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SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from The Administrative Law Court
Ralph King Anderson, III, Administrative Law Judge

Court of Appeals Opinion No. 5379
Supreme Court Case Tracking No. 2016-000829

Francis Ackerman, #266928, Malik Aljalil, #219551, Linso Allen, #269378, Michael Benninger, #264212, Frederic Brown, #289602, Timothy Brown, #238461, Terrell Buchanon, #277262, Christopher Buch, #200690, Rudy Cassady, #238732, Sheldon Clark, #264772, Zawaski Cobb, #187136, Kamathene Cooper, #145333, Gladstone Cummings, #267450, Patrick Curtis, #175139, Quintin Daniels, #196284, Curtis Davis, #238776, Heyward Dempsey, #134171, Phillip Denney, #240678, Paul Durham, #219573, Jerome Durham, #270393, Keith Eigner, #299153, Bernard Felder, #122099, Jermaine Garriett, #191274, Fred Gatewood, #289775, Dennis Goff, #177506, Gregory Grant, #109656, Nelson Hampton, #286427, James Hartman, #219770, Gary Hayes, #263985, Michael Hood, #279987, Nikia Law, #260855, Stephen Lease, #137016, Harry Leonard, #249996, Herbert McFadden, #184297, Michael McFarland, #266870, Earl Mack, #216237, John Moultri, #276527, Matin Muntaqim, #266870, Tony Pitts, #280597, Germaine Pringle, #250390, Gene Richardson, #93614, Dennis Richey, #233472, Ignacio Rivera, #300424, Vondell Sanders, #241308, James Sattler, #235043, Joseph Schmitz, #173987, Arthur Scott, #251957, Jerome Scott, #153381, Roosevelt Scott, #275631, Archie Simmons, #161419, Robert Smith, #199324, James Williams, #282929, Gary Bryant, #258972, Harlon Edger, #261866, Johnny Holden, #245199, Don Hughes, #256862, Michael Key, #266890, Archie Lee, #226354, Isaac Richardson, #232574, Larkland Richards, #281768, John Wojcik, #219463, James Bogan, #288111, Larry Burke, #281911, Jammie Gaymon, #208922, David Harrell, #260004, Jeff Stinson, #260047, Ricky Libby, #274681, Alain Lareua, #128014, Quentin Baker, #297868, Frank Corley, #292975, James

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v.

South Carolina Department of Corrections, Petitioner.

PETITION FOR WRIT OF CERTIORARI
BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE DIVISION

Darrell Williams, #219730 Appellant, vs. South Carolina Department of Corrections, Respondent.	Docket No. 01-ALJ-04-01079-AP **ORDER OF DISMISSAL**

FILED
DEC 0 5 2001
ADMIN. LAW JUDGE DIV.

Introduction

This matter comes before the Administrative Law Judge Division ("Division") pursuant to the appeal of Darrell Williams, an inmate incarcerated with the Department of Corrections ("Department"). In his appeal, Williams disputes the pay he is receiving in the Prison Industries Service program. On November 20, 2001, the Department filed a motion to dismiss asserting that the Division does not have jurisdiction to entertain Appellant's appeal. On December 4, 2001, Williams filed his motion to strike. For reasons set forth below, the Department's motion is granted and Williams's appeal is dismissed for lack of subject matter jurisdiction.

Analysis

On September 5, 2001, the Division issued an En Banc Order in McNeil v. South Carolina Department of Corrections, 00-ALJ-04-00336-AP (September 5, 2001). The decision holds that the Division's appellate jurisdiction in inmate appeals is limited to two types of cases: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which the Department has taken an inmate's created liberty interest as punishment in a major disciplinary hearing.

Williams does not challenge the calculation of a sentence, sentence-related credits, or custody status. Nor is Williams the object of punishment in a major disciplinary hearing in the

instant case. Accordingly, no jurisdiction exists in the ALJD to decide this matter.

IT IS THEREFORE ORDERED that the Department's Motion to Dismiss is granted and that Williams's appeal is dismissed for lack of subject matter jurisdiction.

AND IT IS SO ORDERED.

C. DUKES SCOTT
Administrative Law Judge
Post Office Box 11667
Columbia, South Carolina 29211-1667

December 5, 2001
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 5 day of December 2001

By: Shelli Broadus
Judicial Law Clerk

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FOR THE FIRST JUDICIAL CIRCUIT
Darrell Williams, Class Representative, et al.,	)	C.A. No. 02-CP-18-134
Plaintiffs,	)	**ORDER OF THE COURT (1) DISMISSING WITH PREJUDICE BOTH THE PLANITIFFS' ENTIRE AMENDED CLASS ACTION COMPLAINT AS WELL AS THE PLAINTIFF CLASS, (2) DENYING THE PLAINTIFFS' "MOTION FOR ORDER UNDER SOUTH CAROLINA RULE OF CIVIL PROCEDURE 23," (3) DIRECTING SCDC TO PROVIDE NOTICE OF ITS RULING DISMISSING THE PLAINTIFFS' COMPLAINT AND THE PLAINTIFF CLASS, AND (4) LIFTING THE STAY IT EARLIER IMPOSED BY WHICH IT FROZE SCDC'S PROCESSING OF GRIEVANCES FILED BY FORMER INMATE PLAINTIFFS**
vs.	)	
South Carolina Department of Corrections and Williams Technologies, Inc.,	)	
Defendants.	)	

I. OVERVIEW OF THE COURT'S ORDER

This Court, after hearing argument from counsel for all parties on October 28, 2004, **DISMISSES WITH PREJUDICE** both the plaintiffs' entire amended class action complaint and, consequentially, **DISMISSES WITH PREJUDICE** the plaintiff class it certified earlier in this litigation. Additionally, this Court **DENIES** the plaintiffs' "Motion for Order under South Carolina Rule of Civil Procedure (SCRCP) 23."

This Court concludes that the South Carolina Supreme Court's decisions in *Adkins, et al., v. South Carolina Department of Corrections*, 360 S.C. 413, 602 S.E.2d 51 (2004) and *Wicker v. South*

Carolina Department of Corrections, 360 S.C. 421, 602 S.E.2d 56 (2004) bar the plaintiffs' present class action suit against both SCDC and WTI.[1]

This Court also **DIRECTS SCDC** to provide notice of its ruling dismissing the plaintiffs' amended class action complaint and the plaintiff class to the inmates who comprise the former plaintiff class.

Finally, this Court **LIFTS THE STAY** it earlier imposed by which it froze SCDC's processing of the grievances it received from plaintiffs' counsel and the inmates who comprise the former plaintiff class on or since September 22, 2004. This Court issued a previous order which directed, effective November 3, 2004, SCDC to stay all activity associated with the processing of these grievances.

II. PROCEDURAL HISTORY

Defendant WTI first moved for summary judgment by its motion filed December 12, 2003, and, on January 15, 2004, this Court first heard argument from the parties regarding WTI's summary judgment motion.

On July 15, 2004, this Court conducted a teleconference in which it addressed WTI's outstanding motion for summary judgment within the context of the Court's original scheduling order. At the conclusion of this teleconference, this Court extended by 60 days each of the deadlines it established in its original scheduling order in anticipation of the South Carolina Supreme Court issuing its opinions in *Adkins* and *Wicker*.

On August 23, 2004, the South Carolina Supreme Court issued its opinions in *Adkins* and *Wicker*, and, on September 13, 2004, SCDC filed its motion to dismiss the plaintiffs' amended class

[1] This Court granted the plaintiffs' motion for class certification by its order dated January 8, 2004.

action complaint pursuant to SCRCP 12(b)(6). Between SCDC's September 13, 2004 filing of its 12(b)(6) motion and the motions hearing the Court conducted on October 28, 2004, WTI and the plaintiffs exchanged supplemental memoranda in support of and in opposition to WTI's original December 12, 2003 summary judgment motion. These memoranda, like SCDC's dispositive motion, focused on the impact of *Adkins* and *Wicker* on this litigation.

Additionally, on October 12, 2004, the plaintiffs submitted a "Motion for Order under SCRCP 23."

As stated above, this Court heard argument from the parties' counsel on October 28. The parties waived any and all objections regarding notice of the Court's hearing of their respective motions. Douglas H. Westbrook, Esquire, appeared on the plaintiffs' behalf. Lake Summers, Esquire, appeared on SCDC's behalf, and Marcus A. Manos, Esquire, and Jennifer E. Blythe, Esquire, appeared on WTI's behalf. The Court heard extensive argument from plaintiffs' counsel and SCDC's counsel regarding the plaintiffs' motion for order under Rule 23. The Court also heard argument from WTI's counsel regarding the third cause of action articulated by the plaintiffs in their amended class action complaint sounded under South Carolina's Payment of Wages Act.

This order reflects the Court's ruling after careful consideration of the memoranda submitted by counsel and of the arguments advanced by counsel at its October 28 hearing.

III. THIS COURT DISMISSES WITH PREJUDICE THE PLAINTIFFS' ENTIRE AMENDED CLASS ACTION COMPLAINT AND, CONSEQUENTIALLY, THIS COURT DISMISSES WITH PREJUDICE THE CLASS OF PLAINTIFFS IT CERTIFIED EARLIER IN THIS LITIGATION

A. THE DEFENDANTS ARE ENTITLED TO JUDGMENT ON ALL THREE OF THE PLAINTIFFS' CAUSES OF ACTION AS A MATTER OF LAW

1. No Private Cause of Action Exists as a Matter of Law in Favor of the Plaintiffs Against either SCDC or WTI, a Private Industry Participating in a Prison Industries Project Created Under South Carolina's Prison Industries Statutes

The South Carolina Supreme Court concluded that the General Assembly did not intend to create a private right of action in favor of inmates when it enacted the statutes creating the prison industries program in our state. *Adkins* and *Wicker* (citations omitted). The statutes at issue in the instant action and in *Adkins* and *Wicker* are South Carolina Code Section 24-3-40 and Section 24-3-310, et seq. (Cum. Supp. 2003).

Our Supreme Court held that "[w]here a statute does not specifically create a private cause of action, one can be implied only if the legislation was enacted for the special benefit of a private party." *Adkins,* at 54, 602 S.E.2d at 418, citing *Citizens for Lee County v. Lee County*, 308 S.C. 23, 416 S.E.2d 641 (1992). Based on application of that rule, the Court concluded:

> Given that the overall purpose of the prevailing wage statute is to prevent unfair competition, and to aid society and the public in general, we cannot conclude that the statutes in question were enacted for the special benefit of Inmates.... **Nothing in the statutes indicates a legislative intent to create civil liability for a violation of the statutes. Accordingly, they do not give rise to a private right of action.** *Id.* at 54-55, 602 S.E.2d at 418-19. [emphasis added]

While *Adkins* and *Wicker* reflected our Supreme Court's analysis of prevailing wage claims filed by inmates against SCDC, its ruling in these two (2) cases applies equally to the analysis of whether or not the General Assembly intended to create a private right of action in favor of inmates against a private industry, such as WTI, participating in a prison industries project under a contractual agreement with SCDC. No provision of the applicable prevailing wage statutes, and specifically 24-3-430(D), evidences a separate legislative intent to create a private cause of action for inmates against the private industry participating in such a project regarding the wages the inmates

receive for their labor.

Accordingly, the statutes upon which plaintiffs base their first cause of action do not create a private cause of action in their favor against either SCDC or WTI, and, therefore, both defendants are entitled to judgment as a matter of law regarding the plaintiffs' first cause of action.

2. No Cause of Action Exists as a Matter of Law in Favor of the Plaintiffs against either SCDC or WTI under the South Carolina Tort Claims Act

Plaintiffs' second cause of action alleges that both defendants violated the South Carolina Tort Claims Act by failing to pay the plaintiffs the prevailing wage for their prison industries labor under Section 24-3-430 and, specifically, under Section 24-3-430(D).

Our Supreme Court addressed this precise issue in *Adkins*. "Initially, we note that [SCDC's] failure to pay a certain wage simply **does not constitute a tort so as to be cognizable under the Tort Claims Act**. Further, even if this was a Tort Claims case, the circuit court correctly ruled [that SCDC] was immune from liability." *Adkins* at 54, 602 S.E.2d at 417-18. [emphasis added] Furthermore, WTI simply is not an agency, department, subdivision, or employee of the State of South Carolina, and, therefore, it is not a governmental entity subject to suit under the Tort Claims Act. *See, e.g., Fleming v. Asbill*, 326 S.C. 49, 43 S.E.2d 751 (1997) (finding that court appointed guardian ad litem was not an employee of the State nor subject to the South Carolina Tort Claims Act).

Accordingly, both SCDC and WTI are entitled to judgment as a matter of law regarding the plaintiffs' second cause of action.

3. No Cause of Action Exists as a Matter of Law in Favor of the Plaintiffs Against Either SCDC or WTI under South Carolina's Payment of Wages Act

The South Carolina Supreme Court specifically discussed the South Carolina Payment of Wages Act in both *Adkins* and *Wicker*. Justice Pleicones, concurring separately in *Adkins*, indicated

that he would provide the *Adkins* inmates a remedy under the Payment of Wages Act against SCDC, because he viewed SCDC as the agent of the private industry participant, Standard Plywoods, Inc. *Adkins* at 55, 602 S.E.2d at 420 and note 10. However, Justice Waller, writing for himself and the three (3) other justices who joined in his majority opinion, specifically rejected the Payment of Wages Act as a remedy for the *Adkins* inmates. *Id.*, 602 S.E.2d at 419 and note 7.

Instead, Justice Waller advised the *Adkins* inmates that they possessed a remedy against SCDC as set forth in *Wicker*, the Court's companion case to *Adkins*. *Id.* *Wicker* recognizes for the first time that Section 24-3-430(D) creates a liberty interest for inmates who participate or at one time participated in the prison industries projects at issue in both *Adkins* and *Wicker*, and, consequentially, *Wicker* directs the *Adkins* inmates to prosecute any and all prevailing wage disputes arising against SCDC under Section 24-3-430(D) or, for that matter, any of the "prevailing wage" statutes through SCDC's inmate grievance process. Furthermore, under *Wicker*, the *Adkins* inmates may appeal the denial of any such grievances by SCDC to the Administrative Law Court, and *Wicker* explicitly states that the Administrative Law Court possesses subject matter jurisdiction by which to adjudicate their appeals.

While neither *Adkins* nor *Wicker* specifically addressed whether inmates, such as the *Adkins* plaintiffs and the plaintiffs in the instant litigation, could maintain an action under the Payment of Wages Act against the private industry participant alone, the readily apparent logic underlying *Adkins* and *Wicker* bars such an action. On the one hand, the plaintiffs could file a separate action for back wages pursuant to the Payment of Wages Act against the private industry participant, while, on the other hand, the plaintiffs could file grievances for identical relief against SCDC in accordance with *Wicker*. Clearly, our Supreme Court did not provide the plaintiffs such a double remedy in either *Adkins* or *Wicker*.

Moreover, courts around the country have concluded that inmates in prison industries programs are not employees of private parties, such as WTI, who contract with corrections officials to provide work for the inmates. *Harker v. State Use Industries,* 990 F.2d 131 (4th Cir. 1993); *Henthorn v. Department of Navy,* 29 F.3d 682, 686, (D.C. Cir. 1994); *Lentz v. Anderson, et al.*, 888 F. Supp. 847, 849 (W.D. Ohio 1995); *Young v. Cutter Biological, A Division of Script Miles Laboratories,* 694 F. Supp. 651, 658 (D. Ariz. 1988); *Sims v. Parke Davis & Co.*, 334 F. Supp. 774, 787 (E.D. Mich. 1971).

Judge Joseph Anderson of the United States District Court for the District of South Carolina addressed a similar claim under the Payment of Wages Act in *Williams v. Grime Aerospace Co.*, 988 F. Supp. 925, 941 (D.S.C. 1997). In that case, an employee of a temporary agency sued the firm that used her services as well as the temporary agency for violations of the Payment of Wages Act. Judge Anderson granted summary judgment finding that a business using an employee from an employment agency could not be held liable for unpaid wages under the Payment of Wages Act where the employment agency had the contractual responsibility to pay wages and was the actual employer of the temporary worker. *Id.*

The Payment of Wages Act, specifically Section 41-10-80, makes clear that an employee (not a contractor) may bring an action for failure to pay wages. Section 41-10-10 defines "wages" as any amount "due to an employee under any employer policy or employment contract." The record shows only that the inmate plaintiffs voluntarily participated in the SCDC prison industries project at issue for wages determined exclusively by SCDC. WTI never "employed" the plaintiffs. Thus, the plaintiffs possess no claim against WTI as a matter of law under our state's Payment of Wages Act.

Consequentially, this Court concludes that SCDC's inmate grievance procedure, as prescribed in the majority opinion in *Wicker*, is the remedy for the plaintiffs against SCDC and only

SCDC regarding any purported violation of the prevailing wage statutes, i.e. Sections 24-3-40, 24-3-310, et seq., and, specifically, Section 24-3-430(D). As a result, both SCDC and WTI are entitled to judgment as a matter of law regarding the plaintiffs' third cause of action.

B. SUMMARY OF THE COURT'S DISMISSAL OF THE PLAINTIFFS' ENTIRE AMENDED COMPLAINT AND THE PLAINTIFF CLASS

Succinctly put, this Court concludes that the South Carolina Supreme Court, in its decisions in *Adkins* and *Wicker*, clearly rejected a private right of action based on the "prevailing wage" provision of the applicable prison industries statute, Section 24-3-430(D). This Court further concludes that our Supreme Court, in its decisions in *Adkins* and *Wicker*, determined that the circuit court is not the appropriate forum for disputes arising under the "prevailing wage" provision of Section 24-3-430(D). Instead, in *Wicker*, our Supreme Court determined that the appropriate forum for the adjudication and resolution of such disputes is SCDC's inmate grievance system.

Accordingly, this Court **GRANTS** the defendants' respective dispositive motions regarding all three of the plaintiffs' causes of action and **DISMISSES WITH PREJUDICE** the plaintiffs' entire amended class action complaint. Furthermore, this Court determines that the class of inmate plaintiffs it certified by order dated January 8, 2004 is no longer viable, and, consequentially, the Court **DISMISSES THE CLASS WITH PREJUDICE.**

IT IS SO ORDERED.

IV. THIS COURT DENIES THE PLAINTIFFS' "MOTION FOR ORDER UNDER SOUTH CAROLINA RULE OF CIVIL PROCEDURE 23"

A. RELIEF SOUGHT BY THE PLAINTIFFS' MOTION

The plaintiffs primarily sought an order from this Court requiring SCDC to process the plaintiffs' administrative grievances without further delay. On September 22, 2004, plaintiffs' counsel submitted nearly 200 grievances to SCDC's Inmate Grievance Coordinator at Lieber

Correctional Institution.

At the top of the large stack of materials submitted by plaintiffs' counsel appeared a grievance jointly signed by plaintiffs' counsel and the plaintiffs' class representative in the instant litigation, former SCDC inmate Darrell Williams. In this "tandem" grievance, Mr. Williams and plaintiffs' counsel demanded that SCDC effectively recognize the class structure certified by this Court earlier in the instant litigation. Along with this "tandem" grievance, plaintiffs' counsel submitted to the SCDC staff at Lieber approximately 200 grievances on behalf of individual inmate plaintiffs who participate or at one time participated in the prison industries project located at Lieber in which WTI is the private industry participant.

Most if not all of these grievances invoked *Adkins* and *Wicker*, as well as Section 24-3-430(D), and demanded from SCDC back wages for the grieving inmate(s). The back wage award demanded by the grieving inmates consisted of the difference between the wage SCDC has historically paid the inmates and the purported "prevailing wage" advocated by the grieving inmates. Most if not all of these grievances also demanded that SCDC increase the current wage it pays to inmates who participate in the prison industries project located at Lieber.

As components of such an order, the plaintiffs specifically sought the following relief:

1. An order directing SCDC to immediately process all grievances, whether filed by class counsel, the class representative, or individual inmates;

2. An order recognizing the aforementioned "tandem" grievance filed on September 22, 2004 as a "class" grievance on behalf of the entire plaintiff class with respect to any demand for back wages;

3. An order, under authority the plaintiffs cited from Newberg on Class Actions, recognizing that any and all grievances previously filed would exhaust the administrative remedies for all the class members;

4. An order directing SCDC to maintain a complete record and chronology of all submissions offered by plaintiffs' counsel and members of the plaintiff class

including the original grievances and exhibits submitted on and since September 22, 2004;

5. An order directing SCDC to forward any of its responses to these grievances to plaintiffs' counsel.

Alternatively, the plaintiffs sought an "order of appealability of SCDC's non-processed grievances as 'final decisions' subject to appeal to the [Administrative Law Court] pursuant to [Administrative Law Court] Rule 33 and 51, and SCDC grievance rule GA-01.12, item 9." The plaintiffs further requested a reasonable extension of any deadlines within which they could appeal any grievances SCDC did not initially process.

The plaintiffs also moved the Court to appoint substitute class representatives for the class certified by this Court by its order dated January 8, 2004, as SCDC released the original class representative, Darrell Williams, from its custody on October 1, 2004. The plaintiffs finally moved the Court for an order by which plaintiffs' counsel would be allowed "to post status [memoranda] in the various prison libraries to keep class members informed of case progress."

B. AUTHORITY RELIED UPON BY THE PLAINTIFFS IN THEIR MOTION

In their motion, the plaintiffs specifically invoked the following language from SCRCP 23(d)(2):

> The court may at any time impose such terms as shall fairly and adequately protect the interest of the persons on whose behalf the action is brought or defended.

The plaintiffs also invoked *Eldridge v. Greenwood*, 308 S.C. 127, 127, 417 S.E.2d 532 (1992), which, according to the plaintiffs, "recognized the 'broad power' of the Circuit Court to issue orders under Rule 23(d)(2) to protect the class members' interests." Finally, the plaintiffs invoked various provisions of Newberg on Class Actions in support of its motion.[2]

C. THE GROUNDS UPON WHICH THIS COURT DENIES THE RELIEF SOUGHT BY THE PLAINTIFFS IN THEIR MOTION

Succinctly put, this Court does not find sufficient grounds or sufficient authority by which to involve itself in the mechanics associated with the filing and processing of grievances under SCDC's Inmate Grievance System Policy Number GA-01.12. Additionally, this Court does not find sufficient grounds or sufficient authority by which to involve itself in the determination of any substantive questions associated with the adjudication of grievances filed under this policy.

As stated above, our Supreme Court determined in *Wicker* that SCDC's inmate grievance system is the appropriate forum for the adjudication and resolution of the prevailing wage disputes articulated in the grievances filed on and since September 22, 2004. As our Supreme Court also stated in *Wicker*, inmates, such as the plaintiffs in the instant litigation, may appeal the denial of any such grievances by SCDC to the Administrative Law Court, and *Wicker* explicitly states that the Administrative Law Court possesses the requisite subject matter jurisdiction by which to adjudicate such appeals.

