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Nov 22 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Robert L. Reibold

ALC Case No. 23-ALJ-04-0481-AP
Appellate Case No. 2024-000471

RANDY MURPHY, # 176259,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO DISMISS APPEAL AS MOOT

Appellant filed an appeal challenging an order of the Administrative Law Court (ALC) which dismissed his request to be paid the prevailing wage for his work in Prison Industries. On October 15, 2024, Appellant was served with a Final Agency Decision (see attached Final Agency Decision Packet) which stated that Respondent had calculated Appellant's backpay amount for his work in Prison Industries and would pay Appellant those funds. Appellant signed that he received and accepted the Final Agency Decision (see attached, page 1). The funds were placed in Appellant's account as backpay on November 15, 2024. Since the underlying issue in this appeal is now moot, Respondent respectfully requests that this case be dismissed.

Accordingly, since the instant matter regarding Appellant's inmate pay is now moot, Respondent respectfully requests that this appeal be dismissed.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

CHRISTINA C. BIGELOW
Deputy General Counsel
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

November 22, 2024

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
MEMORANDUM**

TO: Randy Murphy, # 176259
INSTITUTION: Livesay – N4-0021
FROM: Office of General Counsel
DATE: October 11, 2024
RE: Prison Industries Payment – **FINAL AGENCY DECISION**

Dear Mr. Murphy:

SCDC has calculated your pay at the prevailing wage rate for your Prison Industries job codes from July 2016 through October 2022. Any labor performed at any other time was work not subject to the prevailing wage statute. The calculations resulted in the following:

Gross total owed: [REDACTED]
Deductions:
 20% Victim Restitution: [REDACTED]
 35% Child Support: [REDACTED]
 10% LT Savings: [REDACTED]

SCDC believes its calculations are correct, as these calculations are supported by the attached documentation, which consists of a spreadsheet showing the calculations, a chart showing the prevailing wage for each of your four job codes, and four separate documents showing you signed off on each of the four job codes. However, it is our understanding that you disagree with SCDC's calculations and have rejected all offers sent to you. Since you are being released from custody in the near future, and we want to ensure that you have the benefit of the funds you are owed per our calculations, we have requested (as of 10/9/2024) that the full gross amount be placed in your account as back pay. All required deductions will be taken from the total amount, meaning that child support will be paid to your children, funds will go to your long-term savings account, and victim restitution will be paid. Any applicable taxes that apply to back wages will also be automatically taken out as required.

Therefore, we consider your inmate pay issues resolved, and this Memorandum serves as the **FINAL AGENCY DECISION** in the matter of your inmate pay for all work in Prison Industries. **If you dispute the time period in question or the calculations, you may file an appeal. An ALC appeal form is being provided as a part of this packet. If you decide to appeal, you will note that the form asks for your grievance number. In that space, simply write "Final Agency Decision dated 10/11/2024."**

Randy Murphy 176259 10-15-24
Randy Murphy, # 176259
I have received and accept the Final Agency Decision.

