consultation with organized labor prior to the start-up of a CAC. Written notice is required.

## **8. Consultation with Local Private Industry**

PIECP Certificate Holders must consult with representatives of local business that may be economically impacted by CAC production prior to beginning operations and provide adequate information about the contemplated work, such as, at a minimum, an identification of the scope of the intended CAC and projected start-up date as well as an explanation of the fact that consultation is required and comments are invited. Copies of public notices or minutes from industry board meetings may serve as alternative forms of consultation.

**Please provide the following attachment:**

- Authority, along with supporting policies and procedures, ensuring written consultation with local private business prior to the designation of a PIECP CAC.

**9. National Environmental Policy Act (NEPA) Requirements**

The review and approval of PIECP *Application for Certification* as well as the designation of PIECP CACs must include compliance with NEPA prior to any CAC start-up. PIECP Certificate Holders are required to submit, for BJA's review, environmental data and information regarding their proposed activities, and, if necessary, environmental assessments. BJA will assist Certificate Holders in the preparation of any required environmental impact statements.

**Please provide the following attachment:**

- Policies and procedures to be used in complying with NEPA requirements

# PIECP APPLICATION FOR CERTIFICATION

## Administrative Information and Reporting Requirements

### 1. Certification

BJA may award either a Standard or a Provisional Certificate to PIECP applicants. A Standard certification may be issued to an approved applicant when all mandatory program criteria have been met. When one or more mandatory program criteria have not been met, but when steps have been taken to ensure that those criteria will be met within a reasonable period of time, then a Provisional certification may be issued in instances where the withholding of certification would significantly impair the applicant's ability to further develop its project. The terms of the Provisional certification will be made specific to the nature of the unmet mandatory criteria and may be made contingent upon the occurrence of identified conditions. Provisional certifications may be issued for no longer than one year from the date of issuance and may be subject to renewal, at BJA's discretion.

### 2. Certificate Holder Designation Authority

The Certificate Holder may designate CACs in State and local correctional institutions or private prisons that are located in its jurisdiction. To exercise this authority, a Certificate Holder must first determine that a proposed CAC has complied with the requirements set forth in BJA's Program Guidelines, and in the Program's legislation, codified at 18 U.S.C. 1761(c). *The formal CAC Designation process is outlined in the **Notice of Cost Accounting Center (CAC) Designation** available at [www.nationalcia.org](http://www.nationalcia.org).*

### 3. National Environmental Policy Act

Whenever a Certificate Holder elects to exercise its authority, it must determine whether to submit a **Request for Categorical Exclusion** from NEPA. The following is provided as guidance in this process:

- Operations that involve no new construction or major renovation, and no adverse effects on the environment, such as through the use or creation of toxic or hazardous substances, emissions, or conditions, may be eligible for a Categorical Exclusion to NEPA requirements. BJA will make a determination, based upon the submitted **Notice of Cost Accounting Center (CAC) Designation and Request for Categorical Exclusion**, regarding this exclusion.
- Operations that normally require an Environmental Assessment include renovations and expansions that change the original use of a facility, that substantially change its size, or that change the existing facility so that it increases the production of liquid, gaseous, or solid wastes; new construction; research and technology whose anticipated and future application could be expected to have an effect on the environment; and new operations involving the use of hazardous, toxic, radioactive, or odorous materials.
- Assessments of such activities which result in BJA "findings of significant impact" will necessitate the preparation of environmental impact statements in compliance with NEPA and its implementing regulations. For guidance related to



Environmental Assessments and Impacts, please see **NEPA Environmental Impact Assessment and Contacts Information** which can be downloaded by logging onto [www.nationalcia.org](http://www.nationalcia.org).

#### **4. Certificate Holder Undesignation Authority**

The Certificate Holder may, at its own discretion, undesignate any previously designated CAC. In such instances, the Certificate Holder must submit to BJA a **Notice of Undesignation**. This form is available at [www.nationalcia.org](http://www.nationalcia.org).

#### **5. BJA's Suspension of Certificate Holder's Authority to Designate**

BJA may, at any time deemed necessary to resolve compliance concerns and upon the issuance of written notice, suspend a Certificate Holder's authority to designate additional CACs.

#### **6. Certificate Holder Monitoring Responsibilities**

The Certificate Holder must undertake all reporting and evaluation activities deemed necessary to ensure continuing compliance for designated CACs and respond to all BJA requests for information and cooperation aimed at ensuring program compliance.

#### **7. Cost Accounting Center (CAC) Responsibilities**

The CAC must comply with all PIECP participation obligations to its Certificate Holder and to BJA, including:

- Maintaining continuous compliance with the requirements set forth in 18 U.S.C. 1761(c) and BJA's Program Guideline; and
- Responding to all monitoring requests from BJA, NCIA, or the Certificate Holder, for information and cooperation aimed at maintaining continued compliance with all mandatory requirements.