---

[2] The plaintiffs referenced Sections 5:15, 5:23, 23:16, 24:66 and 24:87 of Newberg on Class Actions.

Accordingly, this Court **DENIES** both the broad and specific relief sought by the plaintiffs in their motion for order under SCRCP 23.

IT IS SO ORDERED.

V. THE COURT'S ORDER DIRECTING SCDC TO PROVIDE NOTICE OF ITS RULING DISMISSING THE PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT AND THE PLAINTIFF CLASS TO THE INMATES WHO COMPRISE THE FORMER PLAINTIFF CLASS

This Court hereby directs SCDC to conspicuously post notice of its above described order in the library of every SCDC confinement facility including, of course, Lieber Correctional Institution. SCDC should provide Plaintiffs' counsel with all former Plaintiff inmates last known addresses.

This notice shall consist of a "flier," a single sheet of standard 8 ½" by 11" paper, and this "flier" shall be double sided. Counsel for SCDC shall prepare this "flier" subject to the review and objections of plaintiffs' counsel, and the final format of this "flier" shall be subject to review by this Court.

The front side of this "flier" shall include the following substantive information:

1 Notice that, as of the date of instant order's execution, the Court has dismissed with prejudice the entire class action suit filed against both SCDC and WTI by former SCDC inmate Darrell Williams on behalf of inmates who currently participate or at one time participated in the SCDC Division of Industries project located at Lieber Correctional Institution in which WTI is the private industry participant.

2. Notice that, as a consequence of dismissing the entire suit, the Court has dismissed with prejudice the class of inmate plaintiffs it certified on January 8, 2004.

3. Notice that the Court's dismissal of both the suit and the class resulted from the August 23, 2004 opinions issued by the South Carolina Supreme Court in *Adkins, et al., v. South Carolina Department of Corrections*, 360 S.C. 413, 602 S.E.2d 51 (2004) and *Wicker v. South Carolina Department of Corrections*, 360 S.C. 421, 602 S.E.2d 56 (2004).

4. Notice that the inmates who comprise the former plaintiff class may now, if they have not done so already, file a grievance against SCDC in which they may demand

relief from SCDC for any purported non-compliance by SCDC with the prevailing wage statutes, i.e. Section 24-3-40 and Section 24-3-310, et seq.

5. Notice that such grievances must conform to the procedures, substance, and deadlines established in SCDC's Inmate Grievance System Policy Number GA-01.12. SCDC revised this policy effective November 1, 2004.

6. Notice that any and all such grievances must be filed no later than 45 days after the date this "flier" is posted.

7. Notice that the information reflected on this "flier" applies only to the instant litigation.

The reverse side of this "flier" shall provide a summary of both the *Adkins* and *Wicker* opinions. The Court envisions two (2) columns on the reverse side of the "flier." One column will provide bullet points summarizing the *Adkins* opinion and the other column will provide bullet points summarizing the *Wicker* opinion. Additionally, SCDC shall provide complete copies of the *Adkins* and *Wicker* opinions in all of its libraries along with this "flier."

IT IS SO ORDERED.

VI. THE COURT'S ORDER LIFTING THE STAY IT PREVIOUSLY IMPOSED BY WHICH IT FROZE SCDC'S PROCESSING OF GRIEVANCES FILED BY THE INMATES WHO COMPRISE THE FORMER PLAINTIFF CLASS

This Court next addresses the status and processing of the approximately 200 to 300 grievances SCDC received from the inmates who comprise the former plaintiff class on or since September 22, 2004. This Court issued an order which, effective November 3, 2004, stayed all activity associated with SCDC's processing and adjudicating these grievances.

This order reflected the Court's ruling issued at the conclusion of a teleconference it conducted on November 3, 2004 in which counsel for both the plaintiffs and SCDC participated. By this order, this Court simply halted all action regarding these pending grievances and "froze" them in

the status in which they existed on November 3, 2004. In its stay order, this Court directed that its stay would remain in effect until it issued the instant order.

Thus, in light of the Court's earlier order dismissing with prejudice both the plaintiffs' entire class action suit and the plaintiff class itself, **THIS COURT HEREBY LIFTS THE STAY IT IMPOSED REGARDING SCDC'S PROCESSING OF THE GRIEVANCES SCDC RECEIVED ON OR AFTER SEPTEMBER 22, 2004.** Accordingly, SCDC shall continue processing these grievances in accordance with the provisions of SCDC Inmate Grievance Policy Number GA-01.12.

The ultimate processing and adjudication of these grievances falls under SCDC's Inmate Grievance System Policy Number GA-01.12 and, of course, our Supreme Court's opinions in *Adkins* and *Wicker*. The inmate plaintiffs' grievances did not name and, under SCDC's above referenced Inmate Grievance Policy, cannot name WTI as a respondent.

This Court emphasizes that the directives issued here apply only to the chronology by which SCDC may either begin its processing or continue its processing of these grievances under its Inmate Grievance System Policy Number GA-01.12. This Court also emphasizes that the directives issued here apply **only** to the grievances and grievance response forms filed by inmate plaintiffs regarding the wage structure associated with the prison industries project located at Lieber Correctional Institution and for which WTI is the private industry participant. The Court's directives in no way apply to any grievances or grievance response forms filed by inmates concerning any other SCDC prison industries project.

This Court specifically declares that the deadlines applicable both to the grievants and SCDC officials under the provisions of SCDC Inmate Grievance System Policy Number GA-01.12 apply without modification or alteration. This Court also specifically declares that the provisions reflected

in SCDC's Inmate Grievance System Policy Number GA-01.12 regarding the processing and adjudication of grievances filed by former inmate plaintiffs are in no way modified, altered, or affected by the terms of the instant order.

Thus, this Court simply restores both the grieving inmates and SCDC to the positions they held regarding their respective grievances and responses as of November 3, 2004. This restoration of the parties to their respective November 3, 2004 positions, however, takes effect approximately 60 days from the date of the instant order's execution, and the stay shall be lifted as of June 20, 2005.

IT IS SO ORDERED.

DIANE SCHAFER GOODSTEIN
Presiding Judge
First Judicial Circuit

Summerville, South Carolina
April 19, 2005 originally executed Corrected order signed 6-23-05

LAW OFFICES
MALONE, THOMPSON & SUMMERS, LLC
JUN 27 2005

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	) Docket Nos. 07-ALJ-04-00448 through 00449-AP) Docket Nos. 07-ALJ-04-00500 through 00548-AP) 0549-II, 0550 through 07-00559-AP) Docket Nos. 07-ALJ-04-00623 through 00632-AP) Docket Nos. 07-ALJ-04-00671 through 00677-AP) Docket Nos. 07-ALJ-04-00691, 0752, 0826, 0856) through 0862-AP) Docket Nos. 07-ALJ-04-00869 through 00872-AP) Docket Nos. 07-ALJ-04-00444, 0876, 0885) Docket Nos. 08-ALJ-04-00141 through 00149-AP) Docket Nos. 08-ALJ-04-00168 through 00171-AP) Docket Nos. 08-ALJ-04-00966 through 01021-II) Docket Nos. 08-ALJ-04-01023 through 01045-II) Docket No. 09-ALJ-04-00304-II
Appellants,	
vs:	
South Carolina Department of Corrections,	
Respondents.	

This matter is before the Administrative Law Court (ALC or Court) pursuant to approximately 200 appeals filed by Douglas Westbrook, Esquire, on behalf of all Appellants. Based upon a status conference and multiple conference calls, it is in the Court's opinion that to preserve judicial economy, these cases should be heard in a three level approach. Level One shall consist of a review of the issues of whether or not Wicker v. S.C. Department of Corrections, 360 S.C. 421, 602 S.E.2d 56 (2004) and Adkins v. S.C. Department of Corrections, 360 S.C. 413, 602 S.E.2d 51 (2004) created a new remedy and/or substantive right and whether the application of Wicker and Adkins applies prospectively or retrospectively. Level One shall not include review of whether the automatic appeal policy is applicable. This issue shall be addressed at a later time if necessary. Upon resolution of the first level or review, the Court will instruct the parties on the appropriate manner in which to proceed with review of level's two and three, including further briefing and supplementation to the record. Therefore,

IT IS HEREBY ORDERED that the Department shall file an abbreviated Record on Appeal, sufficient to cover the issues in the Level One Stage of the appeal, within thirty (30) days of the date of this Order.

IT IS FURTHERMORE ORDERED that the Appellant's Brief shall be filed thirty (30) days from the date of receipt of the Record on Appeal and shall be limited to no more than thirty (30) pages.

IT IS FURTHERMORE ORDERED that the Respondent's Brief shall be filed thirty (30) days from the date of receipt of the Appellant's Brief and shall be limited to no more than thirty (30) pages.

IT IS FURTHERMORE ORDERED that if Appellant wishes to filed a Reply to Respondent's Brief, that Reply shall be due fifteen (15) days from the date of receipt of the Respondent's Brief and shall be limited to no more than fifteen (15) pages.

AND IT IS SO ORDERED.

Ralph King Anderson, III
Administrative Law Judge

April 14, 2010
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Amanda M. Scott, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Amanda M. Scott

Amanda M. Scott
Judicial Law Clerk

April 14, 2010
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	)	Docket Nos. 07-ALJ-04-00444 through 00449-AP
	)	Docket Nos. 07-ALJ-04-00500 through 00548-AP
	)	0549-IJ, 0550 through 07-00559-AP
	)	Docket Nos. 07-ALJ-04-00623 through 00632-AP
Appellants,	)	Docket Nos. 07-ALJ-04-00671 through 00677-AP
	)	Docket Nos. 07-ALJ-04-00691, 0752, 0826, 0856
vs.	)	through 0867-AP
	)	Docket Nos. 07-ALJ-04-00869 through 00872-AP
	)	Docket Nos. 07-ALJ-04-00444, 0876, 0885
	)	Docket Nos. 07-ALJ-04-00141 through 00149-AP
South Carolina Department of Corrections,	)	Docket Nos. 07-ALJ-04-00169 through 00171-AP
	)	Docket Nos. 07-ALJ-04-00966 through 01021-IJ
	)	Docket Nos. 07-ALJ-04-01023 through 01045-IJ
Respondent.	)	Docket No. 09-ALJ-04-00304-IJ
	)	

CONSENT ORDER REGARDING THE CONTENTS OF THE ABBREVIATED RECORD ON APPEAL AND THE RESUMPTION OF LITIGATION IN ACCORDANCE WITH THE SCHEDULE ORIGINALLY ESTABLISHED BY THE COURT IN ITS APRIL 14, 2010 ORDER

In an order it issued April 14, 2010 (a copy of which is attached to the instant consent order), this Court determined that, in order to preserve judicial economy, the cases which comprise the above-captioned consolidated matter should be heard in a three level approach. After articulating the parameters of the first of these three levels, this Court directed the Respondent, the South Carolina Department of Corrections ["the Department"], to "file an abbreviated Record on Appeal, sufficient to cover the issues in the Level One stage of the appeal, within thirty (30) days of the date" of the order's issuance. This Court then established a schedule by which the parties would submit their respective briefs addressing the issues in the Level One stage of the appeal.

FILED
NOV 23 2010
SC ADMIN. LAW COURT

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On May 14, 2010, the Appellants filed a "Motion for Clarification" with the Court regarding certain aspects of the order it issued on April 14, 2010. By materials filed May 14, 2010 and May 18, 2010, the parties also moved the Court to stay the deadlines originally established within its April 14, 2010 order.

Ultimately, this Court conducted a teleconference on September 9, 2010 by which it considered the Appellants' "Motion for Clarification," and, as reflected by the letter from the Appellants' undersigned counsel to the Court dated September 10, 2010 (a copy of which is attached to the instant order), this Court resolved the concerns presented by the Appellants' May 14, 2010 "Motion for Clarification."

As also reflected by his September 10, 2010 letter to the Court, the Appellants' undersigned counsel and the Department's undersigned counsel began discussions immediately after the Court concluded its September 9, 2010 teleconference concerning their intent to prepare the instant consent order. As a consequence of the discussions undertaken by their respective counsel since September 9, 2010, the parties hereby consent to the Department filing and serving, within five (5) days of the entry of the instant consent order with the Clerk of Court, an abbreviated Record on Appeal in this matter consisting of the following items:

1. Materials related to the appeal of Francis Ackerman:

   a) A copy of the Step 1 grievance submitted by Inmate Ackerman;
   b) A copy of the Department's response to Inmate Ackerman's Step 1 grievance;
   c) A copy of the Step 2 appeal submitted by Inmate Ackerman;
   d) A copy of Department's reply to Inmate Ackerman's Step 2 appeal (i.e. "the final agency decision").

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2. Materials related to the appeal of Chauncy Orr:

a) A copy of the Step 1 grievance submitted by Inmate Orr;
b) A copy of the Department's response to Inmate Orr's Step 1 grievance;
c) A copy of the Step 2 appeal submitted by Inmate Orr;
d) A copy of the Department's reply to Inmate Orr's Step 2 appeal.

These materials described in paragraphs # 1 and # 2 above total 17 pages. Additionally, the parties acknowledge that, aside from the 17 pages which comprise the contents of paragraphs # 1 and # 2 above, it may be beneficial for the parties, in their respective briefs, or for the Court, in any order it issues, to refer to the materials maintained by the Clerk of Court in the Court's files associated with the 200 grievance appeals which comprise the above-captioned consolidated matter or in any relevant grievance appeals previously adjudicated by the Court.

In accordance with *S.C. Dep't of Social Services v. Janice C.*, 678 S.E.2d 463, 467 (S.C. Ct. App. 2009), this Court "can take judicial notice of its own records, files and proceedings for all proper purposes including facts established in its records." (quoting *Freeman v. McBee*, 313 S.E.2d 325, 327 (S.C. Ct. App. 1984)). Accordingly, the parties, like the Court in any order it issues in this matter, may reference any of the materials maintained by the Clerk of Court in the aforementioned 200 files or in any relevant grievance appeals previously adjudicated by the Court within their respective briefs provided that the parties accurately identify any such materials within their briefs. The Court, in accordance with the provisions of its Rules of Procedure 58(C) and 61, will determine whether it shall take judicial notice of any such materials referenced by the parties in their briefs. If the Court takes judicial notice of any such materials, the Court will then determine whether the materials in question shall either be (1) incorporated into the abbreviated record on appeal or (2) memorialized within an itemized listing of materials judicially noticed by the Court. Any materials which the Court memorializes within such an

itemized listing shall remain in the files maintained by the Clerk of Court, and the Court will attach such an itemized listing to the abbreviated record on appeal.

Finally, the parties hereby agree that litigation will resume in accordance with the following schedule which this Court first established in its April 14, 2010 order:

3. The Appellants' Brief shall be filed and served on or before thirty (30) days from the date of receipt of the abbreviated Record on Appeal by the Appellants' undersigned counsel and shall be limited to no more than thirty (30) pages.

4. The Department's Brief shall be filed and served on or before thirty (30) days from the date of receipt of the Appellants' Brief by the Department's undersigned counsel and shall be limited to no more than thirty (30) pages.

5. If the Appellants wish to file a Reply to the Department's brief, their Reply shall be due fifteen (15) days from the date of receipt of the Department's Brief by the Appellants' undersigned counsel and any such Reply shall be limited to no more than fifteen (15) pages.

Accordingly, this Court **HEREBY ORDERS** the Department to, within five (5) days of the entry of the instant consent order with the Clerk of Court, file and serve an abbreviated Record on Appeal in the above-captioned consolidated matter which reflects the materials described in paragraphs # 1 and # 2 above.

This Court **HEREBY FURTHER ORDERS** the parties to follow the briefing schedule established by paragraphs # 3 through # 5 above.

AND IT IS SO ORDERED.

Ralph K. Anderson, III

RALPH KING ANDERSON, III
Chief Administrative Law Judge
South Carolina Administrative Law Court

November 23, 2010
Columbia, South Carolina

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FOR THE DEPARTMENT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	) Docket Nos. 07-ALJ-04-00444 through 00449-AP) Docket Nos. 07-ALJ-04-00500 through 00548-AP) 0549-IJ, 0550 through 07-00559-AP) Docket Nos. 07-ALJ-04-00623 through 00632-AP
Appellants,	) Docket Nos. 07-ALJ-04-00671 through 00677-AP) Docket Nos. 07-ALJ-04-00691, 0752, 0826, 0856) through 0867-AP) Docket Nos. 07-ALJ-04-00869 through 00872-AP
vs.	) Docket Nos. 07-ALJ-04-00444, 0876, 0885) Docket Nos. 08-ALJ-04-00141 through 00149-AP) Docket Nos. 08-ALJ-04-00169 through 00171-AP) Docket Nos. 08-ALJ-04-00966 through 01021-IJ
South Carolina Department of Corrections,	) Docket Nos. 08-ALJ-04-01023 through 01045-IJ) Docket No. 09-ALJ-04-00304-IJ
	) **ORDER**
Respondent.	)

STATEMENT OF THE CASE

In this consolidated action before the Administrative Law Court (ALC or Court), Appellants appeal the denial by the South Carolina Department of Corrections (DOC) of approximately two hundred administrative grievances filed by them under DOC Policy Number GA-01.12. Appellants include current and former inmates of DOC who either currently participate or at one time participated in the prison industries project operated by DOC at Lieber Correctional Institution (Lieber) in which Williams Technologies, Inc. (WTI), and now Caterpillar, Inc., act as the private industry sponsors. Appellants argue that they are entitled to back pay and a higher hourly rate of pay for the labor they have provided or currently provide to the prison industries project operated at Lieber. Specifically, Appellants contend that they are entitled to the "prevailing wage" under S.C. Code Ann. § 24-3-430(D) (2007).

FILED
March 10, 2011
SC ADMIN. LAW COURT

Pursuant to an April 14, 2010 order, this Court, in the interest of judicial economy, instructed the parties that it would consider the issues relevant to the Appellants' appeals in three levels. The first level of review is set forth in the present order, in which the Court addresses the following two issues: (1) did Adkins v. S.C. Department of Corrections, 360 S.C. 413, 602 S.E.2d 51 (2004) and Wicker v. S.C. Department of Corrections, 360 S.C. 421, 602 S.E.2d 56 (2004) create new substantive rights and/or new remedies? and (2) do Adkins and Wicker apply prospective or retrospectively? As discussed below, the Court finds that Adkins and Wicker created neither new substantive rights nor new remedies and that both decisions apply retrospectively.

BACKGROUND

Several years ago, Appellants filed a class action lawsuit in circuit court against DOC and WTI in which they sought back pay and higher current pay under the provisions of Section 24-3-430(D). In that lawsuit, which was captioned Williams v. S.C. Department of Corrections, Appellants alleged a cause of action under South Carolina's Payment of Wages Act, claiming they were due lost wages because they were not paid the "prevailing wage" as specified in Section 24-3-430(D).

On August 23, 2004, while Appellants' class action lawsuit was pending, the Supreme Court issued its decisions in Wicker and Adkins. In those two cases, inmates who then participated or at one time participated in a prison industries projects operated by DOC alleged that they were entitled to the "prevailing wage" pursuant to Section 24-3-430(D). As discussed in more detail below, the Supreme Court ultimately held that Section 24-3-430(D) did not give rise to a private cause of action,[1] but that inmates could pursue their claims under DOC's grievance policies and, if necessary, appeal the DOC's decision to the ALC.[2]

After Adkins and Wicker were issued on August 23, 2004, Appellants' counsel filed grievances with DOC officials at Lieber on behalf of the Appellants. Although DOC officials had begun processing those grievances, on November 3, 2004, the circuit court judge presiding over the class action lawsuit, which was still active, stayed DOC's efforts to process and adjudicate all administrative grievances—including Appellants'—which it had received from or

[1] Adkins, 360 S.C. at 419, 602 S.E.2d at 55.

[2] Wicker, 360 S.C. at 423-25, 602 S.E.2d at 57-58.

on behalf of inmates who articulated pay claims attributed to their participation in DOC's project at Lieber. After it imposed this stay on November 3, 2004, however, the circuit court granted motions for dismissal filed by both DOC and WTI, and, by an order filed on July 1, 2005, the circuit court dismissed the Appellants' class action lawsuit and decertified the class it had originally recognized. In its July 1, 2005 order, the circuit court also lifted the stay it had imposed on November 3, 2004. However, because Appellants subsequently appealed the circuit court's order, the stay imposed by the circuit court on November 3, 2004 was reimposed.

On February 26, 2007, the South Carolina Supreme Court affirmed the circuit court's dismissal of the class action lawsuit in its opinion, Williams v. S.C. Department of Corrections, 372 S.C. 255, 641 S.E.2d 885 (2007), and, as a result, the stay imposed by the circuit court on November 3, 2004 ceased being effective on or about May 22, 2007. Thereafter, DOC resumed processing and adjudicating the Appellants' grievances. Ultimately, DOC issued final decisions denying each Appellant's respective grievance, and Appellants appealed those decisions to this Court. Subsequently, during a conference call held on February 25, 2010, the parties agreed to consolidate the appeals for the purposes of briefing and filing the record.

ISSUES ON APPEAL

1. Did Adkins and Wicker create new substantive rights and/or new remedies?
2. Do Adkins and Wicker apply prospective or retrospectively?

STANDARD OF REVIEW

As set forth above, this case is before the ALC on appeal from consolidated DOC final decisions pursuant to S.C. Code Ann. § 1-23-600(D) (Supp. 2010) of the Administrative Procedures Act (APA). As such, the Administrative Law Judge (ALJ) sits in an appellate capacity under the APA rather than as an independent finder of fact. In South Carolina, the provisions of the APA—specifically Section 1-23-380(A)(5)—govern the circumstances in which an appellate body may reverse or modify an agency decision. That section states:

> The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:
>
> (a) in violation of constitutional or statutory provisions;
>
> (b) in excess of the statutory authority of the agency;

(c) made upon unlawful procedure;

(d) affected by other error of law;

(e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2010).

DISCUSSION

S.C. Code Ann. § 24-3-430, which was enacted in 1995, allows the Director of DOC to establish a program involving the use of inmate labor by a nonprofit organization or in private industry. See S.C. Code Ann. § 24-3-430(A). At issue in the present case is subsection (D) of that statute, which provides: "No inmate participating in the program may earn less than the prevailing wage for work of similar nature in the private sector." See S.C. Code Ann. § 24-3-430(D). Appellants contend that they are entitled to the "prevailing wage" under subsection (D).