SOC Code	Period	Hours Worked	Overtime	Hourly rate	Federal Minimum Wage	Avg Mean Wage	Difference
37-2011	05/01/2022 - 10/31/2022	926.5		\$7.36	\$7.25	\$13.44	\$5,633.12
	OVERTIME		188.25	\$11.04	\$10.88	\$20.16	\$1,716.84
49-9071	03/01/2022 - 04/30/2022	424.00		\$7.36	\$7.25	\$19.77	\$5,261.84
	OVERTIME		104.00	\$11.04	\$10.88	\$29.66	\$1,935.96
51-7099	10/01/2021 - 02/28/2022	676.25		\$7.36	\$7.25	\$14.48	\$4,814.90
	OVERTIME		15.25	\$11.04	\$10.88	\$21.72	\$1,628.87
51-7042	05/01/2021 - 09/30/2021	794.25		\$7.36	\$7.25	\$16.78	\$7,481.84
	OVERTIME		114.50	\$11.04	\$10.88	\$25.17	\$1,617.89
51-7042	05/01/2020 - 04/30/2021	1329.25		\$7.36	\$7.25	\$15.07	\$10,248.52
	OVERTIME		118.00	\$11.04	\$10.88	\$22.61	\$1,364.67
51-7042	05/01/2019 - 04/30/2020	1913.25		\$7.36	\$7.25	\$14.39	\$13,450.15
	OVERTIME		106.75	\$11.04	\$10.88	\$21.59	\$1,125.68
51-7042	11/01/2018 - 04/30/2019	903.50		\$7.36	\$7.25	\$14.12	\$6,107.66
	OVERTIME		50.75	\$11.04	\$10.88	\$21.18	\$514.61
51-7042	05/01/2018 - 10/31/2018	908.00		\$7.33	\$7.25	\$14.12	\$6,165.32
	OVERTIME		67.75	\$11.00	\$10.88	\$21.18	\$690.03
51-7042	11/01/2017 - 04/30/2018	684.50		\$7.33	\$7.25	\$13.79	\$4,421.87
	OVERTIME		8.25	\$11.00	\$10.88	\$20.69	\$79.94
51-7042	05/01/2017 - 10/30/2017	760.00		\$7.30	\$7.25	\$13.79	\$4,932.40
	OVERTIME		33.00	\$10.95	\$10.88	\$20.69	\$321.26
51-7042	11/01/2016 - 04/30/2017	794.25		\$7.30	\$7.25	\$13.66	\$5,051.43
	OVERTIME		26.50	\$10.95	\$10.88	\$20.49	\$252.81
51-7042	07/01/2016 - 10/31/2016	368.00		\$7.25	\$7.25	\$13.66	\$2,358.88
	OVERTIME		0.00	\$10.88	\$10.88	\$20.49	\$0.00
	TOTAL	10481.75	833.00				
	Amount Due						



DEDUCTIONS
 20% Victim Restitution
 35% Child Support
 10% LT Savings
 Total Deductions

South Carolina Occupational Average Mean Wages for SOC Codes 2024-2010

Occupation Title	SOC Code	Hourly Mean Wages															
		May 2024-April 2025	May 2023-April 2024	May 2022-April 2023	May 2021-April 2022	May 2020-April 2021	May 2019-April 2020	May 2018-April 2019	May 2017-April 2018	May 2016-April 2017	May 2015-April 2016	May 2014-April 2015	May 2013-April 2014	May 2012-April 2013	May 2011-April 2012	May 2010-April 2011	
Janitors and Cleaners	37-2011	not available	\$ 14.70	\$ 13.44	\$ 12.05	\$ 12.08	\$ 11.57	\$ 11.23	\$ 10.88	\$ 10.60	\$ 10.29	\$ 10.20	\$ 10.24	\$ 10.08	\$ 10.21	\$ 10.05	
Office Clerks, General	43-9061	not available	\$ 17.66	\$ 16.32	\$ 15.46	\$ 14.63	\$ 13.70	\$ 13.37	\$ 13.10	\$ 13.38	\$ 13.21	\$ 13.09	\$ 12.58	\$ 12.72	\$ 12.60	\$ 12.36	
Maintenance and Repair Workers, General	49-9071	not available	\$ 22.34	\$ 20.75	\$ 19.77	\$ 18.88	\$ 18.09	\$ 17.72	\$ 17.73	\$ 17.38	\$ 17.37	\$ 17.51	\$ 17.13	\$ 17.10	\$ 16.82	\$ 16.44	
Sawing Machine Operators	51-7041	not available	\$ 18.79	\$ 17.09	\$ 16.28	\$ 15.51	\$ 15.24	\$ 14.06	\$ 13.83	\$ 13.32	\$ 13.34	\$ 12.96	\$ 12.79	\$ 13.79	\$ 13.25	\$ 12.47	
Woodworking Machinists	51-7042	not available	\$ 19.56	\$ 18.30	\$ 16.78	\$ 15.07	\$ 14.39	\$ 14.12	\$ 13.79	\$ 13.66	\$ 13.36	\$ 15.11	\$ 14.49	\$ 13.94	\$ 12.25	\$ 12.28	
Woodworkers, all	51-7099	not available								\$ 14.48		\$ 14.58			\$ 13.31		
Grinding and Polishing Workers, General	51-9022	not available	\$ 21.30	\$ 20.79	\$ 19.57	\$ 16.43	\$ 13.89	\$ 13.45	\$ 13.52	\$ 14.78	\$ 13.05	\$ 13.71	\$ 13.59	\$ 13.82	\$ 12.74	\$ 12.45	
Inspectors, Testers, Sorters, Graders, and Gaging Machine Operators	51-9061	not available	\$ 22.12	\$ 20.53	\$ 19.05	\$ 18.98	\$ 19.12	\$ 18.80	\$ 18.56	\$ 18.00	\$ 17.55	\$ 17.17	\$ 16.55	\$ 16.15	\$ 15.94	\$ 15.74	
Industrial Truck and Tractor Operators	53-7051	not available	\$ 20.35	\$ 19.02	\$ 17.51	\$ 17.33	\$ 17.37	\$ 16.74	\$ 15.93	\$ 15.68	\$ 14.71	\$ 14.55	\$ 14.41	\$ 14.24	\$ 14.02	\$ 13.84	

