

Statement of The ISSUES

The south Carolina Department of Corrections violated two (2) south Carolina statutes. (1) S.C. statute 24-3-430 line (D): No inmate participating in the Private Industry Program may earn less than the prevailing wage for work of a similar nature in the private sector. (2) S.C. statute 24-3-40: Directs the south Carolina Department of Corrections to deduct the percentages from the gross wages of the prisoner.

Statement of The CASE

Appellant filed a grievance against the south Carolina Department of Corrections for paying Appellant less than the prevailing wage while working in the Prison Industries Program at LEE Correctional Institution FOR (Nephron) and for removing the money remitted by the Private Sponsor (Nephron) and disbursing the percentages from the lower rate. Appellant's grievance was denied at every step of it's process.

Argument

The south Carolina Department of Corrections erred denying Appellant's grievance when there is direct evidence that the south Carolina Department of Corrections violated S.C. (statute 24-3-430) by paying less than the prevailing wage and S.C. (statute 24-3-40) by not deducting percentages from gross wages. Appellant's grievance involved the south Carolina Department of Corrections Policy / Procedure and the fifteen (15) days filing rule did not apply

Prevailing Wage

The legislative intent behind the statute providing that no inmate participating in a Prison Industries Program may earn less than the prevailing wage for work of a similar nature in the private sector is to be a safeguard to prevent inmates from becoming a cheaper alternative to their counterparts in the private realm.

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SC Court of Appeals

TORRENCE V. S.C. DEPT. OF CORR. (S.C. APP. 2021) 433 S.C. 633, 861 S.E. 2D 36 statute 24-3-430 is the controlling authority for inmate wages earned through such a program, rather than statute exempting products produced by inmates employed in a program if the inmates workers participate voluntarily, receive comparable wages, and the work does not displace employed workers, from prohibition on sale of products manufactured by inmates although both statutes refer to inmate wages earned through such a program the former statute directly addresses the rate of inmate wages.

TORRENCE V. S.C. DEPT. OF CORR. (S.C. APP. 2021) 433 S.C. 633, 861 S.E. 2D 36.

Deduction of Wages.

The action of the South Carolina Department of Corrections of removing money remitted by the Private Industry Sponsor as wages for inmates participating in the Prison Industries program and then disbursing from the lower amount the percentages listed in the statute governing disbursement of prisoner wages violated the statute of disbursement of a prisoner's wages, which directs the South Carolina Department of Corrections to disburse money based on gross wages. TORRENCE V. S.C. DEPT. OF CORR. (S.C. 2007) 373 S.C. 586, 646 S.E. 2D 866

TIMELINESS OF GRIEVANCE

The inmate grievance to pay received under prevailing wage statute and the contract for work performed as part of the prison industries program work grievance to the South Carolina Department of Corrections Policy / Procedure rather than to

While working for Region of Lee Correctional Institution through the Prison Industries Program beginning February 2002 and ending November 2002, the South Carolina Department of Corrections was paying Appellant seven dollars and twenty-five cents (\$7.25) per hour for Appellant's labor, six (6) months after the job ended. Appellant found out that Appellant was paying the South Carolina Department of Corrections ten dollars (\$10.00) per hour for Appellant's labor, when Appellant signed the Prison Industries Employment Inmate Agreement according to this agreement, Appellant was only making seven dollars and twenty-five cents (\$7.25) per hour for Appellant's labor. The South Carolina Department of Corrections never disclosed that Appellant was actually getting ten dollars (\$10.00) per hour from Appellant's labor. The South Carolina Department of Corrections failed to pay Appellant the prevailing wage for similar work done in the Private Sector. The South Carolina Department of Corrections removed money

Relevant Facts

incidents, and thus were exempted from the grievance system policy's fifteen (15) days filing deadline for incident grievance. The grievance challenging the South Carolina Department of Corrections' day to day operation falls within the South Carolina Department of Corrections proposed definition of Policy/Procedure "Inmate pay under statute was an expression of legislative policy and contractual pay was not an incident, in that it affected numerous inmates and was not temporarily limited. Ackerman v. S.C. Dept. of Corr. (S.C. App. 2016) 415 S.C. 412 782 S.E.2d 757. The inmate grievance alleging that the South Carolina Department of Corrections failed to pay Appellant the prevailing wage isolated policy/procedure rather than an isolated incident, and thus the fifteen (15) day filing rule did not apply. TORRECE v. S.C. Dept. of Corr. (S.C. App. 2021) 433 S.C. 633, 861 S.E.2d 36.

(two dollars and seventy-five cents (\$2.75)) remitted by the Private Industry Sponsor (Nephron) and then disburses the percentages listed in S.C. Statute 24-3-40 based on the lower rate (seven dollars and twenty-five cents (\$7.25)). The South Carolina Department of Corrections is in violation of the plain language of the statute which directs the South Carolina Department of Corrections to disburse money based on the gross wages, which was the ten dollars (\$10.00) Nephron was paying the South Carolina Department of Corrections for Appellant's labor.

Conclusion

Appellant respectfully requests this court, based on the evidence that the South Carolina Department of Corrections violated statutes 24-3-430 and 24-3-40, to find in Appellant's favor and have the South Carolina Department of Corrections pay Appellant back wages at the prevailing wage and pay Appellant the money they removed that was remitted by the Private Sponsor (Nephron).

Date: July 16, 2024

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