In order to properly determine whether Appellants are entitled to the prevailing wage, the Court must first ascertain whether Adkins and Wicker created new substantive rights and/or new remedies and whether those two decisions apply retrospectively. These issues are discussed below.[3]

Did Adkins or Wicker create new substantive rights or new remedies?

New Substantive Rights

The parties agree that Adkins and Wicker did not create new substantive rights. Upon careful review of these two cases, I agree with the parties.

A "substantive right" is "[a] right that can be protected or enforced by law," and it is "a right of substance rather than form." Black's Law Dictionary 1324 (7th ed. 1999). It is distinguishable from a procedural right, which is "a right that derives from legal or administrative procedure" and which "helps in the protection or enforcement of a substantive right." Black's Law Dictionary 1323 (7th ed. 1999). A substantive right can be created by statute or by judicial decision. See, e.g., Lawson v. S.C. Dep't of Corrections, 340 S.C. 346, 350, 532 S.E.2d 259, 261 (2000) (holding that the whistleblower statute created new substantive rights); McCaskey v. Shaw, 295 S.C. 372, 375, 368 S.E.2d 672, 673 (Ct. App. 1988) (holding

[3] Because this order comprises only the first level of review in this appeal, no additional issues are addressed herein.

that a prior Supreme Court decision "created a new substantive right"). A court creates a new substantive right when it recognizes a new cause of action that did not previously exist. See Toth v. Square D Co., 298 S.C. 6, 8, 377 S.E.2d 584, 585-86 (1989).

In Adkins, our Supreme Court held that Section 24-3-430 and the accompanying prison industries statutes did not provide inmates with the right to bring a private cause of action against DOC. Adkins, 360 S.C. at 419, 602 S.E.2d at 55. More relevant to the case at hand, the Court further held that:

> [N]otwithstanding our holding that Inmates have no private civil cause of action, they are not without a remedy. In accordance with the companion case of Wicker v. South Carolina Dept. of Corrections, 360 S.C. 421, 602 S.E.2d 56, 2004 WL 1877947 (2004), we hold Inmates may file an inmate grievance to protest DOC's failure to pay wages in accordance with the mandatory statutory provisions.

Id.

In Wicker, the Supreme Court fleshed out this latter holding. It explained that "where, as here, the state has created a statutory right to the payment of a prevailing wage, it cannot thereafter deny that right without affording due process of law." Wicker, 360 S.C. at 424, 602 S.E.2d at 57. The Court thus held that inmates' prevailing wage claims were grievable through DOC's internal grievance processes and that DOC's denial of those claims could be appealed to the ALC. Id. at 423-25, 602 S.E.2d at 57-58.

I find that Adkins and Wicker did not create new substantive rights. The substantive right at issue in Adkins and Wicker—i.e., the right to a prevailing wage—was granted to inmates in 1995 pursuant to Section § 24-3-430(D). Adkins and Wicker, both of which were published in 2004, simply addressed the appropriate procedure for seeking redress for a denial of that existing right. Accordingly, they did not create new substantive rights. See Atlantic Soft Drink Co. of Columbia, Inc. v. S.C. Nat. Bank, 287 S.C. 228, 336 S.E.2d 876 (1985) (holding that statute that related "only to remedies and modes of procedure" did not affect substantive rights); Hooks v. Southern Bell Tel. & Tel. Co., 291 S.C. 41, 351 S.E.2d 900 (Ct. App. 1986) (holding that the "right to seek review" is procedural, not substantive); cf. Baker v. McCollan, 443 U.S. 137, 145 n.3 (1979) (holding that 42 U.S.C. § 1983 "is not itself a source of substantive rights, but a method for vindicating federal rights elsewhere conferred by those parts of the United States Constitution and federal statutes that it describes"); Harvey v. S.C. Dep't of Corrections, 338 S.C. 500, 527 S.E.2d 765 (Ct. App. 2000) (holding that the Uniform Declaratory Judgments Act

did not create substantive rights or duties because it merely authorized a court action to establish a party's entitlement to a pre-existing right).

New Grievance Remedies

While Appellants concede that Adkins and Wicker did not create new substantive rights, they nevertheless claim that these two cases created new grievance remedies. Specifically, Appellants argue that, before Adkins and Wicker, inmates had no right to grieve prevailing wage disputes. I disagree.

Although Appellants correctly note that, prior to the Supreme Court's decisions in Adkins and Wicker, DOC contended in court that prevailing wage claims were not grievable under its grievance policies,[4] this mere fact does not establish that such claims were not, in fact, grievable. To properly determine whether prevailing wage claims were grievable before Adkins and Wicker, this court must look at DOC's grievance policies themselves as well as court decisions reviewing those policies.

Paragraph 7 of DOC Policy Number GA-01.12, which has existed in some form since May 1, 1996, sets forth the issues that are considered grievable by DOC.[5] Among other grievable issues, it includes the following: "Department policies/procedures, directives, or conditions **which directly affect an inmate.**" DOC Policy Number GA-01.12, ¶ 7.1 (emphasis added). Unquestionably, inmates are "directly affect[ed]" by DOC policies that cause them to be paid less than that required by law. Thus, this provision, which is very broad in scope, encompasses prevailing wage claims.[6]

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[4] See Wicker v. S.C. Dep't of Corrections, 00-ALJ-04-00781, 2001 WL 1005574 (S.C. Admin. Law Ct. Aug. 13, 2001). This decision is discussed in more detail herein.

[5] Notably, the existence of DOC's grievance policies was specifically recognized by the Supreme Court in its 2000 decision, Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000), where the Court held that DOC's grievance procedures were consistent with the standards delineated by the U.S. Supreme Court in Wolff v. McDonnell, 418 U.S. 539 (1974). See Al-Shabbaz, 338 S.C. at 371-373, 527 S.E.2d at 751-52.

[6] In addition to Paragraph 7 of DOC Policy Number GA-01.12, DOC's policies also include Paragraph 9 of Policy Number GA-01.12, which sets forth the procedure by which grievances concerning questionable issues are determined. This provision, which has existed in all versions and editions of DOC's inmate grievance policies since at least May 1, 1996, states in pertinent part: "In those cases where a question may arise as to whether an item is grievable, the Institutional Inmate Grievance Coordinator will confer with the Chief, Inmate Grievance Branch, who will make that determination." Thus, to the extent that inmates were not certain whether or not prevailing wage claims were grievable prior to Adkins and Wicker, they could have utilized this provision to resolve the issue.

Indeed, an ALJ reached that very conclusion in a 2001 decision that gave rise to, and was ultimately affirmed by, the Supreme Court's opinion in Wicker. See Wicker v. S.C. Dep't of Corrections, 00-ALJ-04-00781, 2001 WL 1005574 (S.C. Admin. Law Ct. Aug. 13, 2001). In the case before the ALJ, DOC contended that prevailing wage claims were "non-grievable." See id. at *1. Upon reviewing DOC's grievance policies, the ALJ disagreed, holding:

> Wicker's wage dispute falls under the listed issues considered "grievable" under DOC policy at GA-01.12(OP), Specific Procedures, paragraph 7; the first issue listed is "Department policies/procedures, directives, or conditions which directly affect an inmate." Wicker is directly affected by DOC's arrangement with private industry to pay inmates less than the "prevailing wage for work of similar nature in the private sector" for the first 320 hours of work. Therefore, Wicker's wage dispute is grievable under the agency's grievance system.

Id. at *1. Thus, as early as 2001, an ALJ held that inmates could grieve prevailing wage claims.[7]

Furthermore, in affirming the ALJ's decision in Wicker, the Supreme Court did not suggest that it was granting inmates "new" grievance rights. For instance, there was no indication by the Court that DOC's grievance procedures were inadequate or that they should be enlarged. Quite the contrary, the Court ruled that "[t]here are numerous issues relating to inmates which, although not giving rise to a private, civil cause of action, are nonetheless grievable through DOC's internal grievance processes" and that Wicker "**properly filed** a grievance with the DOC." Wicker, 360 S.C. at 423-24, 602 S.E.2d at 57 (emphases added). These statements reflect a conclusion by the Court that DOC's **then-existing** grievance policies were broad enough to incorporate prevailing wage claims and that the inmate therefore properly filed a grievance with DOC under those grievance policies.

Based upon the foregoing, I conclude that, prior to the Supreme Court's decisions in Adkins and Wicker, inmates could have submitted a grievance relating to their prevailing wage claims. Accordingly, I conclude that Adkins and Wicker did not create new grievance rights, but merely confirmed that prevailing wage claims were grievable under DOC's existing policies.

New Appeal Remedies

Appellants also claim that Wicker created new appeal remedies to vindicate inmates' rights to prevailing wages under Section 24-3-430(D). I disagree.

[7] Although, as discussed herein, an ALJ's decision does not constitute binding precedent, the ALJ's decision in Wicker nevertheless counteracted DOC's claims that prevailing wage claims were non-grievable.

In Wicker, the Supreme Court did not create new law with respect to inmate appellate rights, but merely reaffirmed existing precedent, namely Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Although Al-Shabazz did not deal directly with prevailing wage claims, it set forth the framework for determining whether inmate grievance matters could be appealed to the ALC. In that case, the Supreme Court held that the requirements of procedural due process apply to "the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property." Id. at 369, 527 S.E.2d at 750 (quoting Bd. of Regents of State Colleges v. Roth, 408 U.S. 564, 569 (1972)) (emphasis added). The Court further held that, in non-collateral or administrative matters requiring procedural due process, an inmate could seek review of a final DOC decision by filing an appeal with the ALC under the APA. Id. at 376, 527 S.E.2d at 754.

The Wicker Court's conclusion that inmates were entitled to appeal their prevailing wage claims to the ALC was clearly premised upon the Al-Shabazz decision, as the following excerpt from the Wicker decision makes clear:

> The Al-Shabazz Court explained that procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property. We find the state's statutory mandate that inmates be paid the prevailing wage creates such an interest, which may not be denied without due process. Accordingly, in this very limited circumstance, we hold the DOC's failure to pay in accordance with the statutes is reviewable by the ALJ.

Wicker, 360 S.C. at 424, 602 S.E.2d at 58 (citations omitted). Accordingly, I conclude the Wicker decision did not create new appeal rights, but merely confirmed that, under the Supreme Court's prior decision in Al Shabazz, inmates could appeal their prevailing wage claims to the ALC.

Appellants nonetheless contend that prevailing wage claims were not appealable to the ALC prior to Wicker because the ALC issued an *en banc* decision in 2001 holding that the ALC's appellate jurisdiction in inmate appeals was limited to either: (1) cases in which an inmate contended that prison officials had erroneously calculated his sentence, sentence related credits, or custody status; or (2) cases in which DOC had taken an inmate's created liberty interest as punishment in a major disciplinary hearing. See McNeil v. S.C. Dep't of Corrections, 00-ALJ-04-00336-AP (Admin. Law Ct. Sept. 5, 2001). According to Appellants, the ALC's *en banc* decision answered the appealability question "with finality" until Wicker was decided.

I find this argument to be without merit. Because the ALC is a lower court, its decisions do not constitute binding precedent. See 21 C.J.S. Courts § 212 (updated Dec. 2010) ("Trial and other inferior courts' decisions are not precedent, either with regard to appellate courts or other trial judges . . . ."). Given that the ALC cannot create judicial precedent, it certainly cannot answer legal questions with "finality."

Do Adkins and Wicker apply retrospectively?

Appellants also contend that Adkins and Wicker apply retrospectively. I agree.

"[G]enerally, judicial decisions are applied retroactively to all civil matters that have not reached final judgment." 20 Am. Jur. 2d Courts § 152 (updated Nov. 2010); see also 21 C.J.S. Courts § 204 (updated Dec. 2010) ("A court decision is generally given retrospective effect."). Nevertheless, retrospective application is not constitutionally required, and "a court may make rulings prospective in the interest of justice and fairness." 21 C.J.S. Courts § 204 (updated Dec. 2010). In South Carolina, the general rule regarding retroactive application of judicial decisions is that "decisions creating new substantive rights have prospective effect only, whereas decisions creating new remedies to vindicate existing rights are applied retrospectively." Toth, 298 S.C. at 8, 377 S.E.2d at 585 (quoting McCaskey v. Shaw, 295 S.C. 372, 373, 368 S.E.2d 672, 673 (Ct. App. 1988)). Stated a bit differently, "[p]rospective application is required when liability is created where formerly none existed." Hupman v. Erskine College, 281 S.C. 43, 44, 314 S.E.2d 314, 315 (1984).

Here, the Supreme Court did not specifically hold, or in any way suggest, that Adkins and Wicker were to apply prospectively. Furthermore, these two cases are not similar to the kinds of cases that are typically applied prospectively. For instance, the Adkins and Wicker decisions did not create new substantive rights or new liability. Rather, their scope was limited to procedural issues. Moreover, given that these decisions did not create new rights or remedies, applying their holdings retrospectively would not be unfair. Accordingly, I conclude that Adkins and Wicker apply retrospectively.

ORDER

As discussed above, Adkins and Wicker did not create new substantive rights, new grievance remedies, or new appeal remedies. These two decisions apply retrospectively.

With these issues resolved, the second level of review must now commence. The next issue to be addressed by this Court is the timeliness of each Appellant's grievance filing under

DOC Policy GA-01.12. The Court concludes that further briefing and supplementation of the record is necessary to resolve this issue. Therefore, in accordance with this Court's April 14, 2010 order,

IT IS HEREBY ORDERED that within twenty (20) days from the date of this Order, the Department, with the assistance of Appellants as needed, shall supplement the Record on Appeal to include a spreadsheet showing the following information: (i) the date each Appellant filed his or her grievance with the Department in the instant matter; and (ii) the date each Appellant received his or her most recent paycheck, for work performed in the prison industries program relating to the instant matter, in which he or she is alleged to have received less than that required under South Carolina law.

IT IS FURTHERMORE ORDERED that the parties prepare briefs on the issue of when the fifteen (15) day time period for filing a grievance under DOC Policy GA-01.12 began to run, taking into account the Court's rulings in this Order.

IT IS FURTHERMORE ORDERED that the Appellants' Brief shall be filed twenty (20) days from the date of receipt of the supplemented Record on Appeal and shall be limited to no more than thirty (30) pages. The Respondent's Brief shall be filed twenty (20) days from the date of receipt of the Appellants' Brief and shall be limited to no more than thirty (30) pages. If Appellants wish to file a Reply to Respondent's Brief, that Reply shall be due fifteen (15) days from the date of receipt of the Respondent's Brief and shall be limited to no more than fifteen (15) pages.

AND IT IS SO ORDERED.

Ralph King Anderson, III
Chief Administrative Law Judge

March 10, 2011
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Amanda M. Scott, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Amanda M. Scott

Amanda M. Scott
Judicial Law Clerk

March 10, 2011
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	)	Docket Nos. 07-ALJ-04-00444 through 00449-AP
	)	Docket Nos. 07-ALJ-04-00500 through 00548-AP
	)	0549-IJ, 0550 through 07-00559-AP
	)	Docket Nos. 07-ALJ-04-00623 through 00632-AP
Appellants,	)	Docket Nos. 07-ALJ-04-00671 through 00677-AP
	)	Docket Nos. 07-ALJ-04-00691, 0752, 0826, 0856
	)	through 0867-AP
vs.	)	Docket Nos. 07-ALJ-04-00869 through 00872-AP
	)	Docket Nos. 07-ALJ-04-00444, 0876, 0885
	)	Docket Nos. 07-ALJ-04-00141 through 00149-AP
South Carolina Department of	)	Docket Nos. 07-ALJ-04-00169 through 00171-AP
Corrections,	)	Docket Nos. 07-ALJ-04-00966 through 01021-IJ
	)	Docket Nos. 07-ALJ-04-01023 through 01045-IJ
	)	Docket No. 09-ALJ-04-00304-IJ
	)	
Respondent.	)	**ORDER**
	)	

On May 6, 2011, the South Carolina Department of Correction (SCDC) filed and served the 1st Supplemental Record on Appeal in the above-captioned consolidated matter in accordance with this Court's Order issued March 10, 2011. Appellants thereafter moved to include additional materials in the 1st Supplemental Record on Appeal on May 6, 2011. On July 8, 2011, this Court conducted a teleconference with counsel for the parties concerning the Appellants' Motion to Supplement the Contents of the 1st Supplemental Record on Appeal dated May 23, 2011. Douglas H. Westbrook, Esquire, appeared on behalf of the Appellants, and Lake E. Summers, Esquire, and Katherine A. Phillips, Esquire, appeared on behalf of the Respondent, SCDC.

For the reasons articulated below and with the caveats also articulated below, this Court rules in favor of SCDC regarding the Appellants' motion.

FILED
August 5, 2011
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SC ADMIN. LAW COURT

FORMAT OF APPELLANTS' MOTION AND SCDC'S RESPONSE

Given the breadth of issues animated by the Appellants' motion and given the amount of materials the Appellants submitted in support of their motion,[1] this Court, during the teleconference in this matter permitted SCDC's counsel to present its response to the myriad of issues and arguments raised by the Appellants in their motion in an alternative format, namely an itemized discussion and refutation of the Appellants' points.

Ultimately, the response filed and served by SCDC on June 17, 2011 consisted of three (3) sections, each of which was comprised of tables and charts reflecting the agency's itemized arguments in opposition to the issues and arguments presented by the Appellants in their motion dated May 23, 2011.[2] Adopting the format fashioned by SCDC in its response to the Appellants' motion, this Court hereby rules as follows:

COURT'S RULINGS IN FAVOR OF SCDC

This Court hereby rules in SCDC's favor on the following issues articulated by the Appellants:

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[1] Appellants' motion, entitled "Appellants' Motion to Supplement Record and Extend Filing Date of Appellants' Brief," consisted of seven (7) pages and 18 enumerated paragraphs. In support of their motion, Appellants submitted three (3) exhibits, entitled "Exhibit 1", "Exhibit 2," and "Exhibit 3." "Exhibit 1" consisted of a 33-page spreadsheet offered by the Appellants as an alternative or supplemental spreadsheet to the spreadsheet that SCDC provided at "Tab A" in the first of five (5) volumes of the 1st Supplemental Record on Appeal. The bottom right corner of each page in the 1st Supplemental Record on Appeal, which totaled 3,911 pages, reflected the following stamp: "Ackerman 5-6-11." This stamp reflects the date upon which SCDC's counsel filed and served the 1st Supplemental Record on Appeal, May 6, 2011. The spreadsheet prepared by SCDC which appeared at "Tab A" in the first volume of the 1st Supplemental Record on Appeal totaled 30 pages, and, therefore, reflected the following stamps: "Ackerman 5-6-11 1" through "Ackerman 5-6-11 30." "Exhibit 2" consisted of a 22-page document reflecting 52 enumerated paragraphs, in which the Appellants provided their arguments for adding specific documents to the 1st Supplemental Record on Appeal. The Appellants also provided samples of the documents they proposed to add to the 1st Supplemental Record on Appeal. "Exhibit 3" consisted of a 17-page spreadsheet in which the Appellants purported to account for each item provided within the 1st Supplemental Record on Appeal for each inmate. "Exhibit 3" also identified documents which the Appellants contended should have been included or, for that matter, excluded from the 1st Supplemental Record on Appeal. Accompanying "Exhibit 3" were four (4) pages of "notes" prepared by Appellants' counsel in support of the arguments articulated within the exhibit.