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INDUSTRIES

(SHAW FLOORING)

Job Description

SOC CODE/TITLE: 51-7042 Wood Worker

Job Title: Floater

Name: Randy Murphy

Location: Tygar River

Work Time: 2pm-12am

Pay Rate: \$ 7.36

Summary:

Floater requires that the worker possess the aptitude to learn one or more of the following job responsibilities:

Serve as substitute during position vacancies	Be familiar with digital callipers and be able to use them accordingly
Posses a general knowledge of all positions in machining area	Familiar with Inch micrometer
Load end tenoner with blanks	
Putty planks, remove planks from conveyor, stack	
Know length of planks, square of a plank	
Check Groove locations on end and side of plank	
Be familiar with document data on appropriate forms	
Be familiar with machining specifications, sku specifications and pallet piece count	

Duties and Responsibilities:

The floater must be familiar with all jobs located in the machining department. Must be capable of reading and understanding process sheets, prints, work instructions and Process Work Instructions (PWI) standards applicable to the product and process which the employee is completing. Read a ruler, use various types of measuring devices, and understand how these apply to ensuring product quality. Be able to verify prerequisite material prior to processing. Know basic operations of all machine/work areas of the plant and be able to make minor adjustments. Cross-train in all areas of the plant. Maintain safe, productive work environment.


I/M Employee's Signature/Date


SCDC PI Manager's Signature/Date

Revised: D Koenig 1/14/19

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INDUSTRIES

(SHAW FLOORING)

Job Description

SOC CODE/TITLE: 51-7099 Wood Worker

Job Title: End Tenoner Operator

Name: Murphy, Randy

Location: Tyger River

Work Time: 7:00am-3:00pm

Pay Rate: \$ 7.36

Summary:

End Tenoner Operator requires that the worker possess the aptitude to learn one or more of the following job responsibilities:

Load end tenoner with blanks from prepositioned pallet in accordance with current procedures.	
Make sure machine is operating correctly.	
Keep area clean and free of any obstructions	

Duties and Responsibilities:

End Tenoner Operator is responsible for loading the End Tenoner and correctly operating machine. Must be capable of reading and understanding process sheets, prints, work instructions and Process Work Instructions (PWI) standards applicable to the product and process which the employee is completing. Read a ruler, use various types of measuring devices, and understand how these apply to ensuring product quality. Be able to verify prerequisite material prior to processing. Know basic operations of all machine/work areas of the plant and be able to make minor adjustments. Cross-train in all areas of the plant. Maintain safe, productive work environment.

 10-28-21
I/M Employee's Signature/Date

 10/29/21
SCDC PI Manager's Signature/Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INDUSTRIES

(SHAW FLOORING)

Job Description

SOC CODE/TITLE: 49-9071 Maintenance, Repair Workers, Janitors, Labeler, Boxer/Makers, Café

Job Title: Custodian

Name: Murphy, Randy

Location: Tyger River

Work Time: 7am – 7pm 1st Sup

Pay Rate: \$7.36


Summary:

The position of Custodian requires that the worker possess the aptitude to learn one or more of the following job responsibilities:

Keep all walkways clear of trash and obstacles	
Keep all offices, restrooms, storage rooms clean	
Keep trash barrels emptied	
Operate trash compactor under supervision	
Collect all scrap cardboard for recycling	
Load & operate cardboard baler	
Sort pallets and band trash pallets for shipping	
Keep outside of building and parking lot clean	

Duties and Responsibilities:

The responsibility of the custodian is to keep all walkways, offices, bathrooms cleaned. Help with distribution of striped uniform laundry. Keep cleaning supplies inventoried and stocked. Keep microwaves cleaned. Know basic operations of all machine/work areas of the plant and be able to make minor adjustments. Cross-train in all areas of the plant. Maintain safe, clean, productive work environment.