#### **8. Quarterly Financial Reports**

Within 30 days following the close of each **calendar** quarter, each CAC must submit a **PIECP CAC Quarterly Statistical Report** to its Certificate Holder in a form prescribed by BJA. A **PIECP Quarterly Consolidated Statistical Report**, with a copy of each CAC quarterly report attached, shall be submitted to BJA **and** NCIA, by the Certificate Holder within 45 days following the close of each calendar quarter. Quarterly report forms are available at [www.nationalcia.org](http://www.nationalcia.org).

#### **9. Onsite Monitoring Reviews**

BJA and its technical assistance grantee are authorized to perform desk and onsite reviews of all PIECP participants, including all CACs, as deemed necessary. Immediate corrective actions must be taken to address determinations of non-compliance and/or to respond to issues that raise compliance related concerns for BJA.

#### **10. PIECP Exception Status Suspension/Termination**

- Notice of Possible Compliance Violation: Alleged facts indicative of non-compliance shall be communicated in writing by BJA to the involved Certificate Holder and the involved designated CAC. These parties must respond to the allegations, in writing, within 15 days after receipt of the notice of non-compliance determination. Immediate corrective action must be taken to address determinations of non-compliance.
  - Voluntary Compliance Agreements: If BJA determines that non-compliant practices persist, BJA may, in its discretion, propose a voluntary compliance agreement to the involved Certificate Holder.
  - Failure to Achieve Compliance and Effect of Non-Compliance: If a voluntary compliance agreement is not presented by BJA or is not accepted or adequately implemented by the Certificate Holder within 30 days after receipt of such an agreement, BJA may suspend the Certificate Holder's certification and/or CAC exception status.
  - PIECP Exception Status Suspension and Termination: A certification may be terminated by BJA if it has been inactive (no production within a designated CAC) or suspended for six consecutive months. A certification and/or designation may be suspended, and six months thereafter, terminated: (1) upon issuance of a notice of a determination that the Certificate Holder and/or designated CAC is not acting in compliance with the requirements of 18 U.S.C. 1761(c), BJA's Program Guidelines, or the conditions set forth in its certificate; or (2) in the discretion of the Director of BJA and upon a re-definition of a PIECP project authorized under 18 U.S.C. 1761(c). Termination or suspension of the exception status of one designated CAC will not automatically impact the PIECP exception status of other CACs under the same certification unless the PIECP **certification** is suspended or terminated.

# ATTACHMENT A

## SAMPLE VOLUNTARY PARTICIPATION-DISPOSITION OF INMATE INCOME

- I. Voluntary Work Agreement** (To be completed and voluntarily signed by offender). Yes/Agree that,
- I am accepting this assignment voluntarily
  - I understand that I work at the discretion of the DOC and/or private sector company; therefore, my work shift may be adjusted or discontinued at any time, with or without cause, and I may be temporarily laid off or permanently separated at the discretion of my supervisor
  - I understand that any infraction of DOC rules, shop rules, or other job-related instructions may cause my immediate forfeiture of this assignment

**II. Deductions/Distribution of Inmate Wages**

I, \_\_\_\_\_, [identification], agree to the following terms and conditions regarding the disposition of wages I may receive by participating in a PIECP Industry. I understand and agree that all compensation received under this program will be deposited to my account within the [Institutional Residents Trust Fund] and that said funds, attributable to this program, shall be credited to my account, excluding the following, in priority order:

- Any taxes or social security deductions in relationship to wages earned
- Ongoing child support obligation as evidenced by a payroll deduction notice or an order to withhold and deliver issued by the Office of Support Enforcement (OSE) to my employer.
- \_\_\_\_\_% of my gross income shall be paid to the [Jurisdiction] pursuant to \_\_\_\_\_ and forwarded to the State Victims Compensation Fund.
- \_\_\_\_\_% of my gross income shall be paid to the [\_\_\_\_\_] pursuant to [local law/policy] thereby participating in the cost of incarceration.
- If applicable, \_\_\_\_\_% of my remaining gross income shall go towards the satisfaction of legal financial obligations pursuant to [\_\_\_\_\_] and amounts owing the [Jurisdiction] in a priority determined by policy.
- \_\_\_\_\_% of my gross income shall be placed in the trust fund as savings. These personal savings shall only be available at the time of release. Exceptions to this time constraint will be made on a case-by-case basis by the [Chief Corrections Official].

The remaining funds shall be available to the trust fund for my use in accordance with the [Jurisdiction's] rules and procedures and to meet my personal needs, as well as voluntarily meet my responsibility regarding non-court ordered restitution, family and child support, and other obligations.

I further understand that should I be transferred out of the PIECP Industry program, the disposition of funds in my account, including those in savings, will be subject to the discretion of the [Chief Corrections Official] to satisfy obligations, e.g. liens against the trust fund for destruction of property, purchases from the commissary, etc.

I further understand that this formula is subject to change by the [Jurisdiction] by the provision of written notice to me. If I disagree with any changes made in the disposition of my wages, I understand I can discontinue participation in the PIECP Industries Program.

***In witness thereof, I have signed this agreement with a representative of my employer.***

---

**INMATE**

**DATE**

**SUPERVISOR**

**DATE**

# *Attachment B*

## PIECP Federal Guidelines

May be downloaded at:

[www.nationalcia.org](http://www.nationalcia.org)