[2] SCDC's response to the Appellants' motion totaled 52 pages. The first two (2) pages of SCDC's response consisted of an accounting of the chronology relevant to the Appellants' motion. The remainder of SCDC's response was divided into three (3) tabbed sections. The first tabbed section, pp. 3 – 17, consisted of SCDC's response to arguments articulated in the Appellants' seven (7) page motion and the materials identified in their "Exhibit 1." The second tabbed section, pp. 18 – 45, consisted of SCDC's response to the arguments and materials which appeared in Appellants' "Exhibit 2." The third tabbed section, pp. 46 – 52, consisted of SCDC's response to the arguments and materials which appeared in Appellants' "Exhibit 3." **In making the ruling upon the issues presented by Appellants' motion, I have extensively reviewed and relied upon SCDC's responses to that motion. Therefore, those responses are hereby adopted as supporting reasons for the issues this Court has determined to deny.**

Section I of Appellants' Brief

Page # from SCDC's Response	Page # from Appellants' Motion	Paragraph # from Appellants' Motion	Appellants' Position	The Court's Ruling
			SCDC is judicially estopped from denying a Step 1 filing	**DENIED as**
4	2	4	date of September 22, 2004 for all inmates who filed a Certificate of Service form on September 22, 2004 and September 30, 2004. Appellants propose Exhibit 1 as an alternative or supplement to SCDC's spreadsheet entitled "Ackerman 5-6-11."	**Appellants' invocation of judicial estoppel does not conform to applicable ALC rules or precedent**
5	2	5	Appellants' Exhibit 1 and SCDC's spreadsheet entitled "Ackerman 5-6-11" differ on "last pay dates." Exhibit F contains "gaps" in pay dates that indicate separate periods of work. The separate periods of work in Exhibit F would not exist if the pay dates were inadvertently or deliberately deleted.	**DENIED as unfounded**
6	2 – 3	6	A comparison of Exhibit F with other sources of information maintained by SCDC indicate that SCDC may have deleted pay records. For example, Exhibit F data for inmate Bogan does not include pay data for eight (8) pay periods.	**DENIED as unfounded**
7	3	7	Exhibit F last pay dates are disputed by other SCDC records, as shown in Appellants' Exhibit 1. For example, Inmate Baylor.	**DENIED as not yet ripe for review**
8	3	8	Exhibit F is "questionable" as a sole source of complete work dates and thus is questionable for last pay dates.	**DENIED as not yet ripe for review**

Page # from SCDC's Response	Page # from Appellants' Motion	Paragraph # from Appellants' Motion	Appellants' Position	The Court's Ruling
			Appellants' Exhibit 1 "Suggested Start/Stop Dates" are a compilation of the most complete work dates from the six (6) sources of information maintained by SCDC, and therefore, should be used in place of SCDC's Ackerman 5-6-11 Exhibit F (3/28/11) PI Pay Dates. The last date in Appellants' "Suggested Start/Stop Dates" column provides a good approximation of an inmate's last pay date.	
9	3	9		**DENIED as not yet ripe for review**
11	4	11	On April 19, 2007, Appellants' counsel filed 189 Amendments/Exhibits A, C, F, H with SCDC pursuant to an in court agreement in which SCDC agreed to file these documents and consider them on the merits. Ackerman 5-6-11 is missing amendment dates for inmates H. Baker, Benninger, Brewer, Deveaux, Etheredge, Evans, Hood, Pressley, Prioleau, and L. Richardson. SCDC should update Ackerman 5-6-11 to reflect that these inmates filed Amendments on April 19, 2007.	**DENIED as to inmates Baker, Brewer, Deveaux, Etheredge, Evans, Pressley, Prioleau, & Richardson** ***See below regarding Benninger & Hood***
12	4	12	Many Appellants filed Amendments directly with SCDC, and not through Appellants' counsel. Ackerman 5-6-11 is missing Amendment dates for the following inmates: Busques, Butler, Carter, Clark, Hare, Murphy, Scott, and Simmons. SCDC should update Ackerman 5-6-11 with Amendment dates based on the	**DENIED as to inmates Busques, Carter, Hare, Murphy, Scott, & Simmons** ***See below regarding Butler & Clark***

Page # from SCDC's Response	Page # from Appellants' Motion	Paragraph # from Appellants' Motion	Appellants' Position	The Court's Ruling
			Certificates of Service for these inmates.	
			SCDC should agree to	
13	4	13	substitute signed amendments in Appellants counsel's possession for unsigned amendments already in the record on appeal.	**DENIED**

Section II of Appellants' Brief, entitled "Other Record Documents"

Page # from SCDC's Response	Page # from Appellants' Motion	Paragraph # from Appellants' Motion	Appellants' Position	The Court's Ruling
14	4 – 5	14	Add page two (2) of inmate D. Williams's Step 1 grievance to Tab D at page 334 of the record on appeal.	**DENIED**
14	5	14	Add Certificates of Service currently within Appellants counsel's possession to Tab E of the record on appeal.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
14	5	15	Add the documents identified by the Appellants with an asterisk, "*". within "Exhibit 2" to the record on appeal.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
14	5	16	Include Appellants' "Exhibit 3" in the record on appeal.	**DENIED as materials do not qualify for inclusion under applicable ALC rules**

Page # from SCDC's Response	Page # from Appellants ' Motion	Paragraph # from Appellants' Motion	Appellants' Position	The Court's Ruling
14	5 – 6	17	Exclude "newer" Step 1 responses from the record on appeal.	**DENIED**
15	6	18	Appellants request an additional thirty days after the ALC rules on their motion to expand the record on appeal and they receive SCDC's supplemental record on appeal to file their brief.	**DENIED** ***per Scheduling Order provided below***
16	6	(a)	Add Exhibit 1 to the record on appeal.	**DENIED** ***but see Declaration provided below***
16	6	(b)	Add signed amendments currently in Appellants counsel's possession to the record on appeal.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
16	6	(c)	Add page 2 of the Step 1 and Step 2 forms that are currently missing from the record on appeal.	**DENIED**
16	6	(d)	Add Certificates of Service currently in Appellants counsel's possession to the record on appeal.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**

Page # from SCDC's Response	Page # from Appellants' Motion	Paragraph # from Appellants' Motion	Appellants' Position	The Court's Ruling
				DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision
16	7	(e)	Add Exhibit 2 and the documents identified within Exhibit 2 to the record on appeal.	
16	7	(f)	Add Exhibit 3 and the documents identified within Exhibit 3 as "DINRA" to the record on appeal.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
17	7	(f)	Exclude documents identified as "DIRE" within Appellants' Exhibit 3 from the record on appeal.	**DENIED**
17	7	(g)	Exclude the "new" version of SCDC's response to the inmates' Step 1 grievances.	**DENIED**
17	7	(h)	Extend deadline for inmates to file brief.	**DENIED *but see Scheduling Order provided below***

Appellants' Exhibit 2 and the Documents Identified within Exhibit 2

Page # from SCDC's Response	Page # from Appellants' Exhibit 2	Document # from Appellants' Exhibit 2	Appellants' Position & Document(s) Identified by Appellants for Inclusion in the Record on Appeal	The Court's Ruling
20	1 – 8	1 – 7	Appellants contend these documents are substantially in the record on appeal and have not specifically requested that SCDC supplement the record on appeal with any additional documents.	**No ruling required from the court**
21	8	8	August 8, 2008 spreadsheet generated by SCDC and entitled "Lieber PI Back Wage Grievances – ALC Tracking (Westbrook)"	**DENIED**
22 – 23	8	9	Expand the record on appeal to include Earned Work Credit Assignment History forms pursuant to ALC Rule 58A ("intermediate ruling"), ALC Rule 58B ("evidence received or considered"), and SC Rule of Evidence 801(d)(2) (admission by party opponent).	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**

Page # from SCDC's Response	Page # from Appellants' Exhibit 2	Document # from Appellants' Exhibit 2	Appellants' Position & Document(s) Identified by Appellants for Inclusion in the Record on Appeal	The Court's Ruling
			Expand the record on appeal to include Inmate Job/School Assignment (1954) forms pursuant to ALC Rule 58A ("intermediate ruling"), ALC Rule 58B ("evidence received or considered"), and SC Rule of Evidence 801(d)(2) (admission by party opponent)	
24	9	10		**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
25	9	11(a)	August 20, 2008 letter from SCDC's counsel to Appellants' counsel regarding "accounting of documents [SCDC] provided to [Appellants] before the hearing conducted by Judge Williams . . . on August 11, 2008 regarding Exhibit C of [Appellants'] July 23, 2008 motion.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
26	9	11 (b) – 11(h)	Appellants contend these documents are substantially in the record on appeal and have not specifically requested that SCDC supplement the record n appeal with any additional documents.	**No ruling required from the court**

Page # from SCDC's Response	Page # from Appellants' Exhibit 2	Document # from Appellants' Exhibit 2	Appellants' Position & Document(s) Identified by Appellants for Inclusion in the Record on Appeal	The Court's Ruling
			Expand the record on appeal to include a	
27	9	11(i) – 11(s)	August 8, 2008 Spreadsheet generated by SCDC to verify Step 1 filing dates for inmates T. Butler, T. Carter, R. Elliott, N. Lambrose, A. Lee, T. Miles, R. Pressley, F. Prioleau, V. Simpson, J. Wells, and T. Wilson, pursuant to ALC Rule 58A ("intermediate ruling"), ALC Rule 58B ("evidence received or considered"), and SC Rule of Evidence 801(d)(2) (admission by party opponent).	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
28	12	12	January 29, 2002 class action complaint filed by inmate Darrell Williams in the Court of Common Pleas in Williams v. SCDC, No. 2002-CP-18-134.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
29	12	13	July 1, 2002 class action complaint filed by inmate Darrell Williams in the Court of Common Pleas in Williams v. SCDC, No. 2002-CP-18-134.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
29	12	14	February 12, 2003 class action complaint filed by Appellants counsel in the Court of Common Pleas in Williams v. SCDC, No. 2002-CP-18-134.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**

Page # from SCDC's Response	Page # from Appellants' Exhibit 2	Document # from Appellants' Exhibit 2	Appellants' Position & Document(s) Identified by Appellants for Inclusion in the Record on Appeal	The Court's Ruling
29	12 – 13	15	September 9, 2004 remittiturs issued by the SC Supreme Court and filed in circuit court in Adkins and Wicker	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
30	13 – 14	16(a) – 16(c)	Judge Goodstein's June 23, 2005 order, pages 8 – 9, 12 – 14, in Williams v. SCDC, No. 2002-CP-18-134.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
31	14 – 15	17 – 18	Appellants contend these documents are substantially in the record on appeal and have not specifically requested that SCDC supplement the record on appeal with any additional documents.	**No ruling required from the court**
31	15	19 – 20	Appellants' May 25, 2005 and May 26, 2005 notices of appeal to the SC Court of Appeals of Judge Goodstein's dismissal of their class action complaint in Williams v. SCDC, No. 2002-CP-18-134.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
32	15 – 16	21	June 7, 2005 letter from SCDC's counsel to Appellants' counsel.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**

Page # from SCDC's Response	Page # from Appellants' Exhibit 2	Document # from Appellants' Exhibit 2	Appellants' Position & Document(s) Identified by Appellants for Inclusion in the Record on Appeal	The Court's Ruling
33	16	22	March 22, 2007 remittitur issued by SC Supreme Court dismissing the class action appeal in Williams v. SCDC, No. 2002-CP-18-134.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
34	16	23	Expand the record on appeal to include the transcript from the April 19, 2007 hearing before Judge Williams in In re Inmate Grievances of Gene Richardson v. SCDC, No. 2002-CP-18-134, pursuant to ALC Rule 58A ("intermediate ruling"), ALC Rule 58C (Judicial notice of documents in other court's files), and ALC Rule 58F (transcript taken).	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
35	16	24	April 20, 2007 form 4 order issued by Judge Williams in In re Inmate grievances of G. Richardson v. SCDC, No. 2002-CP-18-134.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
36	17 – 18	25(a) – (c)	Appellants contend these documents are substantially in the record on appeal and have not specifically requested that SCDC supplement the record on appeal with any additional documents.	**No ruling required from the court**

Page # from SCDC's Response	Page # from Appellants' Exhibit 2	Document # from Appellants' Exhibit 2	Appellants' Position & Document(s) Identified by Appellants for Inclusion in the Record on Appeal	The Court's Ruling
			November 7, 2008 e-mail from SCDC about SCDC posting a "notice flier" in all prisons, and a December 8, 2008 facsimile from SCDC's counsel to Appellants' counsel which includes the November 7, 2008 e-mail.	**DENIED** **Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
36	18	26		
37	18 – 19	27(a) – (b)	Excerpts from SCDC's May 23, 2006 brief to the SC Court of Appeals in Williams v SCDC, No. 2002-CP-18-134.	**DENIED** **Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
38	19	28	Judge Goodstein October 29, 2004 letter to the parties in which Judge Goodstein granted SCDC's motion for summary judgment and requested that SCDC prepare a draft order in Williams v. SCDC, No. 2002-CP-18-134.	**DENIED** **Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
39	19 – 20	29	Appellants' October 13, 2004 motion to the circuit court for an order under SCRCP 23 in Williams v SCDC, No. 2002-CP-18-134.	**DENIED** **Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
40	20	30	April 25, 2007 letter from Appellants' counsel to SCDC's counsel.	**DENIED** **Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision.**

Page # from SCDC's Response	Page # from Appellants' Exhibit 2	Document # from Appellants' Exhibit 2	Appellants' Position & Document(s) Identified by Appellants for Inclusion in the Record on Appeal	The Court's Ruling
40	20	31	June 4, 2007 letter from Appellants' counsel to SCDC's counsel.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
41	21	32	November 23, 2007 letter from Appellants' counsel to SCDC's counsel.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
41	21	33	December 18, 2007 letter from Appellants' counsel to SCDC's counsel.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
42	21	33	December 18, 2007 letter from Appellants' counsel to SCDC's counsel.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
42	21	34	January 25, 2008 letter from Appellants' counsel to SCDC's counsel.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**

Page # from SCDC's Response	Page # from Appellants' Exhibit 2	Document # from Appellants' Exhibit 2	Appellants' Position & Document(s) Identified by Appellants for Inclusion in the Record on Appeal	The Court's Ruling
42	21	35	May 21, 2008 letter from Appellants' counsel to SCDC's counsel.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
43	21	36 – 48	Certificates of Service for the following 13 inmates: J. Bogan, M. Busques, R. Butler, K. Carter, S. Clark, W. Hare, W. Jordan, D. Lyles, L. Mack, A. Murphy, R. Simmons, S. Simmons, and J. Scott.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
44	21	49	Substitute forty-two signed amendments currently in Appellants counsel's possession for unsigned amendments already included in the record on appeal.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
45	22	51	Second page of all Step 1 and Step 2's not currently included in the record on appeal.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
45	22	52	Blank Step 1 and Step 2 forms.	**DENIED Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**

Appellants' Exhibit 3 and the Content Associated with Exhibit 3

Page # from SCDC's Response	Acronym identified by Appellants	Appellants' Position	The Court's Ruling
47	DCR = Document Correctly in the Record (second page of Step 1 and Step 2 forms missing)	Appellants have no objection to the inclusion of the documents they identified as "DCR" in Exhibit 3 within the record on appeal. In addition, Appellants request that SCDC supplement the record on appeal with the second page of the Step 1 and Step 2 forms that are not already included in the record on appeal.	**No ruling required by the Court as to inclusion of documents to which Appellants have no objection.** **Appellants' request that SCDC supplement the Record in the manner advocated is DENIED. Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
48	DCR? = Document Correctly in Record (exclude SCDC's second Step 1 response)	SCDC provided two Step 1 responses to some inmates. Appellants' request that the second Step 1 response be excluded from the record on appeal.	**DENIED**
49	DIRE = Document Incorrectly in Record, to be Excluded	Exclude Step 1 and Step 2 responses identified by Appellants as "DIRE" within Exhibit 3 because the inmates never received these Step 1 and Step 2 responses, and therefore, these responses are not an "intermediate ruling" or "final decision" pursuant to ALC Rule 58A.	**DENIED**
50	DNL = Document Not Locatable by SCDC	The documents identified with by Appellants as "DNL" within Exhibit 3 exist and should be included in the record on appeal. However, these documents are not provided in the record on appeal and therefore, SCDC must not have been able locate them.	**DENIED as not yet ripe for review**

Page # from SCDC's Response	Acronym identified by Appellants	Appellants' Position	The Court's Ruling
		SCDC should supplement the record on appeal with documents identified by Appellants as "DINRA" in Exhibit 3 because they were incorrectly excluded from the record on appeal. Appellants also request permission to substitute signed amendments in Appellants counsel's possession with unsigned amendments already included in the record on appeal.	**See below for Court's order(s) in light of SCDC's agreement**
51	DINRA = Document Incorrectly Not in Record, to be Added		**&** **Appellants' request to substitute signed amendments for unsigned amendments is DENIED. Under applicable ALC rules the record does not consist of materials not filed with or considered by SCDC in reaching its decision**
52	DANE = Document Apparently Never Existed	Documents identified by Appellants as "DANE" within Exhibit 3 never existed.	**DENIED as not yet ripe for review**

RULINGS GRANTING THE RELIEF SOUGHT BY THE APPELLANTS

Again adopting the format fashioned by SCDC in its response to the Appellants' motion, this Court hereby grants the relief sought the Appellants on the following issues,:

Section I of Appellants' Brief

Page # from SCDC's Response	Page # from Appellants' Motion	Paragraph # from Appellants' Motion	Appellants' Position	Based upon its Agreement, the Court Orders SCDC to take the Action Described Below
10	4	10	SCDC should update the spreadsheet entitled "Ackerman 5-6-11," column entitled "Relevant Issues in Appellants' Brief" with updated issue numbers relevant to Appellants' brief.	**Update "Ackerman 5-6-11," pp. 1 – 30, for inmates Brewer, Curtis, Daniels, Davis & Simmons**

11	4	11	On April 19, 2007, Appellants' counsel filed 189 Amendments/Exhibits A, C, F, H with SCDC pursuant to an in court agreement in which SCDC agreed to file these documents and consider them on the merits. Ackerman 5-6-11 is missing amendment dates for inmates H. Baker, Benninger, Brewer, Deveaux, Etheredge, Evans, Hood, Pressley, Prioleau, and L. Richardson. SCDC should update Ackerman 5-6-11 to reflect that these inmates filed Amendments on April 19, 2007.	**Update "Ackerman 5-6-~~11,~~" ~~pp. 1 – 30~~" to "Amdmnt Undtd/Unsgnd (4/19/07)" for inmates Benninger & Hood only**
12	4	12	Many Appellants filed Amendments directly with SCDC, and not through Appellants' counsel. Ackerman 5-6-11 is missing Amendment dates for the following inmates: Busques, Butler, Carter, Clark, Hare, Murphy, Scott, and Simmons. SCDC should update Ackerman 5-6-11 with Amendment dates based on the Certificates of Service for these inmates.	**Update "Ackerman 5-6-11," pp. 1 – 30, for inmates Butler & Clark only**

Appellants' Exhibit 2 and the Documents Identified within Exhibit 2

Page # from SCDC's Response	**Page # from Appellants' Exhibit 2**	**Document # from Appellants' Exhibit 2**	**Document Identified by Appellants' for Inclusion in the Record on Appeal**	**Based upon its Agreement, the Court Orders SCDC to take the Action Described Below**
44	21	50	September 22, 2004 Step 1 Certificate of Service. Document already in record, but bottom of page is cut off.	**Substitute the 9/22/04 Certificate of Service**

				["Ackerman 5-6-11," p. 877] with another copy that does not have the bottom of the page cut off (*if SCDC can locate a copy of the Certificate of Service that does not have the bottom of the page cut off*)

Appellants' Exhibit 3 and the Content Associated with Exhibit 3

Page # from SCDC's Response	**Acronym identified by Appellants**	**Appellants Position**	**The Court orders SCDC to take the action described below**
51	DIRNA = Document Incorrectly Not in Record, to be Added	SCDC should supplement the record on appeal with documents identified by Appellants as "DINRA" in Exhibit 3 because they were incorrectly excluded from the record on appeal. Appellants also request permission to substitute signed amendments in Appellants counsel's possession with unsigned amendments already included in the record on appeal.	**Review materials in its possession for any items identified by Appellants as inadvertently omitted from the Record and submit those materials with 10 days from the date of this Order.**

SUBMISSION OF RELEVANT SUPPORTING MATERIALS

Notwithstanding this Court's rulings in SCDC's favor on the individual issues identified above, Appellants may make any argument they deems relevant and dispositive in their principle brief on the merits. Likewise, Appellants may submit supporting materials which they also deem relevant and dispositive in support of their principle brief on the merits, including the document identified as "Exhibit 1" by Appellants' counsel in his May 23, 2011 motion. In addition, Appellant may urge the Court to include any such materials in the Record on Appeal as this

litigation moves forward into subsequent levels of review as envisioned by the orders issued by the Court on April 14, 2010, November 23, 2011, and March 10, 2011.

After it considers argument from SCDC in opposition to any proposal(s) from Appellants' counsel to include such supplemental materials in the Record on Appeal, this Court will issue any and all necessary orders by which it will adjudicate such dispute(s) between the parties and determine the contents of the Record on Appeal in this matter.

SCHEDULING ORDER COVERING SUBSTANTIVE BRIEFING

With the issues articulated by Appellants in their Motion to Supplement the Contents of the 1st Supplemental Record on Appeal dated May 23, 2011 resolved by the above rulings, this Court recognizes that substantive briefing by the parties must now resume. Accordingly, this Court, under the schedule set forth below, hereby directs the parties to brief the issues associated with the second level of review in the instant appeal as indicated by the orders issued April 14, 2010 and March 10, 2011. As stated in the order it issued March 10, 2011, "[t]he next issue to be addressed by this Court is the timeliness of each Appellant's grievance filing under DOC Policy GA-01.12.[3]"

IT IS HEREBY ORDERED that no later than thirty (30) days from the date of this order, the Department shall provide written verification to this Court and Appellants' counsel that it has taken the action ordered by the Court within the tables that appear on pages 13 and 14 above. 17 - 19

IT IS FURTHERMORE ORDERED that the Appellants' Brief concerning the timeliness of each Appellant's grievance filing under DOC Policy GA-01.12 shall be filed no later than thirty (30) days from the date the above ordered verification is filed with the Court. The Appellants' Brief shall be limited to no more than thirty (30) pages.

IT IS FURTHERMORE ORDERED that the Department's Brief in response to the Appellants' Brief concerning the timeliness of each Appellant's grievance filing under DOC Policy GA-01.12 shall be filed within thirty (30) days of receipt of the Appellant's Brief. The Department's Brief shall also be limited to no more than thirty (30) pages.

IT IS FINALLY ORDERED that, if the Appellants wish to file a Reply to the Department's Brief, the Appellant's Reply Brief shall be filed within ten (10) days of receipt of

[3] See this Court's March 10, 2011 Order, pp. 9 – 10.

Respondent's Brief and Appellant's Reply Brief shall be limited to no more than fifteen (15) pages.

AND IT IS SO ORDERED.

Ralph King Anderson, III
Chief Administrative Law Judge

August 5, 2011
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Amanda M. Scott, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Amanda M. Scott
Judicial Law Clerk

August 5, 2011
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	) Docket Nos. 07-ALJ-04-00444 through 00449-AP) Docket Nos. 07-ALJ-04-00500 through 00548-AP) 0549-IJ, 0550 through 07-00559-AP) Docket Nos. 07-ALJ-04-00623 through 00632-AP) Docket Nos. 07-ALJ-04-00671 through 00677-AP) Docket Nos. 07-ALJ-04-00691, 0752, 0826, 0856) through 0867-AP) Docket Nos. 07-ALJ-04-00869 through 00872-AP) Docket Nos. 07-ALJ-04-00444, 0876, 0885) Docket Nos. 08-ALJ-04-00141 through 00149-AP) Docket Nos. 08-ALJ-04-00169 through 00171-AP) Docket Nos. 08-ALJ-04-00966 through 01021-IJ) Docket Nos. 08-ALJ-04-01023 through 01045-IJ) Docket No. 09-ALJ-04-00304-IJ
Appellants,	
vs.	
South Carolina Department of Corrections,	
Respondent.	) **ORDER**

STATEMENT OF THE CASE

In this consolidated action before the Administrative Law Court (ALC), the Appellants appeal the denial by the South Carolina Department of Corrections (Department or DOC) of 197 administrative grievances filed by them under DOC Policy Number GA-01.12 (GA-01.12). The Appellants include current and former inmates of the Department who either currently participate or at one time participated in the prison industries project operated by the Department at Lieber Correctional Institution (Lieber) in which Williams Technologies, Inc. (WTI), and now Caterpillar, Inc., act as the private industry sponsors. The Appellants argue that they are entitled to back pay and a higher hourly rate of pay for the labor they have provided or currently provide to the prison industries project operated at Lieber. Specifically, the Appellants contend that they are entitled to the "prevailing wage" under S.C. Code Ann. § 24-3-430(D) (2007).

Pursuant to an April 14, 2010 order, this court, in the interest of judicial economy, instructed the parties that it would consider the issues relevant to the Appellants' appeals in three levels. In the first level of review, which was set forth in an order dated March 10, 2011, the court addressed the following two issues: (1) did Adkins v. S.C. Department of Corrections, 360

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S.C. 413, 602 S.E.2d 51 (2004) and Wicker v. S.C. Department of Corrections, 360 S.C. 421, 602 S.E.2d 56 (2004) create new substantive rights and/or new remedies? and (2) do Adkins and Wicker apply prospective or retrospectively? As discussed in the March 10, 2011 order, the court found that Adkins and Wicker created neither new substantive rights nor new remedies and that both decisions applied retrospectively.

