

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Appeal From the Administrative Law Court SC Court of Appeals  
Shirley C. Robinson, Administrative Law Judge  
Appellate Case No. 2023-000848

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Ronald Ceo, #258464,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

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FINAL BRIEF OF  
THE APPELLANT

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STATEMENT OF ISSUE ON APPEAL

DID THE ADMINISTRATIVE LAW COURT ERRED WHEN IT FOUND THAT THE APPELLANT IS NOT ENTITLED TO THE PREVAILING WAGE AND DID NOT PRODUCE IN PART A PRODUCT THAT WAS SOLD IN INTERSTATE OR INTRASTATE COMMERCE?

## STATEMENT OF THE CASE

The Appellant file a Step 1 grievance on May 30, 2022 stating that he was not paid the prevailing wage while working Prison Industry from February 20, 2018 until February 3, 2021. The Appellant receive a copy of the Step 1 Grievance from the I.G.C. stating that the Grievance exceeded the timeframe on June 1, 2022. The Appellant filed a Step 2 Grievance on June 17, 2022 with the same issue but included the fact that policy Grievances could be filed at anytime. In spite of the exception that exempt policy grievances the IGC rejected the Step 2 Grievance on June 23, 2022. The Appellant filed a Notice of Appeal to the Administrative Law Court on June 30, 2022 and raised the issues that he was not paid the prevailing wage and that wage Grievances could be raised at anytime. The ALC Judge Robinson issued an order of Remand on July 20, 2022. The Step 1 Grievance was investigated and denied on August 30, 2022 as well as the Step 2 Grievance which was denied on October 13, 2022. The Appellant once again file his Notice of appeal to the ALC on October 17, 2022. The Administrative Law Court Judge Robinson issued an order of dismissal on May 3, 2023. This Appeal follows:

## ARGUMENT

THE ADMINISTRATIVE LAW COURT ERRED WHEN IT FOUND THAT THE APPELLANT IS NOT ENTITLED TO THE PREVAILING WAGE AND DID NOT PRODUCE IN PART A PRODUCT THAT WAS SOLD IN INTERSTATE OR INTRASTATE COMMERCE.

The Appellant provided on-site labor at MacDougall Correctional Institution for P. I. P. sponsor Carolina Textiles from February 20, 2018 until February 2, 2021. The Appellant labor consisted of Quality Control and baling. The Appellant duties was to inspect the material, for final grading and bale the finish product for shipping. The Appellant avers that the Respondent account of the Appellant duties of sorting is completely false. The Appellant once again inspected the material of the cutters (inmate machine operators) for quality. The baling process was the last line of defense, of the Appellant duties that assure that quality material got baled. The Appellant work collectively, resulted into the production of quality rags. Carolina Textile advertise of being the largest wiping rag producer in the Southeast.

Cardinal Textile advertise that there quality rags are found in the following industries food service, Marine, Industrial, Janitorial, and Automotive. The Appellant duties could not have been service, because service work does not consist of producing in part a product that is sold on the open market. The failure of the Respondent to pay the Appellant the prevailing wage violates the Federal and state prohibition of the selling or transporting products produce wholly or in part by inmates. The Federal statute §18 U.S.C. 1761 (a) prohibits the transporting of prison made good into interstate commerce. The exception found in (§18 USC. 1761 (a)(2) "have in connection with such 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."). S.C. Code of Laws §24-3-410 Sale of prison made products on open market generally prohibited. The exceptions found in §24-3-410 (B)(7) were not complied with by the Respondent. The Appellant was paid a hourly wage of \$1.50 to \$1.75 per hour for

his labor working for PIP sponsor Carolina Textiles. The Appellant was not paid the prevailing wage or the comparable wage required by the relevant law. The Federal Register found under 64 FR-1700-01, enforced by the Bureau of Justice Assistance, forbids the practice of transporting goods produce wholly or in part by prisoners, the exception is that prisoners receive the prevailing wage. The Record on Appeal show on page 19 of 24 of the Respondent contract #2976 that the Respondent agree with the contractor that no goods produce under this agreement shall be placed in commerce in violation of the laws of the state of South Carolina or the United States as they relate to the utilization of inmate labor. The Respondent did not comply with this contract agreement it is obvious because the Appellant was not paid the prevailing wage.

CONCLUSION

For the foregoing reasons, the Court should reverse and remand the Administrative Law Court decision, and instruct the Court to have the Respondent pay the Appellant the prevailing wage.

Respectfully Submitted,

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August 8, 2023

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CERTIFICATE OF COUNSEL

The undersigned certified that this Final Brief complies with Rule 211 (b), SCACR.

August 8, 2023

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