 3-29-22
I/M Employee's Signature/Date


SCDC PI Manager's Signature/Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INDUSTRIES

(SHAW FLOORING)

Job Description

SOC CODE/TITLE: 37-2011 Janitors and Cleaners

Job Title: Custodian

Name: Murphy, Randy

Location: Tyger River

Work Time: 7am - 3pm 1st Sup

Pay Rate: \$7.36

Summary:

The position of Custodian requires that the worker possess the aptitude to learn one or more of the following job responsibilities:

Job Responsibilities	Safety Knowledge/Requirements	Initials
Keep all walkways clear of trash and obstacles	Back Injury Prevention	Rm
Keep all offices, restrooms, storage rooms clean	Blood borne Pathogens	Rm
Keep trash barrels emptied	Cleaning Up Chemical Spills	Rm
Operate trash compactor under supervision	Conveyor Safety	Rm
Collect all scrap cardboard for recycling	Emergency Stop Locations	Rm
Load & operate cardboard baler	Eye/Ear Protection	Rm
Sort pallets and band trash pallets for shipping	Location and Use Of Fire Extinguishers	Rm
Keep outside of building and parking lot clean	Location and Use of Safety Data Sheets	Rm
	Location of Pinch Points	Rm
	Lockout/Tag out Procedures	Rm
	Mixing Chemicals and Handling of Hazardous Materials	Rm
	Reporting an Injury	Rm
	Safely Working Around Forklifts	Rm
		Rm

Duties and Responsibilities:

The responsibility of the custodian is to keep all walkways, offices, bathrooms cleaned. Help with distribution of striped uniform laundry. Keep cleaning supplies inventoried and stocked. Keep microwaves cleaned. Know basic operations of all machine/work areas of the plant and be able to make minor adjustments. Cross-train in all areas of the plant. Maintain safe, clean, productive work environment.

Randy Murphy 6-10-22
 I/M Employee's Signature/Date

Mary Natiso 6-10-22
 SCDC PI Manager's Signature/Date

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Appellant,
vs.
South Carolina Department of Corrections,
Respondent.

NOTICE OF APPEAL

DOCKET NO. -ALJ-04- .
GRIEVANCE NO.:

Notice is hereby given that _____ does hereby appeal the final decision of the South Carolina Department of Corrections dated _____ and received on _____, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Appellant's Name _____

Signed _____

Mailing Address _____

Dated _____

City, State, Zip Code _____

CERTIFICATE OF SERVICE

I hereby certify that I, _____ (your name), on the _____ day of _____, 20____, in _____ (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: _____

Address: _____

City, State, Zip Code: _____

Print your name Sign your name
(See reverse side for instructions)

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) **You must complete the Notice of Appeal on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:**

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

RECEIVED

Nov 22 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Robert L. Reibold

ALC Case No. 23-ALJ-04-0481-AP
Appellate Case No. 2024-000471

RANDY MURPHY, # 176259,

APPELLANT,

v.

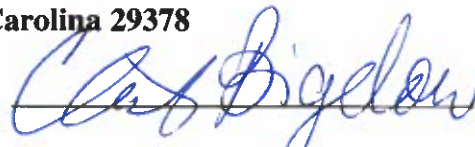
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the Respondent's **Motion to Dismiss Appeal** to Appellant, addressed as follows:

Randy Murphy, # 176259
Livesay Correctional Institution
N4-0021
Post Office Box 580
Una, South Carolina 29378



Christina Catoe Bigelow
Deputy General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

November 22, 2024



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Division of Legal Counsel & Compliance

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

RECEIVED

Nov 22 2024

SC Court of Appeals

November 22, 2024

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Randy Murphy, # 176259 v. South Carolina Department of Corrections
Appellate Case No. 2024-000471

Dear Ms. Kitchings:

Enclosed please find Respondent's **Motion to Dismiss Appeal as Moot** in the above referenced matter, along with **Proof of Service**. A copy of the same is being mailed to Appellant today.

Thank you for your attention to this matter, and please do not hesitate to contact me should there be any questions or concerns.

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections
S.C. Bar No. 73562

cc: Randy Murphy, # 176259
Livesay Correctional Institution
N4-0021
Post Office Box 580
Una, South Carolina 29378