The court now turns to the second level of review, which involves the timeliness of the filing of the Appellants' grievances under GA-01.12. The Appellants make the following arguments: (1) the Appellants' grievances are not time-barred under the fifteen-day time limit for filing grievances set forth in Paragraph 13.1 of GA-01.12 because they concern policies/procedures and thus fall under Paragraph 13.9; (2) the Appellants had reasonable cause under Paragraph 13.9 of GA-01.12 not to file within Paragraph 13.1's fifteen-day time limit; (3) the Department's application of Paragraph 13.1 violated the Appellants' due process rights because it cut off the Appellants' claims before they accrued; (4) the Department waived Paragraph 13.1 because it did not raise Paragraph 13.1 until the Step 2 appeal and it considered the Appellants' grievances on the merits before invoking Paragraph 13.1; (5) the Department was equitably estopped from raising Paragraph 13.1; (6) the Appellants were "effectively barred" from exercising their grievance and appeal rights before Adkins and Wicker and therefore Paragraph 13.1's fifteen-day filing deadline was tolled prior to the issuance of those decisions; (7) Paragraph 13.1's fifteen-day filing deadline was tolled by the filing of the Appellants' class action suit in circuit court; and (8) the Appellants complied with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment.

BACKGROUND

In 2002, the Appellants filed a class action lawsuit in circuit court against the Department and WTI in which they sought back pay and higher current pay under the provisions of Section 24-3-430(D). In that lawsuit, which was captioned Williams v. S.C. Department of Corrections, the Appellants alleged a cause of action under South Carolina's Payment of Wages Act, claiming they were due lost wages because they were not paid the "prevailing wage" as specified in Section 24-3-430(D).

On August 23, 2004, while the Appellants' class action lawsuit was pending, the Supreme Court issued its decisions in Wicker and Adkins. In those two cases, inmates who then

participated or at one time participated in a prison industries projects operated by the Department alleged that they were entitled to the "prevailing wage" pursuant to Section 24-3-430(D). As discussed in this court's March 10, 2011 order, the Supreme Court held that Section 24-3-430(D) did not give rise to a private cause of action,[1] but that inmates could pursue their claims under the Department's grievance policies and, if necessary, appeal the Department's decision to the ALC.[2]

After Adkins and Wicker were issued on August 23, 2004, the Appellants' counsel filed grievances with Department officials at Lieber on behalf of the Appellants. Although Department officials had begun processing those grievances, on November 3, 2004, the circuit court judge presiding over the class action lawsuit, which was still active, stayed the Department's efforts to process and adjudicate all administrative grievances—including the Appellants'—which it had received from or on behalf of inmates who articulated pay claims attributed to their participation in the Department's project at Lieber. After it imposed this stay on November 3, 2004, however, the circuit court granted motions for dismissal filed by both the Department and WTI, and, by an order filed on July 1, 2005, the circuit court dismissed the Appellants' class action lawsuit and decertified the class it had originally recognized. In its July 1, 2005 order, the circuit court also lifted the stay it had imposed on November 3, 2004. However, because the Appellants subsequently appealed the circuit court's order, the stay imposed by the circuit court on November 3, 2004 was reimposed.

On February 26, 2007, the South Carolina Supreme Court affirmed the circuit court's dismissal of the class action lawsuit in its opinion, Williams v. S.C. Department of Corrections, 372 S.C. 255, 641 S.E.2d 885 (2007), and, as a result, the stay imposed by the circuit court on November 3, 2004 ceased being effective on or about May 22, 2007. Thereafter, the Department resumed processing and adjudicating the Appellants' grievances. Ultimately, the Department issued final decisions denying each Appellant's respective grievance, largely finding that the grievances were not filed within the fifteen-day time period required under Paragraph 13.1 of GA-01.12. The Appellants timely appealed those decisions to this court. Subsequently, during a

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1 Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55.

2 Wicker, 360 S.C. at 423-25, 602 S.E.2d at 57-58.

conference call held on February 25, 2010, the parties agreed to consolidate the appeals for the purposes of briefing and filing the record.

ISSUES ON APPEAL

1. Are the Appellants' grievances not time-barred under the fifteen-day time limit for filing grievances set forth in Paragraph 13.1 of GA-01.12 because they concern "policies/procedures" and thus fall under Paragraph 13.9 of GA-01.12?

2. Did the Appellants have reasonable cause not to file within Paragraph 13.1's fifteen-day time limit?

3. Did the Department's application of Paragraph 13.1 violate the Appellants' due process rights because it cut off the Appellants' claims before they accrued?

4. Did the Department waive its right to raise Paragraph 13.1's fifteen-day time limit?

5. Was the Department equitably estopped from raising Paragraph 13.1?

6. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled until after the issuance of Adkins and Wicker because, prior to that time, the Appellants were "effectively barred" from exercising their grievance and appeal rights?

7. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled by the filing of the Appellants' class action suit in circuit court?

8. Did the Appellants comply with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment?

STANDARD OF REVIEW

As set forth above, this case is before the ALC on appeal from consolidated final decisions of the Department pursuant to S.C. Code Ann. § 1-23-600(D) (Supp. 2010) of the Administrative Procedures Act (APA). As such, the Administrative Law Judge (ALJ) sits in an appellate capacity under the APA rather than as an independent finder of fact. In South Carolina, the provisions of the APA—specifically Section 1-23-380(A)(5)—govern the circumstances in which an appellate body may reverse or modify an agency decision. That section states:

> The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) in violation of constitutional or statutory provisions;

(b) in excess of the statutory authority of the agency;

(c) made upon unlawful procedure;

(d) affected by other error of law;

(e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2010).

DISCUSSION

I. Did the Appellants' claims involve a DOC "policy/procedure" such that there was no time limit to file under Paragraph 13.9 of GA-01.12?

Paragraph 13.1 of GA-01.12 generally requires that Step 1 grievances be filed "within 15 days of the alleged incident." DOC Policy Number GA-01.12, ¶ 13.1. However, Paragraph 13.9 of GA-01.12 provides that "[e]xceptions to the 15 day time limit requirement will be made for grievances concerning policies/procedures." DOC Policy Number GA-01.12, ¶ 13.9. In the present case, the Appellants contend that their grievances concerned DOC "policies/procedures" and that no time limit therefore applied to the filing of their grievances. I disagree.

Before delving into the specifics of the Appellants' argument, it is necessary to briefly discuss the nature of, and the purpose behind, Paragraph 13.1's fifteen-day filing deadline. By issuing GA-01.12, the Department has unquestionably established a prescribed procedure for handling inmate grievance matters that has been approved by the South Carolina Supreme Court. See Al-Shabazz v. State, 338 S.C. 354, 373, 527 S.E.2d 742, 752 (2000) ("We hold that Department's disciplinary and grievance procedures are consistent with the standards delineated by the Supreme Court in Wolff v. McDonnell, supra. We note that Department also prepared its grievance procedures in compliance with the Civil Rights of Institutionalized Persons Act."). The Department's prescribed procedure further sets forth a specific time frame to exercise the rights created under those provisions. Therefore, as discussed below, it appears that the Department's regulations are a "statute of creation."

Under South Carolina law, a statute that creates a new liability and affixes the time within which an action may be commenced is a "statute of creation," and commencement within the time affixed is an indispensable condition of the action. Knight Publ'g Co. v. Univ. of S.C., 295 S.C. 31, 33, 367 S.E.2d 20, 22 (1988), overruled on other grounds by McLendon v. S.C. Dep't of Highways and Public Transp., 313 S.C. 525, 443 S.E.2d 539 (1994). Although the failure to timely commence an action pursuant to a statute of creation is not a subject matter jurisdiction defect, such an action "cannot be maintained unless brought within the time allowed by that statute." Simpson v. Sanders, 314 S.C. 413, 415 n.1, 445 S.E.2d 93, 94 n.1 (1994). When a statute both creates a cause of action and includes a time limit for its commencement, compliance with the time limit is a condition precedent to the maintenance of the action. 54 C.J.S. Limitations of Actions § 31 (updated Dec. 2011). "Such a statutory time limit conditions the existence of the right of action, thereby creating a substantive, rather than procedural, limitation on the right. Bringing suit within the prescribed time is a condition of liability itself, not of the remedy alone." Id.

The rationale behind a statute of creation is similar to that of a statute of limitations. Significantly, South Carolina courts have held that "[s]tatutes of limitations are not simply technicalities," but rather are "fundamental to a well-ordered judicial system." Moates v. Bobb, 322 S.C. 172, 176, 470 S.E.2d 402, 404 (Ct. App. 1996). "The purpose of statutes of limitation is to ensure litigation is 'brought within a reasonable time in order that evidence be reasonably available and there be some end to litigation.'" Transp. Ins. Co. & Flagstar Corp. v. S.C. Second Injury Fund, 389 S.C. 422, 428, 699 S.E.2d 687, 690 (2010) (quoting Hooper v. Ebenezer Senior Servs. & Rehab. Ctr., 377 S.C. 217, 227, 659 S.E.2d 213, 218 (Ct. App. 2008)). "Statutes of limitation embody important public policy considerations in that they stimulate activity, punish negligence, and promote repose by giving security and stability to human affairs." Transp. Ins. Co., 389 S.C. at 428, 699 S.E.2d at 690 (quoting Moates, 322 S.C. at 176, 470 S.E.2d at 404). Moreover, statutes of limitations relieve courts of the burden of trying stale claims of those who have "slept on their rights." Transp. Ins. Co., 389 S.C. at 428, 699 S.E.2d at 690.

In the present case, the court finds that the Appellants' interpretation of the term "policies/procedures" in Paragraph 13.9 is overly expansive. The Appellants appear to argue that the term, which is not defined in GA-01.12, refers to any "act or method of proceeding in an

action." However, if the term were construed that broadly, Paragraph 13.9's exception would effectively swallow Paragraph 13.1's general rule. Because such a construction would fail to give proper effect to Paragraph 13.1's fifteen-day filing deadline, it must be rejected. Cf. State ex rel. McLeod v. Nessler, 273 S.C. 371, 373, 256 S.E.2d 419, 420 (1979) ("In determining the meaning of a statute, it is the duty of this Court to give force and effect to all parts of the statute, if possible."); Hinton v. S.C. Dep't of Prob., Parole & Pardon Servs., 357 S.C. 327, 333, 592 S.E.2d 335, 338 (Ct. App. 2004) ("Statutes must be read as a whole and sections which are part of the same general statutory scheme must be construed together **and each given effect** . . . .") (emphasis added).

Moreover, the Appellants' broad interpretation of the term "policies/procedures" does not comport with public policy. The Department has a legitimate interest in investigating grievances while they are still new, and thus public policy calls for the application of some limitations period to the Appellants' prevailing wage claims. See Johnson v. Johnson, 385 F.3d 503, 519 (5th Cir. 2004) (noting that the prison system has a legitimate interest in investigating complaints while they are still fresh); see also Woodford v. Ngo, 548 U.S. 81, 95 (2006) ("When a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and preserved."). Here, the fifteen-day filing deadline from Paragraph 13.1 is the only limitations period applicable to these claims.[3] Therefore, ruling in favor of the Appellants would mean that inmates would not be required to file prevailing wage grievances within any set time period. Due in part to public policy concerns over such a result, this court has consistently held that prevailing wage claims do not involve the Department's "policies or procedures." See, e.g., Lawson v. S.C. Dep't of Corr., 06-ALJ-04-00823-AP (S.C. Admin. Law Ct. Feb. 12, 2007); Wright v. S.C. Dep't of Corr., 06-ALJ-04-00114-AP, 2006 WL 1430140 (S.C. Admin. Law Ct. Apr. 28, 2006).

The importance of filing deadlines is underscored by the facts of this case. The record demonstrates the Department did not begin receiving Step 1s from the Appellants regarding their prevailing wage claims until September 22, 2004. The record also reflects that a significant

[3] The statutory provisions upon which Appellants base their pay claims do not create a private right of action. See Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55. Therefore, statutes of limitations derived from state law do not apply to Appellants' claims. See Talford v. S.C. Dep't of Corr., 06-ALJ-04-00823-AP (S.C. Admin. Law Ct. Feb. 14, 2007).

number of the Appellants began participating in the prison industries project at Lieber in 1999. Thus, approximately five years passed between when these Appellants began participating in the project and when they filed their Step 1s challenging their pay. Clearly, the passage of five years could significantly affect the Department's ability to defend the Appellants' claims.[4]

In contrast to the Appellants, the Department—the agency that drafted Paragraph 13.9—presents a very persuasive construction of the term "policies/procedures." In its brief, the Department argues:

> [T]he terms "policies" and "procedures" constitute approved guidelines for handling the agency's day-to-day operations as well as statements expressing the basic expectations of conduct for agency staff and inmates. More formally stated, the terms "policies" and "procedures" constitute agency directives deemed by the responsible agency officials as "necessary to preserve internal order and discipline, and to maintain institutional security in the prison."

(footnote and citations omitted). This interpretation is consistent with the way in which "policies/procedures" is used throughout GA-01.12. See Georgia-Carolina Bail Bonds, Inc. v. County of Aiken, 354 S.C. 18, 24, 579 S.E.2d 334, 337 (Ct. App. 2003) (holding that undefined terms "must be construed in context"). Significantly, nearly all of the references to "policy/procedure" in GA-01.12 are to the official policies and procedures set forth within that document or another similar operating document issued by the Department. See, e.g., DOC Policy Number GA-01.12, ¶ 1.3 ("Every inmate assigned to a South Carolina Department of Corrections (SCDC) institution is eligible to utilize the grievance system as set forth in this policy/procedure.") (emphasis added); DOC Policy Number GA-01.12, Note to ¶ 10.5 ("The Warden's decision to grant restitution/monetary reimbursement will not require additional approval to have state provided like/issued items issued or deposits made to the grievant's E.H. Cooper Account so long as the amount of reimbursement is within the monetary limits of SCDC Policy/Procedure OP-22.03 . . . .") (emphasis added); DOC Policy Number GA-01.12, ¶ 13.1 ("No inmate (except the grievant, if s/he requests it) and no employee (other than those specified in this policy/procedure) will be given a copy of a grievance.") (emphasis added); DOC Policy

[4] The court notes in this regard that the statutory deadline for filing wage recovery claims under South Carolina's Payment of Wages Act is three years. See S.C. Code Ann. § 41-10-80(C) (Supp. 2010) ("Any civil action for the recovery of wages must be commenced within three years after the wages become due.").

Number GA-01.12, ¶ 17 ("The Inmate Grievance Branch will serve as monitor to ensure compliance with this policy/procedure.") (emphasis added).

In addition to being supported by the text of GA-01.12, the Department's interpretation of the term "policies/procedures" in Paragraph 13.9 avoids the public policy problems inherent in the Appellants' construction. Under the Department's interpretation, the filing of a "policies/procedures" grievance under Paragraph 13.9 would not force the Department to defend actions it took many years ago. Rather, the Department would merely be required to determine whether the "policies/procedures" it currently has in effect should be changed.

I find that the Department's interpretation of "policies/procedures" is reasonable and should be accepted by this court. In that light, it is clear that the Appellants' prevailing wage claims do not concern "policies/procedures" as that term is used in Paragraph 13.9.

The Appellants' attempt to argue otherwise by pointing to this court's use of the term "policies" in its March 10, 2011 order is unpersuasive. Specifically, Appellants refer to the following portion of the court's order:

> Paragraph 7 of DOC Policy Number GA-01.12, which has existed in some form since May 1, 1996, sets forth the issues that are considered grievable by DOC. Among other grievable issues, it includes the following: "Department policies/procedures, directives, or conditions which directly affect an inmate." DOC Policy Number GA-01.12, ¶ 7.1 (emphasis added). **Unquestionably, inmates are "directly affect[ed]" by DOC policies that cause them to be paid less than that required by law.** Thus, this provision, which is very broad in scope, encompasses prevailing wage claims.

(emphasis added).

Although the court employed the term "policies" in discussing the Appellants' claims, its use of that term was made in the context of determining whether the Appellants' claims were grievable under Paragraph 7.1 of GA-01.12. The court was simply describing the Appellants' claims; it was not ruling on whether the Department did in fact have policies to underpay inmates. Moreover, in utilizing the term "policies," the court was referring to its broad meaning as "course[s] of action,"[5] not to the meaning ascribed to the term in Paragraph 13.9. The sentence highlighted above was meant to convey the court's conclusion that the Department's

[5] See Dictionary.com, http://dictionary.reference.com (last visited Jan. 23, 2012) (defining "policy").

alleged action in the case (i.e., deciding to pay the Appellants less than the prevailing wage) would have, if true, created a "condition" that "directly affected" the Appellants.[6]

While the Appellants contend that the term "policies" should be given the same meaning in Paragraph 7.1 as it is in Paragraph 13.9, Paragraph 7.1 makes grievable not only "policies/procedures" that directly affect inmates, but also "directives" and "conditions." See DOC Policy Number GA-01.12, ¶ 7.1 ("The following issues will be considered grievable: Department policies/procedures, directives, or conditions which directly affect an inmate.") (emphasis added). Thus, ruling that the Appellants' grievances do not concern "policies/procedures" under Paragraph 13.9 is not inconsistent with ruling that the Appellants' claims were grievable under Paragraph 7.1.

For the foregoing reasons, I conclude that prevailing wage claims do not constitute grievances concerning "policies/procedures" under Paragraph 13.9 of GA-01.12. Rather, I find that prevailing wage claims are "incident" grievances and thus must be filed within the fifteen-day timeframe set forth in Paragraph 13.1.

II. Did the Appellants have reasonable cause under Paragraph 13.9 not to file within Paragraph 13.1's fifteen-day time frame?

The Appellants next argue that, if this court determines that their Step 1 grievances constituted "incident" grievances and, therefore, were subject to Paragraph 13.1's fifteen-day filing deadline, they had "reasonable cause" under Paragraph 13.9 not to file their Step 1s before the South Carolina Supreme Court issued its opinions in Adkins and Wicker. Specifically, the Appellants contend that the Department's "practice of denying grievability" for prevailing wage claims, as well as the ALC's en banc order in McNeil v. South Carolina Department of Corrections, 00-ALJ-04-00336-AP (S.C. Admin. Law Ct. Sept. 5, 2001), "effectively barred"

[6] In this court's view, the Appellants' wage rates were "condition[s]" affecting their participation in the prison industries project operated at Lieber. Indeed, the Prison Industries Act specifically refers to inmates' "rates of pay" as "conditions of employment." See S.C. Code Ann. § 24-3-315 (2007) (The director must determine prior to using inmate labor in a prison industry project that it will not displace employed workers, that the locality does not have a surplus of available labor for the skills, crafts, or trades that would utilize inmate labor, **and that the rates of pay and other conditions of employment** are not less than those paid and provided for work of similar nature in the locality in which the work is performed.") (emphasis added).

them from exercising their grievance and appeal rights prior to the issuance of Adkins and Wicker.[7] I disagree.

Paragraph 13.9 of GA-01.12 provides in pertinent part:

> Exceptions [to the 15 day time limit requirement] may . . . be made for incident grievances by the Chief/designee, Inmate Grievance Branch, **provided that documented reasonable cause can be demonstrated** as to why the original time frame was not met, e.g., inmate physically unable to initiate grievance due to hospitalization, court appearance, etc. **The waiver must be requested by the grievant.**

DOC Policy Number GA-01.12, ¶ 13.9 (emphasis added).

Paragraph 13.9 clearly states that "documented reasonable cause" must be shown as to why the fifteen-day time limit "was not met," and that any such waiver of the time limit must be "requested by the grievant." Thus, exceptions to the fifteen-day filing deadline are not automatic or guaranteed. Instead, the grievant must affirmatively request a waiver to the fifteen-day time limit and provide documented reasonable cause in support for such a request.

As reflected by the record, no Appellant requested a waiver to the fifteen-day time limit in his Step 1 grievance by which he asserted "reasonable cause" as permitted by Paragraph 13.9. Also, no Appellant provided "documented reasonable cause" in the manner required by Paragraph 13.9. Therefore, no Appellant satisfied the procedural requirements set forth in Paragraph 13.9.

Instead, the vast majority of the Appellants first explicitly invoked such a "reasonable cause" exception in their Notices of Appeal to this court. By only invoking this exception within their Notices of Appeal, the Appellants failed to afford the Department an opportunity to consider their request. Accordingly, this issue has not been properly preserved by the Appellants. See Brown v. S.C. Dep't of Health & Envtl. Control, 348 S.C. 507, 519, 560 S.E.2d 410, 417 (2002) ("[I]ssues not raised to and ruled on by the agency are not preserved for judicial consideration."); Kiawah Resort Assocs. v. S.C. Tax Comm'n, 318 S.C. 502, 505, 458 S.E.2d 542, 544 (1995) (holding that a court reviewing a decision of an administrative agency on appeal cannot consider issues that were not raised to and ruled upon by the agency).

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[7] In McNeil, the ALC held that its appellate jurisdiction in inmate appeals was limited to either: (1) cases in which an inmate contended that prison officials had erroneously calculated his sentence, sentence related credits, or custody status; or (2) cases in which the Department had taken an inmate's created liberty interest as punishment in a major disciplinary hearing.

Furthermore, even if this issue were preserved, I find that it lacks merit. In its March 10, 2011 order, this court expressly held that "Adkins and Wicker did not create new substantive rights, new grievance remedies, or new appeal remedies." In doing so, the court explained that under the broad provision of Paragraph 7.1 of GA-01.12, the Appellants' prevailing wage claims were grievable and had, in fact, been held to be so by an Administrative Law Judge in 2001.

This court also specifically rejected the Appellants' argument that the ALC's decision in McNeil made prevailing wage claims unappealable prior to the issuance of Wicker. The court explained: "Because the ALC is a lower court, its decisions do not constitute binding precedent. Given that the ALC cannot create judicial precedent, it certainly cannot answer legal questions with "finality." (citations omitted).

Indeed, as the Department correctly notes, the McNeil decision was not the final word on the appealability of inmate grievances. In Sullivan v. S.C. Dep't of Corr., 355 S.C. 437, 586 S.E.2d 124 (2003), a decision issued a year prior to Adkins and Wicker, our Supreme Court specifically instructed the ALC to refrain from relying upon McNeil when determining its jurisdiction to hear inmate appeals. See id. at 445 n.5, 586 S.E.2d at 128 n.5 ("[B]ecause we know McNeil has been relied upon by the ALJ in other cases to deny jurisdiction, the ALJD and the circuit court are instructed to look to this opinion, not McNeil, for guidance in future cases."). Moreover, in that case, the Supreme Court reiterated its holding in Al-Shabazz that procedural due process was guaranteed whenever an inmate was deprived of an interest encompassed by "the Fourteenth Amendment's protection of liberty and property."[8] Id. at 441-42, 586 S.E.2d at 126 (emphasis added). Notwithstanding the issuance of Sullivan in August 2003, the earliest any of the Appellants filed a grievance regarding their prevailing wage claims was September 22, 2004. Thus, in light of Sullivan, it seems disingenuous for the Appellants to suggest that they would have filed their grievances earlier had it not been for McNeil.

For these reasons, I find that the Appellants' contention that they were "effectively barred" from filing their Step 1s before the issuance of Adkins and Wicker is without merit.

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[8] In Al-Shabazz, our Supreme Court, quoting U.S. Supreme Court precedent from 1972, held that "[t]he requirements of procedural due process apply . . . to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property." Al-Shabazz, 338 S.C. at 369, 527 S.E.2d at 750 (quoting Bd. of Regents of State Colleges v. Roth, 408 U.S. 564, 569 (1972)).

III. **Did the Department violate the Appellants' due process rights by applying the fifteen-day filing deadline in Paragraph 13.1 to their claims?**

Next, the Appellants argue that their right to file Step 1 grievances regarding their prevailing wage claims did not accrue until the issuance of Adkins and Wicker and that they could not enforce such rights until the issuance of those two decisions. Therefore, they argue that the Department denied them due process by applying Paragraph 13.1's fifteen-day filing deadline to those grievances involving prevailing wage claims that arose prior to the issuance of Adkins and Wicker. I disagree.

As discussed above, this court's March 10, 2011 order previously determined that "Adkins and Wicker did not create new substantive rights, new grievance remedies, or new appeal remedies." Thus, the court has already determined that the Appellants possessed grievance rights and appellate remedies concerning their prevailing wage claims prior to the Supreme Court's issuance of Adkins and Wicker.

Furthermore, it should be noted that, in Al-Shabazz, 338 S.C. 354, 374-75, 527 S.E.2d 742, 753 (2000), our Supreme Court held that "[DOC]'s disciplinary and grievance procedures comply with the minimal due process required in such proceedings." Al-Shabazz, 338 S.C. at 374-75, 527 S.E.2d at 753 (emphasis added). The Court also determined that "an inmate may seek review of [DOC's] final decision in an administrative matter under the APA," and that "[p]lacing review of these cases within the ambit of the APA will ensure that inmate receives due process." Id. at 369, 527 S.E.2d at 750 (emphasis added). Thus, the Court recognized that inmates received due process by filing a grievance with the Department and then appealing the Department's final decision regarding the grievance to the ALC.

The Court also recognized as much in Wicker when it rejected the notion that the ALC lacked jurisdiction to review the Department's denial of an inmate's prevailing wage grievance. See Wicker, 360 S.C. at 424-25, 602 S.E.2d at 57-58. The Court concluded that because the inmate was entitled to due process with regard to his prevailing wage claim under Al-Shabazz, the Department's denial of his grievance was reviewable by the ALC. Id. Thus, the Court implicitly acknowledged that inmates receive due process by processing their prevailing wage claims through the Department's grievance system and the review procedures of the APA.

In conclusion, this court's March 10, 2011 order and the relevant precedent from our Supreme Court clearly contradict the Appellants' claim that the Department denied them due

process by invoking the fifteen-day filing deadline set forth in Paragraph 13.1. The Appellants' failure to timely avail themselves to the process available to them is exclusively attributable to their own failure to act in conformity with the provisions of this paragraph. Consequently, the Department's application of the fifteen-day filing deadline to the Appellants' prevailing wage claims that arose before the issuance of Adkins and Wicker did not violate their due process rights.

IV. Did the Department waive its right to raise Paragraph 13.1's fifteen-day time limit?

Next, the Appellants argue that the Department waived its right to apply the fifteen-day filing deadline to their Step 1 grievances for the following reasons: (1) the language in Paragraph 13.9 and the instructions on the Department's pre-printed Step 1 grievance form, which both state that policy grievances may be filed at any time, are inconsistent with an intent to raise the fifteen-day filing deadline; (2) for 153 inmates, the Department did not raise timeliness as an issue in its responses to the Appellants' Step 1 grievances; and (3) for 32 Step 1 responses, and 136 Step 2 final decisions, the Department raised the fifteen-day filing deadline and considered the merits of the Appellants' prevailing wage claims. As discussed below, I find the Appellants' arguments unpersuasive.

A

As stated above, the Appellants contend that the language in Paragraph 13.9 and the instructions appearing on the preprinted Step 1 grievance form are inconsistent with the Department's intent to assert the fifteen-day filing deadline as a basis by which to deny the prevailing wage claims articulated by the Appellants within their Step 1s. I disagree.

"Waiver is a voluntary and intentional abandonment or relinquishment of a known right." Eason v. Eason, 384 S.C. 473, 480, 682 S.E.2d 804, 807 (2009) (quoting Parker v. Parker, 313 S.C. 482, 487, 443 S.E.2d 388, 391 (1994)). It may be either express or implied. Lyles v. BMI, Inc., 292 S.C. 153, 158, 355 S.E.2d 282, 285 (Ct. App. 1987). Acts that are inconsistent with the continued assertion of a right may give rise to a waiver. Provident Life and Acc. Ins. Co. v. Driver, 317 S.C. 471, 478, 451 S.E.2d 924, 928 (Ct. App. 1994). Waiver is an affirmative defense, and the burden of proof is upon the party who asserts it. Id. at 478, 451 S.E.2d at 929.

Here, the Department applied the fifteen-day filing deadline set forth in Paragraph 13.1 to the Appellants' prevailing wage claims because those claims represented "incidents" by which the Appellants challenged the conditions of their participation in the prison industries project at Lieber. Importantly, the pre-printed form and Paragraph 13.1 expressly stated that inmates were required to file their Step 1s within 15 days of any alleged "incident." Thus, the Department's application of the fifteen-day filing deadline in Paragraph 13.1 was entirely consistent with the Department's grievance policy and the pre-printed Step 1 forms.

Although the Step 1 form and Paragraph 13.9 provided an exception to the fifteen-day filing deadline for grievances concerning "policies/procedures," nothing in the Department's grievance policy or in the language of the pre-printed Step 1 form suggested that prevailing wage claims constituted policies/procedures grievances under Paragraph 13.9. By merely providing an exception to the fifteen-day filing deadline, the Department did not waive its right to invoke the fifteen-day deadline for cases falling outside that exception. Accordingly, I find that the Department did not waive the fifteen-day deadline in Paragraph 13.1 for filing incident grievances by issuing the language in Paragraph 13.9 or the instructions on the pre-printed Step 1 grievance form.

B

The Appellants also argue that the Department waived the fifteen-day filing deadline in Paragraph 13.1 because it did not raise timeliness as an issue in 153 of its responses to the Appellants' Step 1 grievances. I disagree.

"Administrative agencies have an inherent authority to reconsider a prior determination which is not final . . . ." 2 Am. Jur. 2d Administrative Law § 468 (updated Nov. 2011). As discussed below, the responses provided to the Appellants' Step 1s did not constitute final decisions of the Department. Accordingly, during the Step 2 review process, the Department was authorized to reverse the Step 1 decision or, alternatively, to uphold the Step 1 decision on different grounds.

Paragraph 13 of the Department's grievance policy sets forth the steps in the grievance process. Per Paragraph 13.1, an inmate must complete a Step 1 grievance form in which he must articulate the basis of his complaint. The inmate must then submit that form to an employee designated by the Warden within fifteen days of the alleged "incident." DOC Policy Number

GA-01.12, ¶ 13.1. Paragraph 13.2 further articulates that the Step 1 must be forwarded to the Institutional Inmate Grievance Coordinator, who, if unable to resolve the matter informally, must conduct a complete investigation and make recommendations to the Warden. DOC Policy Number GA-01.12, ¶ 13.2. The Warden must respond to the inmate "in writing . . . indicating in detail the rationale for the decision rendered and any recommended remedies." DOC Policy Number GA-01.12, ¶ 13.3.

If the inmate is unsatisfied with the response at the institutional level, he may appeal under Paragraphs 13.4 and 13.5 by filing a "Step 2" appeal and thereby seek a final agency decision. Paragraph 13.4 provides that "[i]f the grievant is not satisfied with the decision of the Warden, the grievant may next appeal to the Division Director of Operations for **final resolution of the grievance.**" DOC Policy Number GA-01.12, ¶ 13.4 (emphasis added). Furthermore, Paragraph 13.5 states: "The responsible official will render **the final decision** on the grievance within 60 days from the date that the Institutional Inmate Grievance Coordinator received the appeal of the Warden's decision. . . . **The response of the responsible official will be the Department's final response in the matter.** DOC Policy Number GA-01.12, ¶ 13.5 (emphases added).

Thus, under Paragraphs 13.4 and 13.5, the final decisions concerning the issues raised in the Appellants' grievances were rendered by the responsible official at the agency level, and this official's response to the Step 2 appeals constituted the final agency decisions. Therefore, because the Department raised the issue of the fifteen-day filing deadline in its Step 2 decisions, the failure by the Warden to raise the issue in some of his Step 1 decisions did not constitute waiver of the issue. Rather, as noted above, the Department possessed the authority to modify the Warden's Step 1 decisions because they were not final.

For instance, in Friends of Potter Marsh v. Peters, 371 F. Supp. 2d 1115 (D. Alaska 2005), the plaintiffs objected to the Secretary of Transportation's waiver, in a federal transportation legislation guidance, of a statutory requirement that Surface Transportation Program projects not be located on local roads or rural minor collectors. The defendants moved to dismiss the matter, contending that there had been no final agency action. The court granted the defendant's motion to dismiss, explaining:

> Even if Plaintiffs are correct that the waiver is invalid, an erroneous legal interpretation at one stage in the process is not a final agency action. **There is**

> **still time for the Secretary to change or modify the waiver, issue an individualized waiver, or the agency may not need to rely on the waiver.**

Id. at 1122 (emphasis added).

Like the legislation guidance at issue in Peters, the Step 1s in this case were not final agency decisions. In its Step 2 responses, the Department retained the right to come to a different conclusion than that reached in the Step 1 responses. Just as the Department could have reversed the Step 1 decisions, it also had the authority to affirm the Step 1 decisions on other grounds. Thus, because the Step 1 responses were not final agency decisions, the mere fact that the Department failed to invoke the fifteen-day filing deadline when it issued some of the Step 1 responses did not preclude it from raising the issue in its Step 2 responses.

The Appellants' reliance on Ross v. County of Bernalillo, 365 F.3d 1181 (10th Cir. 2004), abrogated in part by Jones v. Bock, 549 U.S. 199 (2007), is misplaced. In that case, the Tenth Circuit addressed whether an inmate had exhausted his administrative remedies regarding his claim that the prison shower was unreasonably dangerous where the inmate failed to file a complaint within the three-day timeframe set forth in the prison's procedures. The Tenth Circuit concluded that because prison officials had accepted his complaint and found in his favor, the inmate had exhausted his administrative remedies. Specifically, the court held:

> We need not address in the abstract whether Ross' complaint was timely because in this case the prison did actually consider it. Nothing in the record suggests that MCDC treated Ross' complaint as untimely; indeed, Ross received a favorable response and a mat was placed in the shower as he requested. If a prison accepts a belated filing, and considers it on the merits, that step makes the filing proper for purposes of state law and avoids exhaustion, default, and timeliness hurdles in federal court.

Id. at 1186.

The present case is distinguishable from Ross. In Ross, the court based its decision on the fact that "[n]othing in the record suggests that MCDC treated Ross' complaint as untimely" and that "Ross received a favorable response" to his complaint. Id. Here, in contrast, the Department found against the Appellants in its responses to both the Appellants' Step 1s and Step 2s. Moreover, in its responses to the Appellants' Step 2s, the Department made it clear that it considered the Appellants' grievances to be untimely.

Accordingly, because the Department raised the issue of the fifteen-day filing deadline in its Step 2 decisions, it did not waive its right to do so in the present appeal.

C

Finally, the Appellants note that there are 32 Step 1 responses and 136 Step 2 final decisions in which the Department both raised the fifteen-day filing deadline in Paragraph 13.1 and considered the merits of the Appellants' prevailing wage claims. The Appellants contend that with respect to those responses, waiver should apply because the Department's consideration of the merits was inconsistent with an intent to rely on Paragraph 13.1. I disagree.

In the responses at issue, the Department plainly stated that the Appellants' prevailing wage claims were time-barred under Paragraph 13.1. While the Department also addressed the merits of the Appellants' claims within those responses, that mere fact did not preclude the Department from applying the fifteen-day filing deadline from Paragraph 13.1. The Department's decisions must be read in their entirety. When done so, it is plain that there is no basis for concluding that the Department waived, either expressly or impliedly, its right to invoke the fifteen-day filing deadline. Cf. Brooks v. Walls, 279 F.3d 518, 523 (7th Cir. 2002) (holding that when a state court rules against a party on both procedural and substantive grounds, the court "has not abandoned the procedural ground but has instead added a substantive failing to the procedural one.").[9]

V. **Was the Department equitably estopped from raising Paragraph 13.1?**

Next, the Appellants contend that the Department is equitably estopped from raising the fifteen-day filing deadline in Paragraph 13.1. Specifically, the Appellants argue that Paragraph

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[9] Appellants cite Pozo v. McCaughtry, 286 F.3d 1022 (7th Cir. 2002) for the proposition that courts are divided on the issue of whether a filing that is dismissed as both untimely and unmeritorious is properly filed. In that case, the Seventh Circuit considered whether a prisoner's failure to take a timely administrative appeal within the state system meant that he failed to exhaust state remedies for purposes of 42 U.S.C. § 1997e(a). Although the court answered the question in the affirmative, in dicta it stated that "[c]ases look both ways on the question whether a document that is rejected as *both* late and unmeritorious counts as properly filed." Id. at 1025.

Appellants now attempt to rely on that statement, but they neglect to discuss the U.S. Supreme Court's subsequent decision in Pace v. DiGuglielmo, 544 U.S. 408 (2005). In that case, the Court addressed whether a state post-conviction petition that the state court had rejected as untimely could nonetheless be considered "properly filed" for the purposes of the tolling provision of 28 U.S.C. § 2244(d)(2). After noting the division among the circuit courts on the issue, the Court held: "[T]ime limits, no matter their form, are "filing" conditions. Because the state court rejected petitioner's PCRA petition as untimely, it was not 'properly filed'. . . ." Id. at 417; see also Carey v. Saffold, 536 U.S. 214, 226 (2002) (holding that if a state court clearly ruled that a prisoner's application for collateral review was untimely, then "that would be the end of the matter" for federal purposes, "regardless of whether [the state court] also addressed the merits of the claim, or whether its timeliness ruling was 'entangled' with the merits."). In light of the U.S. Supreme Court's holding in Pace, this court is unwilling to rely upon any federal circuit court decision holding that a document dismissed as both untimely and unmeritorious is properly filed.

13.9 and the pre-printed Step 1 form "lulled" them into believing that their prevailing wage claims were policy grievances and thus could be filed "at any time." I disagree.

"The essential elements of equitable estoppel are divided between the estopped party and the party claiming estoppel." Strickland v. Strickland, 375 S.C. 76, 84, 650 S.E.2d 465, 470 (2007). The elements of equitable estoppel as related to the party being estopped are: (1) conduct which amounts to a false representation, or conduct which is calculated to convey the impression that the facts are otherwise than, and inconsistent with, those which the party subsequently attempts to assert; (2) the intention that such conduct shall be acted upon by the other party; and (3) actual or constructive knowledge of the real facts. Id. The party asserting estoppel must show: (1) lack of knowledge, and the means of knowledge, of the truth as to the facts in question; (2) reliance upon the conduct of the party estopped; and (3) a prejudicial change of position in reliance on the conduct of the party being estopped. Id. at 84-85, 650 S.E.2d at 470. The party asserting equitable estoppel bears the burden of establishing all of the elements. Kelly v. Logan, Jolley, & Smith, L.L.P., 383 S.C. 626, 682 S.E.2d 1, 7 (Ct. App. 2009).

Under South Carolina law, a party may be estopped from claiming the statute of limitations as a defense if the delay that otherwise would give operation to the statute was induced by the party's conduct. Kleckley v. Nw. Nat. Cas. Co., 338 S.C. 131, 136, 526 S.E.2d 218, 220 (2000). The South Carolina Supreme Court has described the necessary "inducement" as follows:

> Such inducement may consist of an express representation that the claim will be settled without litigation or conduct that suggests a lawsuit is not necessary. The defendant's conduct may also involve inducing the plaintiff either to believe that an amicable adjustment of the claim will be made without suit or to forbear exercising the right to sue.

Id. at 136-37, 526 S.E.2d at 220 (citations omitted).

Here, the only conduct of the Department that the Appellants point to in making their estoppel argument is the Department's issuance of Paragraph 13.9 and the Step 1 instructions. However, Paragraph 13.9 and the Step 1 instructions did not state that *all* grievances could be filed outside of Section 13.1's fifteen-day deadline. Rather, they merely stated that grievances concerning "policies/procedures" could be filed outside of that deadline. Additionally, both Paragraph 13.1 and the Step 1 instructions clearly notified the Appellants that "incident"

grievances had to be filed within fifteen days. Although the Appellants claim they thought that Paragraph 13.9 applied to their prevailing wage claims, there is **no** evidence that the Department, through its words or actions, induced the Appellants into believing that their grievances constituted "policies/procedures" grievances. Therefore, the Appellants have failed to show that the Department engaged in conduct which "amount[ed] to a false representation," or conduct which was "calculated to convey the impression that the facts are otherwise than, and inconsistent with, those which the party subsequently attempts to assert." See Strickland, 375 S.C. at 84, 650 S.E.2d at 470.

The Appellants have also failed to establish that the Department engaged in the type of "inducement" described in Kleckley. See Kleckley, 338 S.C. at 136-37, 526 S.E.2d at 220. There is **no** evidence the Department did anything that would have induced the Appellants into believing that filing a grievance was unnecessary. Rather, the record merely shows that the Department issued a grievance policy that set forth, in a straightforward fashion, different time periods for filing different types of grievances. In the court's view, such evidence, on its own, is insufficient to establish an estoppel claim. A party should not be able to avoid the consequences of a filing deadline simply by claiming that it misinterpreted the deadline.[10] For these reasons, I find that the Department is not equitably estopped from raising the fifteen-day filing deadline in Paragraph 13.1.

VI. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled until after the issuance of Adkins and Wicker?

Next, the Appellants argue that the fifteen-day filing deadline in Paragraph 13.1 was tolled until after the issuance of Adkins and Wicker because, prior to that time, Appellants were "effectively barred" from exercising any grievance and appeal rights. I disagree.

Where a statute sets forth a limitation period for commencement of an action, courts have invoked the doctrine of equitable tolling to suspend the statutory period "to ensure fundamental practicality and fairness." Hooper v. Ebenezer Sr. Servs. & Rehab. Ctr., 386 S.C. 108, 115, 687 S.E.2d 29, 32 (2009) (quoting Rodriguez v. Superior Court, 98 Cal. Rptr. 3d 728, 736 (Cal. Ct. App. 2009)). Equitable tolling is a judicially created doctrine, and it stems from the judiciary's

[10] Significantly, there is no evidence that any of the Appellants ever asked the Department whether a prevailing wage claim constituted an "incident" grievance or a grievance concerning "policies/procedures."

inherent power to formulate rules of procedure "where justice demands it." Hooper, 386 S.C. at 115, 687 S.E.2d at 32. The party claiming the statute of limitations should be tolled bears the burden of establishing sufficient facts to justify its use. Id.

Equitable tolling is reserved for extraordinary circumstances, and it is rarely applied in South Carolina. American Legion Post 15 v. Horry County, 381 S.C. 576, 582, 674 S.E.2d 181, 184 (Ct. App. 2009). The threshold necessary to trigger equitable tolling is very high, lest the exception swallow the rule. Ex parte Ward, 46 So. 3d 888, 897 (Ala. 2007). Our Court of Appeals has explained:

> [A]ny invocation of equity to relieve the strict application of a statute of limitations must be guarded and infrequent, lest circumstances of individualized hardship supplant the rules of clearly drafted statutes. To apply equity generously would loose the rule of law to whims about the adequacy of excuses, divergent responses to claims of hardship, and subjective notions of fair accommodation.

Pelzer v. State, 378 S.C. 516, 522, 662 S.E.2d 618, 621 (Ct. App. 2008) (quoting Harris v. Hutchinson, 209 F.3d 325, 330 (4th Cir. 2000)).

Typically, equitable tolling applies in cases where a litigant was prevented from filing suit because of an extraordinary event beyond his or her control. Hooper, 386 S.C. at 116, 687 S.E.2d at 32; see also 54 C.J.S. Limitations of Actions § 133 (updated Dec. 2011) ("The statute of limitations generally will not be tolled when the plaintiff has slept on his or her rights, but only when he or she has been prevented from asserting them."). However, as the South Carolina Supreme Court has noted, court have flexibility in applying equitable remedies such as tolling:

> "The equitable power of a court is not bound by cast-iron rules but exists to do fairness and is flexible and adaptable to particular exigencies so that relief will be granted when, in view of all the circumstances, to deny it would permit one party to suffer a gross wrong at the hands of the other." Equitable tolling may be applied where it is justified under all the circumstances. We agree, however, that equitable tolling is a doctrine that should be used sparingly and only when the interests of justice compel its use.

Hooper, 386 S.C. at 116-17, 687 S.E.2d at 33 (citations omitted).

Turning to the present case, the court notes at the onset it is questionable whether Paragraph 13.1's fifteen-day filing deadline is subject to tolling. As noted above, it appears that the deadline is a statute of creation. Unlike statutes of limitations, statutes of creation cannot be tolled. See 54 C.J.S. Limitations of Actions § 5 (updated Dec. 2011) ("Statutes of limitations are subject to tolling, whereas statutes of creation are not.").

Even if the deadline can be tolled, the circumstances do not warrant the application of equitable tolling here. The Appellants contend that tolling should be applied because the McNeil decision prevented them from filing their grievances. However, as noted above, McNeil was an ALC decision and did not constitute binding precedent. See 21 C.J.S. Courts § 212 (updated Dec. 2011). Had the Appellants timely filed grievances and had the ALC denied their grievances based upon McNeil, the Appellants could have appealed to the Court of Appeals, which possessed the authority to reverse McNeil. In fact, as discussed above, the pertinent portions of McNeil were unmistakably superseded by the Sullivan decision in August 2003— a full year before any of the Appellants filed a grievance. See Sullivan, 355 S.C. at 445 n.5, 586 S.E.2d at 128 n.5. Thus, while McNeil may have discouraged the Appellants from filing their prevailing wage grievances, it did not bar them from doing so.

Furthermore, the "interests of justice" do not call for the application of equitable tolling in this case. There is no evidence that the Department prevented the Appellants from timely filing their grievances. Moreover, if equitable tolling were applied here, the Department would be forced to defend actions it took many years ago. As our Court of Appeals has noted, the passage of time can greatly hinder a party's ability to defend against a claim:

> [W]ith the passage of time, evidence becomes more difficult to obtain and is less reliable. Physical evidence is lost or destroyed, witnesses become impossible to locate, and memories fade. With passing time, a defendant faces an increasingly difficult task in formulating and mounting an effective defense.

Moriarty v. Garden Sanctuary Church of God, 334 S.C. 150, 163, 511 S.E.2d 699, 706 (Ct. App. 1999), aff'd, 341 S.C. 320, 534 S.E.2d 672 (2000).

While not tolling Paragraph 13.1 will mean the dismissal of nearly all of the Appellants' prevailing wage claims, in Adkins, our Supreme Court held that the prevailing wage statute was not enacted for the special benefit of inmates, but rather was passed to "prevent unfair competition." Adkins, 360 S.C. at 418, 602 S.E.2d at 54. In the present case, any unfair competition that arose as a result of the Department's alleged failure to pay the prevailing wage years ago will not be rectified by allowing the inmates to bring a prevailing wage claim now. Competitors who may have been previously harmed by the Department's asserted failure to pay the prevailing wage likely will not receive any type of benefit as a result of the inmates bringing such a case. The damage has already been done. Rather, the main party that stands to benefit

from prevailing wage claims involving conduct that occurred long ago is the inmates—a group which our Supreme Court expressly stated was not the intended beneficiary of the prevailing wage statute.

VII. Did inmates comply with Paragraph 13.1's filing deadline because it was tolled by their class action?

Next, the Appellants argue that the fifteen-day filing deadline in Paragraph 13.1 was tolled when they filed their class action in Williams on January 29, 2002. I disagree.

In making this argument, Appellants rely upon the U.S. Supreme Court's decision in Crown, Cork & Seal Co. v. Parker, 462 U.S. 345 (1983). In that case, the Court held that the running of the ninety-day statutory period within which the plaintiff was required to commence his employment discrimination suit was tolled during the period there was pending a class action in which he was a putative class member. Id. at 353-54. The Court further held that because the plaintiff did not receive his notice of right to sue until after the class action was filed, he retained a full ninety days to bring suit after the class certification was denied. Id. at 354. In reaching these conclusions, the Court reasoned that "unless the statute of limitations was tolled by the filing of the class action, class members would not be able to rely on the existence of the suit to protect their rights." Id. at 350. The Court further reasoned:

> A putative class member who fears that class certification may be denied would have every incentive to file a separate action prior to the expiration of his own period of limitations. The result would be a needless multiplicity of actions—precisely the situation that Federal Rule of Civil Procedure 23[11] and the tolling rule of American Pipe were designed to avoid.

Id. at 350-51.

The facts of the present case are notably different from those of Crown. Unlike the class action in Crown, the Appellants' class action did not fail because their certification was denied. Rather, it failed because the South Carolina Supreme Court concluded in Adkins that the inmates did not have a private cause of action with regard to their prevailing wage claims. See Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55. Thus, applying tolling to the present matter would constitute a significant extension of Crown. Such an extension would also require this court to

[11] Federal Rule of Civil Procedure 23 sets forth the requirements regarding the filing of class actions. See Fed. R. Civ. P. 23.

conclude that the Appellants were justified in relying upon the 2002 class action to protect their rights, despite the fact that the South Carolina Supreme Court ultimately determined that no private right of action existed.

The Appellants' reliance on Crown is also mistaken because the Crown decision was based in large part upon Federal Rule of Civil Procedure 23—a rule which does not apply to the Department's internal grievance system. Moreover, the Court is unaware of any applicable rule similar to Rule 23 that allows inmates to file grievances as a class. Therefore, the Crown Court's reasoning regarding Rule 23 and its purpose are simply inapplicable to the present case.

Finally, the court notes that, unlike in Crown, for a significant number of Appellants, their right to file a grievance regarding their prevailing wage claims arose long before the filing of the class action in 2002. The record shows that numerous Appellants began participating in the prison industries project at Lieber several months, and in some cases *years*, before the class action was filed. As discussed in more detail below, under Paragraph 13.1, these Appellants were required to file a grievance within fifteen days after being informed of the Department's decision to pay them less than the prevailing wage. Thus, by the time the 2002 class action was filed, Paragraph 13.1's fifteen-day filing deadline had already passed with regard to their prevailing wage claims. Accordingly, even if the running of the fifteen-day filing deadline were suspended by the filing of the class action, these Appellants still failed to timely file their grievances.

For these reasons, I conclude that Crown is distinguishable from the present case and that Paragraph 13.1's fifteen-day filing deadline was therefore not tolled by the filing of Appellants' class action in Williams.

VIII. Are inmates' grievances timely filed because they filed within fifteen days of a term of employment?

Finally, the Appellants argue that all Step 1s filed during or within fifteen days of completion of a term of employment should be considered timely regardless of when the Appellants began their employment. I disagree.

As noted above, Paragraph 13.1 of GA-01.12 states that inmates must submit their grievances "within 15 days of the alleged incident." The "alleged incident" in this case was not the Appellants' "completion of a term of employment," but rather the Department's decision to

pay the Appellants less than the prevailing wage as required under Section 24-3-430(D). Accordingly, the fifteen-day time frame in Paragraph 13.1 began to run when the Appellants were informed of the Department's decision to pay them less than that mandated by Paragraph 24-3-430(D).

A similar conclusions was reached in Wallace v. Burbury, 305 F. Supp. 2d 801, 806 (N.D. Ohio 2003). In that case, an inmate brought an action in federal court alleging that prison officials violated his constitutional rights by denying his religious accommodation request for Passover. The prison officials argued that the inmate failed to exhaust his administrative remedies because he did not timely file a complaint under Ohio's inmate grievance procedure. The procedure required that "[w]ithin fourteen calendar days of the date of the event giving rise to the complaint, the inmate shall file an informal complaint to the direct supervisor of the staff member, or department most directly responsible for the particular subject matter of the complaint." Id. at 806. The inmate, despite learning of the denial of his religious accommodation request a week before Passover began, did not file a complaint until eleven days after the week-long holiday ended. Nevertheless, the inmate contended that his complaint was timely filed, arguing that "because his requests for religious accommodation were denied through the week of Passover," the "event giving rise to the complaint" occurred daily through the last day of the holiday. Id. The court rejected the inmate's argument, explaining:

> **To allow a filing deadline to toll with a continuous violation . . . would undermine the very purpose of the deadline, which is to limit the time to file a claim.** The event giving rise to the complaint was the date in March, 2002, when plaintiff first learned that NCCI would not honor his request to observe Passover. All subsequent grievances stem from that initial event. The filing of plaintiff's informal grievance was therefore untimely, and failure to file a timely grievance does not constitute an exhaustion of available administrative remedies.

Id. (emphasis added); see also Johnson v. Johnson, 385 F.3d 503, 519 (5th Cir. 2004) ("While it is true that the conditions that Johnson suffered both before and after the grievance were of the same general character, to permit the March 2001 grievance to reach back to events that transpired up to six months earlier would effectively negate the state's fifteen-day rule and frustrate the prison system's legitimate interest in investigating complaints while they are still fresh. **That a condition continues does not excuse the failure to file a grievance earlier.**") (emphasis added).

Similar to the court in Wallace, this court concludes that the Appellants should have filed a grievance within fifteen days after being informed of the Department's decision to pay them less than the prevailing wage. Like the deadline at issue in that case, the purpose of the fifteen-day deadline in Paragraph 13.1 is to limit the time to file a claim. If this court were to hold that inmates may timely file grievances within fifteen days of any term of employment, the Department could be forced to defend wage decisions it made a long time ago.

The Appellants contend that ruling against them on this issue would be "absurd" because it would require an inmate asserting a prevailing wage claim to file a grievance every time he received a paycheck. However, the court's decision here does not mandate such a result. Rather, a timely filed grievance will cover all damages recoverable by an inmate as a result of the Department's decision to pay him less than the prevailing wage. Thus, as long as an inmate timely files a grievance within fifteen days of learning of the Department's decision to pay him less than that required under Section 24-3-430(D), he will not need to file any additional grievances during the period of his employment affected by that decision.

CONCLUSION AND ORDER

Based on the foregoing, I conclude the following:

1. The Appellants' grievances did not concern "policies/procedures" as that term is used in Paragraph 13.9 of GA-01.12 and thus the fifteen-day filing deadline in Paragraph 13.1 applied to their grievances.
2. The Appellants did not have reasonable cause for not filing their grievances within Paragraph 13.1's fifteen-day time limit.
3. The Department's application of Paragraph 13.1 did not violate the Appellants' due process rights.
4. The Department did not waive its right to raise Paragraph 13.1's fifteen-day filing deadline.
5. The Department was not equitably estopped from raising Paragraph 13.1.
6. The Appellants were not "effectively barred" from exercising their grievance and appeal rights before Adkins and Wicker and therefore the fifteen-day filing deadline set forth in Paragraph 13.1 was not tolled prior to the issuance of those decisions.
7. Paragraph 13.1's fifteen-day filing deadline was not tolled by the filing of the Appellants' class action suit in circuit court.
8. The Appellants did not comply with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment.

Applying these conclusions to this case, a review of the record reveals that, with the lone exception of Fred Gatewood, #289775, none of the Appellants timely filed their Step 1 grievances. Other than Gatewood, each Appellant filed his Step 1 grievance more than fifteen days after his initial pay date. Certainly, by his initial pay date, each Appellant should have known of the Department's decision to pay him less than the prevailing wage. Accordingly,

IT IS HEREBY ORDERED that, for every Appellant other than Gatewood, the Department's final decisions in this matter are **AFFIRMED.**

IT IS FURTHER ORDERED that, as to Gatewood's appeal, within twenty (20) days from the date of this Order, the Department shall supplement, to the extent necessary, the Record on Appeal to include all content required under ALC Rule 36(B).

IT IS FURTHER ORDERED that the parties prepare briefs on the merits of Gatewood's appeal, taking into account the court's rulings in this Order.

IT IS FURTHER ORDERED that the Appellants' Brief shall be filed thirty (30) days from the date of receipt of the supplemented Record on Appeal and shall be limited to no more than thirty (30) pages. The Respondent's Brief shall be filed thirty (30) days from the date of receipt of the Appellants' Brief and shall be limited to no more than thirty (30) pages. If the Appellants wish to file a Reply to Respondent's Brief, that Reply shall be due fifteen (15) days from the date of receipt of the Respondent's Brief and shall be limited to no more than fifteen (15) pages.

AND IT IS SO ORDERED.

Ralph K. Anderson, III
Chief Administrative Law Judge

March 2, 2012
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

E. Harvin Belser Fair
Judicial Law Clerk

March 2, 2012
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	) Docket Nos. 07-ALJ-04-00444 through 00449-AP) Docket Nos. 07-ALJ-04-00500 through 00548-AP) 0549-IJ, 0550 through 07-00559-AP) Docket Nos. 07-ALJ-04-00623 through 00632-AP) Docket Nos. 07-ALJ-04-00671 through 00677-AP) Docket Nos. 07-ALJ-04-00691, 0752, 0798, 0826,) 0856 through 0868-AP) Docket Nos. 07-ALJ-04-00869 through 00872-AP) Docket Nos. 07-ALJ-04-00444, 0876, 0885) Docket Nos. 08-ALJ-04-00141 through 00149-AP) Docket Nos. 08-ALJ-04-00169 through 0171-AP) Docket No. 08-ALJ-04-00192-AP)Docket Nos. 08-ALJ-04-00966 through 01022-IJ) Docket Nos. 08-ALJ-04-01023 through 01045-IJ) Docket No. 09-ALJ-04-00304-IJ
Appellants,	
vs.	
South Carolina Department of Corrections,	
Respondent.	) **AMENDED ORDER**[1]

STATEMENT OF THE CASE

In this consolidated action before the Administrative Law Court (ALC), Appellants appeal the denial by the South Carolina Department of Corrections (Department or DOC) of 197 administrative grievances filed by them under DOC Policy Number GA-01.12 (GA-01.12). Appellants include current and former inmates of the Department who either currently participate or at one time participated in the prison industries project operated by the Department at Lieber Correctional Institution (Lieber) in which Williams Technologies, Inc. (WTI), and now Caterpillar, Inc., act as the private industry sponsors. Appellants argue that they are entitled to back pay and a higher hourly rate of pay for the labor they have provided or currently provide to the prison industries project operated at Lieber. Specifically, Appellants contend that they are entitled to the "prevailing wage" under S.C. Code Ann. § 24-3-430(D) (2007).

Pursuant to an April 14, 2010 order, this court, in the interest of judicial economy, instructed the parties that it would consider the issues relevant to the Appellants' appeals in three

[1] This Order is amended to correct the caption to include the docket numbers of four (4) inmates inadvertently omitted.

FILED
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levels. In the first level of review, which was set forth in an order dated March 10, 2011, the court addressed the following two issues: (1) did Adkins v. S.C. Department of Corrections, 360 S.C. 413, 602 S.E.2d 51 (2004) and Wicker v. S.C. Department of Corrections, 360 S.C. 421, 602 S.E.2d 56 (2004) create new substantive rights and/or new remedies? and (2) do Adkins and Wicker apply prospective or retrospectively? As discussed in the March 10, 2011 order, the court found that Adkins and Wicker created neither new substantive rights nor new remedies and that both decisions applied retrospectively.

The court now turns to the second level of review, which involves the timeliness of the filing of Appellants' grievances under GA-01.12. Appellants make the following arguments: (1) Appellants' grievances are not time-barred under the fifteen-day time limit for filing grievances set forth in Paragraph 13.1 of GA-01.12 because they concern policies/procedures and thus fall under Paragraph 13.9; (2) Appellants had reasonable cause under Paragraph 13.9 of GA-01.12 not to file within Paragraph 13.1's fifteen-day time limit; (3) the Department's application of Paragraph 13.1 violated Appellants' due process rights because it cut off Appellants' claims before they accrued; (4) the Department waived Paragraph 13.1 because it did not raise Paragraph 13.1 until the Step 2 appeal and it considered Appellants' grievances on the merits before invoking Paragraph 13.1; (5) the Department was equitably estopped from raising Paragraph 13.1; (6) the fifteen-day time limit set forth in Paragraph 13.1 was tolled by the filing of Appellants' class action suit in circuit court; and (7) Appellants complied with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment.

BACKGROUND

Several years ago, Appellants filed a class action lawsuit in circuit court against the Department and WTI in which they sought back pay and higher current pay under the provisions of Section 24-3-430(D). In that lawsuit, which was captioned Williams v. S.C. Department of Corrections, Appellants alleged a cause of action under South Carolina's Payment of Wages Act, claiming they were due lost wages because they were not paid the "prevailing wage" as specified in Section 24-3-430(D).

On August 23, 2004, while Appellants' class action lawsuit was pending, the Supreme Court issued its decisions in Wicker and Adkins. In those two cases, inmates who then participated or at one time participated in a prison industries projects operated by the Department alleged that they were entitled to the "prevailing wage" pursuant to Section 24-3-430(D). As

discussed in this court's March 10, 2011 order, the Supreme Court held that Section 24-3-430(D) did not give rise to a private cause of action,[2] but that inmates could pursue their claims under the Department's grievance policies and, if necessary, appeal the Department's decision to the ALC.[3]

After Adkins and Wicker were issued on August 23, 2004, Appellants' counsel filed grievances with DOC officials at Lieber on behalf of the Appellants. Although DOC officials had begun processing those grievances, on November 3, 2004, the circuit court judge presiding over the class action lawsuit, which was still active, stayed the Department's efforts to process and adjudicate all administrative grievances—including Appellants'—which it had received from or on behalf of inmates who articulated pay claims attributed to their participation in the Department's project at Lieber. After it imposed this stay on November 3, 2004, however, the circuit court granted motions for dismissal filed by both the Department and WTI, and, by an order filed on July 1, 2005, the circuit court dismissed the Appellants' class action lawsuit and decertified the class it had originally recognized. In its July 1, 2005 order, the circuit court also lifted the stay it had imposed on November 3, 2004. However, because Appellants subsequently appealed the circuit court's order, the stay imposed by the circuit court on November 3, 2004 was reimposed.

On February 26, 2007, the South Carolina Supreme Court affirmed the circuit court's dismissal of the class action lawsuit in its opinion, Williams v. S.C. Department of Corrections, 372 S.C. 255, 641 S.E.2d 885 (2007), and, as a result, the stay imposed by the circuit court on November 3, 2004 ceased being effective on or about May 22, 2007. Thereafter, the Department resumed processing and adjudicating the Appellants' grievances. Ultimately, the Department issued final decisions denying each Appellant's respective grievance, largely finding that the grievances were not filed within the fifteen-day time period required under Paragraph 13.1 of GA-01.12. Appellants timely appealed those decisions to this court. Subsequently, during a conference call held on February 25, 2010, the parties agreed to consolidate the appeals for the purposes of briefing and filing the record.

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2 Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55.

3 Wicker, 360 S.C. at 423-25, 602 S.E.2d at 57-58.

ISSUES ON APPEAL

1. Are Appellants' grievances not time-barred under the fifteen-day time limit for filing grievances set forth in Paragraph 13.1 of GA-01.12 because they concern "policies/procedures" and thus fall under Paragraph 13.9 of GA-01.12?

2. Did Appellants have reasonable cause not to file within Paragraph 13.1's fifteen-day time limit?

3. Did the Department's application of Paragraph 13.1 violate Appellants' due process rights because it cut off Appellants' claims before they accrued?

4. Did the Department waive its right to raise Paragraph 13.1's fifteen-day time limit?

5. Was the Department equitably estopped from raising Paragraph 13.1?

6. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled by the filing of Appellants' class action suit in circuit court?

7. Did Appellants comply with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment?

STANDARD OF REVIEW

As set forth above, this case is before the ALC on appeal from consolidated final decisions of the Department pursuant to S.C. Code Ann. § 1-23-600(D) (Supp. 2010) of the Administrative Procedures Act (APA). As such, the Administrative Law Judge (ALJ) sits in an appellate capacity under the APA rather than as an independent finder of fact. In South Carolina, the provisions of the APA—specifically Section 1-23-380(A)(5)—govern the circumstances in which an appellate body may reverse or modify an agency decision. That section states:

> The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:
>
> (a) in violation of constitutional or statutory provisions;
>
> (b) in excess of the statutory authority of the agency;
>
> (c) made upon unlawful procedure;
>
> (d) affected by other error of law;

(e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2010).

DISCUSSION

I. Did Appellants' claims involve a DOC "policy/procedure" such that there was no time limit to file under Paragraph 13.9 of GA-01.12?

Paragraph 13.1 of GA-01.12 generally requires that Step 1 grievances be filed "within 15 days of the alleged incident." DOC Policy Number GA-01.12, ¶ 13.1. However, Paragraph 13.9 of GA-01.12 provides that "[e]xceptions to the 15 day time limit requirement will be made for grievances concerning policies/procedures." DOC Policy Number GA-01.12, ¶ 13.9. In the present case, Appellants contend that their grievances concerned DOC "policies/procedures" and that no time limit therefore applied to the filing of their grievances. I disagree.

The Department has unquestionably established a prescribed procedure to seek review of these matters that has been approved by the South Carolina Supreme Court. See Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000) ("We hold that Department's disciplinary and grievance procedures are consistent with the standards delineated by the Supreme Court in Wolff v. McDonnell, supra. We note that Department also prepared its grievance procedures in compliance with the Civil Rights of Institutionalized Persons Act."). The Department's prescribed procedure further sets forth a specific time frame to exercise the rights created under those provisions. Therefore, it appears that the Department's regulations are a "statute of creation."

Under South Carolina law, a statute that creates a new liability and affixes the time within which an action may be commenced is a "statute of creation," and commencement within the time affixed is an indispensable condition of the action. Knight Publ'g Co. v. Univ. of S.C., 295 S.C. 31, 33, 367 S.E.2d 20, 22 (1988), overruled on other grounds by McLendon v. S.C. Dep't of Highways and Public Transp., 313 S.C. 525, 443 S.E.2d 539 (1994). Although the failure to timely commence an action pursuant to a statute of creation is not a subject matter jurisdiction defect, such an action "cannot be maintained unless brought within the time allowed by that statute." Simpson v. Sanders, 314 S.C. 413, 415 n.1, 445 S.E.2d 93, 94 n.1 (1994). When a

statute both creates a cause of action and includes a time limit for its commencement, compliance with the time limit is a condition precedent to the maintenance of the action. 54 C.J.S. Limitations of Actions § 31 (updated October 2010). "Such a statutory time limit conditions the existence of the right of action, thereby creating a substantive, rather than procedural, limitation on the right. Bringing suit within the prescribed time is a condition of liability itself, not of the remedy alone." Id.

The reason for a specific time frame to seek review of these matters is much like statutes of limitations. Notably, the South Carolina courts have held that "[s]tatutes of limitations are not simply technicalities," but rather are "fundamental to a well-ordered judicial system." Moates v. Bobb, 322 S.C. 172, 176, 470 S.E.2d 402, 404 (Ct. App. 1996). "The purpose of statutes of limitation is to ensure litigation is 'brought within a reasonable time in order that evidence be reasonably available and there be some end to litigation.'" Transp. Ins. Co. & Flagstar Corp. v. S.C. Second Injury Fund, 389 S.C. 422, 428, 699 S.E.2d 687, 690 (2010) (quoting Hooper v. Ebenezer Senior Servs. & Rehab. Ctr., 377 S.C. 217, 227, 659 S.E.2d 213, 218 (Ct. App. 2008)). "Statutes of limitation embody important public policy considerations in that they stimulate activity, punish negligence, and promote repose by giving security and stability to human affairs." Transp. Ins. Co., 389 S.C. at 428, 699 S.E.2d at 690 (quoting Moates, 322 S.C. at 176, 470 S.E.2d at 404). Moreover, statutes of limitations relieve courts of the burden of trying stale claims of those who have "slept on their rights." Transp. Ins. Co., 389 S.C. at 428, 699 S.E.2d at 690.

Here, the court finds that Appellants' interpretation of the term "policies/procedures" in Paragraph 13.9 is overly expansive. Appellants appear to argue that the term, which is not defined in GA-01.12, refers to any "act or method of proceeding in an action." However, if the term were construed that broadly, Paragraph 13.9's exception would effectively swallow Paragraph 13.1's general rule. Since such a construction would fail to give proper effect to Paragraph 13.1, it must be rejected. Cf. State ex rel. McLeod v. Nessler, 273 S.C. 371, 373, 256 S.E.2d 419, 420 (1979) ("In determining the meaning of a statute, it is the duty of this Court to give force and effect to all parts of the statute, if possible."); Hinton v. S.C. Dep't of Prob., Parole & Pardon Servs., 357 S.C. 327, 333, 592 S.E.2d 335, 338 (Ct. App. 2004) ("Statutes must be read as a whole and sections which are part of the same general statutory scheme must be construed together **and each given effect** . . . .") (emphasis added).

Moreover, the Appellants' broad interpretation of the term "policies/procedures" does not comport with public policy. Because the Department has a legitimate interest in investigating grievances while they are still new, public policy calls for the application of some limitations period to Appellants' prevailing wage claims. See Johnson v. Johnson, 385 F.3d 503, 519 (5th Cir. 2004) (noting that the prison system has a legitimate interest in investigating complaints while they are still fresh); see also Woodford v. Ngo, 548 U.S. 81, 95 (2006) ("When a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and preserved."). Here, the fifteen-day filing deadline from Paragraph 13.1 is the only limitations period applicable to these claims.[4] Therefore, ruling in favor of Appellants would mean that inmates would not be required to file prevailing wage grievances within any set time period. Due in part to public policy concerns over such a result, this court has consistently held that prevailing wage claims do not involve the Department's "policies or procedures." See, e.g., Lawson v. S.C. Dep't of Corr., 06-ALJ-04-00823-AP (S.C. Admin. Law Ct. Feb. 12, 2007); Wright v. S.C. Dep't of Corr., 06-ALJ-04-00114-AP, 2006 WL 1430140 (S.C. Admin. Law Ct. Apr. 28, 2006).

The importance of filing deadlines is underscored by the facts of this case. The record demonstrates the Department did not begin receiving Step 1s from Appellants regarding their prevailing wage claims until September 22, 2004. The record also reflects that a significant number of the Appellants began participating in the prison industries project at Lieber in 1999. Thus, approximately five years passed between when these Appellants began participating in the project and when they filed their Step 1s challenging their pay. Clearly, the passage of five years could significantly affect the Department's ability to defend Appellants' claims.[5]

In contrast to Appellants, the Department presents a very persuasive construction of the term "policies/procedures." The Department argues that the term constitutes "approved guidelines for handling the agency's day-to-day operations as well as statements expressing the basic expectations of conduct for agency staff and inmates." This interpretation is consistent

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[4] The statutory provisions upon which Appellants base their pay claims do not create a private right of action. See Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55. Therefore, statutes of limitations derived from state law do not apply to Appellants' claims. See Talford v. S.C. Dep't of Corr., 06-ALJ-04-00823-AP (S.C. Admin. Law Ct. Feb. 14, 2007).

[5] The court notes in this regard that the statutory deadline for filing wage recovery claims under South Carolina's Payment of Wages Act is three years. See S.C. Code Ann. § 41-10-80(C) (Supp. 2010) ("Any civil action for the recovery of wages must be commenced within three years after the wages become due.").

with the way in which "policies/procedures" is used throughout GA-01.12. See Georgia-Carolina Bail Bonds, Inc. v. County of Aiken, 354 S.C. 18, 24, 579 S.E.2d 334, 337 (Ct. App. 2003) (holding that undefined terms "must be construed in context"). Significantly, nearly all of the references to "policy/procedure" in GA-01.12 are to the official policies and procedures set forth within that document or another similar document issued by the Department. See, e.g., DOC Policy Number GA-01.12, ¶ 1.3 ("Every inmate assigned to a South Carolina Department of Corrections (SCDC) institution is eligible to utilize the grievance system as set forth in **this policy/procedure.**"); DOC Policy Number GA-01.12, Note to ¶ 10.5 ("The Warden's decision to grant restitution/monetary reimbursement will not require additional approval to have state provided like/issued items issued or deposits made to the grievant's E.H. Cooper Account so long as the amount of reimbursement is within the monetary limits of **SCDC Policy/Procedure OP-22.03** . . . ."); DOC Policy Number GA-01.12, ¶ 13.1 ("No inmate (except the grievant, if s/he requests it) and no employee (other than those specified in **this policy/procedure**) will be given a copy of a grievance."); DOC Policy Number GA-01.12, ¶ 17 ("The Inmate Grievance Branch will serve as monitor to ensure compliance with **this policy/procedure.**").

In addition to being supported by the text of GA-01.12, the Department's interpretation of the term "policies/procedures" in Paragraph 13.9 avoids the public policy problems inherent in Appellants' construction. Under the Department's interpretation, the filing of a "policies/procedures" grievance under Paragraph 13.9 would not force the Department to defend actions it took many years ago. Rather, the Department would merely be required to determine whether the approved guidelines it currently has in effect should be changed.

The foregoing notwithstanding, Appellants attempt to support their claim that their grievances concerned DOC "policies/procedures" by pointing to the following portion of this court's March 10, 2011 order:

> Paragraph 7 of DOC Policy Number GA-01.12, which has existed in some form since May 1, 1996, sets forth the issues that are considered grievable by DOC. Among other grievable issues, it includes the following: "Department policies/procedures, directives, or conditions which directly affect an inmate." DOC Policy Number GA-01.12, ¶ 7.1 (emphasis added). **Unquestionably, inmates are "directly affect[ed]" by DOC policies that cause them to be paid less than that required by law.** Thus, this provision, which is very broad in scope, encompasses prevailing wage claims.

(emphasis added).

Although the court used the term "policies" in the passage cited above, its use of that term was made in the context of determining whether the Appellants' claims were grievable under Paragraph 7.1 of GA-01.12. The court was simply describing the Appellants' claims; it was not ruling on whether the Department did in fact have policies to underpay inmates. Moreover, in employing the term "policies," the court was referring to its broad meaning as "course[s] of action,"[6] not to the meaning ascribed to the term in Paragraph 13.9. The sentence highlighted above was meant to convey the court's conclusion that the Department's alleged action in the case (i.e., deciding to pay Appellants less than the prevailing wage) would have, if true, created a "condition" that "directly affected" Appellants.[7]

While Appellants contend that the term "policies" should be given the same meaning in Paragraph 7.1 as it is in Paragraph 13.9, Paragraph 7.1 makes grievable not only "policies/procedures" that directly affect inmates, but also "directives" and "conditions." See DOC Policy Number GA-01.12, ¶ 7.1 ("The following issues will be considered grievable: Department policies/procedures, **directives, or conditions** which directly affect an inmate.") (emphasis added). Thus, ruling that Appellants' grievances do not concern "policies/procedures" under Paragraph 13.9 is not inconsistent with ruling that Appellants' claims were grievable under Paragraph 7.1.

For the foregoing reasons, I conclude that prevailing wage claims do not constitute grievances concerning "policies/procedures" under Paragraph 13.9 of GA-01.12. Rather, I find that prevailing wage claims are "incident" grievances and thus must be filed within the fifteen-day timeframe set forth in Paragraph 13.1.

II. Did Appellants have reasonable cause under Paragraph 13.9 not to file within Paragraph 13.1's fifteen-day time frame?

Appellants next argue that, if this court determines that their Step 1 grievances constituted "incident" grievances and, therefore, were subject to Paragraph 13.1's fifteen-day

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6 See Dictionary.com, http://dictionary.reference.com (last visited Jan. 23, 2012) (defining "policy").

7 In the court's view, the Appellants' wage rates were "condition[s]" affecting their participation in the prison industries project operated at Lieber. Indeed, the Prison Industries Act specifically refers to inmates' "rates of pay" as "conditions of employment." See S.C. Code Ann. § 24-3-315 (2007) (The director must determine prior to using inmate labor in a prison industry project that it will not displace employed workers, that the locality does not have a surplus of available labor for the skills, crafts, or trades that would utilize inmate labor, **and that the rates of pay and other conditions of employment** are not less than those paid and provided for work of similar nature in the locality in which the work is performed") (emphasis added).

filing deadline, they had "reasonable cause" under Paragraph 13.9 not to file their Step 1s before the South Carolina Supreme Court issued its opinions in Adkins and Wicker. Specifically, Appellants contend that the Department's "practice of denying grievability" for prevailing wage claims, as well as the ALC's en banc order in McNeil v. South Carolina Department of Corrections, 00-ALJ-04-00336-AP (S.C. Admin. Law Ct. Sept. 5, 2001), "effectively barred" them from exercising their grievance and appeal rights prior to the issuance of Adkins and Wicker. I disagree.

Paragraph 13.9 of GA-01.12 provides in pertinent part:

> Exceptions [to the 15 day time limit requirement] may . . . be made for incident grievances by the Chief/designee, Inmate Grievance Branch, **provided that documented reasonable cause can be demonstrated** as to why the original time frame was not met, e.g., inmate physically unable to initiate grievance due to hospitalization, court appearance, etc. **The waiver must be requested by the grievant.**

DOC Policy Number GA-01.12, ¶ 13.9 (emphasis added).

Paragraph 13.9 clearly states that "documented reasonable cause" must be shown as to why the fifteen-day time limit "was not met," and that any such waiver of the time limit must be "requested by the grievant." Thus, exceptions to the fifteen-day filing deadline are not automatic or guaranteed. Instead, the grievant must affirmatively request a waiver to the fifteen-day time limit and provide documented reasonable cause in support for such a request.

As reflected by the record, no Appellant requested a waiver to the fifteen-day time limit in his Step 1 grievance by which he asserted "reasonable cause" as permitted by Paragraph 13.9. Also, no Appellant provided "documented reasonable cause" in the manner required by Paragraph 13.9. Therefore, no Appellant satisfied the procedural requirements set forth in Paragraph 13.9.

Instead, the vast majority of Appellants first explicitly invoked such a "reasonable cause" exception in their Notices of Appeal to this court. By only invoking this exception within their Notices of Appeal, Appellants failed to afford the Department an opportunity to consider their request. Accordingly, this issue has not been properly preserved by Appellants. See Brown v. S.C. Dep't of Health & Envtl. Control, 348 S.C. 507, 519, 560 S.E.2d 410, 417 (2002) ("[I]ssues not raised to and ruled on by the agency are not preserved for judicial consideration."); Kiawah Resort Assocs. v. S.C. Tax Comm'n, 318 S.C. 502, 505, 458 S.E.2d 542, 544 (1995) (holding

that a court reviewing a decision of an administrative agency on appeal cannot consider issues that were not raised to and ruled upon by the agency).

Furthermore, even if this issue is preserved, I find that it lacks merit. In its March 10, 2011 order, this court expressly held that "Adkins and Wicker did not create new substantive rights, new grievance remedies, or new appeal remedies." In doing so, the court explained that under the broad provision of Paragraph 7.1 of GA-01.12, Appellant's prevailing wage claims were grievable and had, in fact, been held to be so by an Administrative Law Judge in 2001. This court also specifically rejected Appellants' argument that the ALC's decision in McNeil made prevailing wage claims unappealable prior to the issuance of Wicker. The court explained: "Because the ALC is a lower court, its decisions do not constitute binding precedent. Given that the ALC cannot create judicial precedent, it certainly cannot answer legal questions with "finality." (citations omitted).[8]

In sum, this court's rulings in its March 10, 2011 order completely negate the Appellants' contention that they were "effectively barred" from filing their Step 1s before the issuance of Adkins and Wicker. Accordingly, I find that Appellants' argument is without merit.

III. Did the Department violate Appellants' due process rights by applying the fifteen-day filing deadline in Paragraph 13.1 to their claims?

Next, Appellants argue that their right to file Step 1 grievances regarding their prevailing wage claims did not accrue until the issuance of Adkins and Wicker and that they could not enforce such rights until the issuance of those two decisions. Therefore, they argue that the Department denied them due process by applying Paragraph 13.1's fifteen-day filing deadline to those grievances involving prevailing wage claims that arose prior to the issuance of Adkins and Wicker. I disagree.

As discussed above, this court's March 10, 2011 order previously determined that "Adkins and Wicker did not create new substantive rights, new grievance remedies, or new

[8] Significantly, in a 2003 case, Sullivan v. S.C. Dep't of Corr., 355 S.C. 437, 586 S.E.2d 124 (2003), our Supreme Court specifically instructed the ALC to refrain from relying upon McNeil when determining its jurisdiction to hear inmate appeals. See id. at 445 n.5, 586 S.E.2d at 128 n.5 ("[B]ecause we know McNeil has been relied upon by the ALJ in other cases to deny jurisdiction, the ALJD and the circuit court are instructed to look to this opinion, not McNeil, for guidance in future cases."). Notwithstanding this fact, the earliest any of the Appellants filed a grievance regarding their prevailing wage claims was September 22, 2004. Thus, it is rather disingenuous for Appellants to suggest that they would have filed their grievances earlier had it not been for the McNeil decision.

appeal remedies." Thus, the court has already determined that the Appellants possessed grievance rights and appellate remedies concerning their prevailing wage claims prior to the Supreme Court's issuance of Adkins and Wicker.

Furthermore, it should be noted that, in Al-Shabazz v. State, 338 S.C. 354, 374-75, 527 S.E.2d 742, 753 (2000), our Supreme Court held that "[DOC]'s disciplinary and grievance procedures **comply with the minimal due process required in such proceedings.**" (emphasis added). The Court also determined that "an inmate may seek review of [DOC's] final decision in an administrative matter under the APA," and that "[p]lacing review of these cases within the ambit of the APA **will ensure that inmate receives due process.**" Id. at 369, 527 S.E.2d at 750 (emphasis added). Thus, the Court recognized that inmates received due process by filing a grievance with the Department and then appealing the Department's final decision regarding the grievance to the ALC.

The Court also recognized as much in Wicker when it rejected the notion that the ALC lacked jurisdiction to review the Department's denial of an inmate's prevailing wage grievance. See Wicker, 360 S.C. at 424-25, 602 S.E.2d at 57-58. The Court concluded that because the inmate was entitled to due process with regard to his prevailing wage claim under Al-Shabazz,[9] the Department's denial of his grievance was reviewable by the ALC. Id. Thus, the Court implicitly acknowledged that inmates receive due process by processing their prevailing wage claims through the Department's grievance system and the review procedures of the APA.

In conclusion, this court's March 10, 2011 order and the relevant precedent from our Supreme Court clearly contradict the Appellants' claim that the Department denied them due process by invoking the fifteen-day filing deadline set forth in Paragraph 13.1. The Appellants' failure to timely avail themselves to the process available to them is exclusively attributable to their own failure to act in conformity with the provisions of this paragraph. Consequently, the Department's application of the fifteen-day filing deadline to Appellants' prevailing wage claims that arose before the issuance of Adkins and Wicker did not violate their due process rights.

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[9] In Al-Shabazz, our Supreme Court, citing U.S. Supreme Court precedent from 1972, held that the requirements of procedural due process apply to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty **and property**. See Al-Shabazz, 338 S.C. at 369, 527 S.E.2d at 750.

IV. Did the Department waive its right to raise Paragraph 13.1's fifteen-day time limit?

Next, Appellants argue that the Department waived its right to apply the fifteen-day filing deadline to their Step 1 grievances for the following reasons: (1) the language in Paragraph 13.9 and the instructions on the Department's pre-printed Step 1 grievance form, which both state that policy grievances may be filed at any time, are inconsistent with an intent to raise the fifteen-day filing deadline; (2) for 153 inmates, the Department did not raise timeliness as an issue in its responses to the Appellants' Step 1 grievances; and (3) for 32 Step 1 responses, and 136 Step 2 final decisions, the Department raised the fifteen-day filing deadline and considered the merits of the Appellants' prevailing wage claims. As discussed below, I find Appellants' arguments unpersuasive.

A

As stated above, Appellants contend that the language in Paragraph 13.9 and the instructions appearing on the preprinted Step 1 grievance form are inconsistent with the Department's intent to assert the fifteen-day filing deadline as a basis by which to deny the prevailing wage claims articulated by Appellants within their Step 1s. I disagree.

"Waiver is a voluntary and intentional abandonment or relinquishment of a known right." Eason v. Eason, 384 S.C. 473, 480, 682 S.E.2d 804, 807 (2009) (quoting Parker v. Parker, 313 S.C. 482, 487, 443 S.E.2d 388, 391 (1994)). It may be either express or implied. Lyles v. BMI, Inc., 292 S.C. 153, 158, 355 S.E.2d 282, 285 (Ct. App. 1987). Acts that are inconsistent with the continued assertion of a right may give rise to a waiver. Provident Life and Acc. Ins. Co. v. Driver, 317 S.C. 471, 478, 451 S.E.2d 924, 928 (Ct. App. 1994). Waiver is an affirmative defense, and the burden of proof is upon the party who asserts it. Id. at 478, 451 S.E.2d at 929.

Here, the Department applied the fifteen-day filing deadline set forth in Paragraph 13.1 to Appellants' prevailing wage claims because those claims represented "incidents" by which Appellants challenged the conditions of their participation in the prison industries project at Lieber. Importantly, the pre-printed form and Paragraph 13.1 expressly stated that inmates were required to file their Step 1s within 15 days of any alleged "incident." Thus, the Department's application of the fifteen-day filing deadline in Paragraph 13.1 was entirely consistent with the Department's grievance policy and the pre-printed Step 1 forms.

Although the Step 1 form and Paragraph 13.9 provided an exception to the fifteen-day filing deadline for grievances concerning "policies/procedures," nothing in the Department's grievance policy or in the language of the pre-printed Step 1 form suggested that prevailing wage claims constituted policies/procedures grievances under Paragraph 13.9. By merely providing an exception to the fifteen-day filing deadline, the Department did not waive its right to invoke the fifteen-day deadline for cases falling outside that exception. Accordingly, I find that the Department did not waive the fifteen-day deadline in Paragraph 13.1 for filing incident grievances by issuing the language in Paragraph 13.9 or the instructions on the pre-printed Step 1 grievance form.

B

Appellants also argue that the Department waived the fifteen-day filing deadline in Paragraph 13.1 because it did not raise this issue in 153 of its responses to the Appellants' Step 1 grievances. I disagree.

"Administrative agencies have an inherent authority to reconsider a prior determination which is not final . . . ." 2 Am. Jur. 2d Administrative Law § 468 (updated Nov. 2011). As discussed below, the responses provided to the Appellants' Step 1s did not constitute final decisions of the Department. Accordingly, during the Step 2 review process, the Department was authorized to reverse the Step 1 decision or, alternatively, to uphold the Step 1 decision on different grounds.

Paragraph 13 of the Department's grievance policy sets forth the steps in the grievance process. Per Paragraph 13.1, an inmate must complete a Step 1 grievance form in which he must articulate the basis of his complaint. The inmate must then submit that form to an employee designated by the Warden within fifteen days of the alleged "incident." DOC Policy Number GA-01.12, ¶ 13.1. Paragraph 13.2 further articulates that, the Step 1 must be forwarded to the Institutional Inmate Grievance Coordinator, who, if unable to resolve the matter informally, must conduct a complete investigation and make recommendations to the Warden. DOC Policy Number GA-01.12, ¶ 13.2. The Warden must respond to the inmate "in writing ... indicating in detail the rationale for the decision rendered and any recommended remedies." DOC Policy Number GA-01.12, ¶ 13.3.

If the inmate is unsatisfied with the response at the institutional level, he may appeal under Paragraphs 13.4 and 13.5 by filing a "Step 2" appeal and thereby seek a final agency

decision. Paragraph 13.4 provides that "[i]f the grievant is not satisfied with the decision of the Warden, the grievant may next appeal to the Division Director of Operations for **final resolution of the grievance.**" DOC Policy Number GA-01.12, ¶ 13.4 (emphasis added). Furthermore, Paragraph 13.5 provides: "The responsible official will render **the final decision** on the grievance within 60 days from the date that the Institutional Inmate Grievance Coordinator received the appeal of the Warden's decision. ... **The response of the responsible official will be the Department's final response in the matter.** DOC Policy Number GA-01.12, ¶ 13.5 (emphases added).

Thus, under Paragraphs 13.4 and 13.5, the final decisions concerning the issues raised in Appellants' grievance were rendered by the responsible official at the agency level, and this official's response to the Step 2 appeals constituted the final agency decisions. Therefore, because the Department raised the issue of the fifteen-day filing deadline in its Step 2 decisions, the failure by the Warden to raise the issue in some of his Step 1 decisions did not constitute waiver of the issue. Rather, as noted above, the Department possessed the authority to modify the Warden's Step 1 decisions because they were not final.

For instance, in Friends of Potter Marsh v. Peters, 371 F. Supp. 2d 1115 (D. Alaska 2005), the plaintiffs objected to the Secretary of Transportation's waiver, in a federal transportation legislation guidance, of a statutory requirement that Surface Transportation Program projects not be located on local roads or rural minor collectors. The defendants moved to dismiss the matter, contending that there had been no final agency action. The court granted the defendant's motion to dismiss, explaining:

> Even if Plaintiffs are correct that the waiver is invalid, an erroneous legal interpretation at one stage in the process is not a final agency action. **There is still time for the Secretary to change or modify the waiver, issue an individualized waiver, or the agency may not need to rely on the waiver.**

Id. at 1122 (emphasis added).

Like the legislation guidance at issue in Peters, the Step 1s in this case were not final agency decisions. In its Step 2 responses, the Department retained the right to come to a different conclusion than that reached in the Step 1 responses. Just as the Department could have reversed the Step 1 decisions, it also had the authority to affirm the Step 1 decisions on other grounds. Thus, because the Step 1 responses were not final agency decisions, the mere fact that

the Department failed to invoke the fifteen-day filing deadline when it issued some of the Step 1 responses did not preclude it from raising the issue in its Step 2 responses.

Appellants' reliance on Ross v. County of Bernalillo, 365 F.3d 1181 (10th Cir. 2004), abrogated in part by Jones v. Bock, 549 U.S. 199 (2007), is misplaced. In that case, the Tenth Circuit addressed whether an inmate had exhausted his administrative remedies regarding his claim that the prison shower was unreasonably dangerous where the inmate failed to file a complaint within the three-day timeframe set forth in the prison's procedures. The Tenth Circuit concluded that because prison officials had accepted his complaint and found in his favor, the inmate had exhausted his administrative remedies. Specifically, the court held:

> We need not address in the abstract whether Ross' complaint was timely because in this case the prison did actually consider it. Nothing in the record suggests that MCDC treated Ross' complaint as untimely; indeed, Ross received a favorable response and a mat was placed in the shower as he requested. If a prison accepts a belated filing, and considers it on the merits, that step makes the filing proper for purposes of state law and avoids exhaustion, default, and timeliness hurdles in federal court.

Id. at 1186.

The present case is distinguishable from Ross. In Ross, the court based its decision on the fact that "[n]othing in the record suggests that MCDC treated Ross' complaint as untimely" and that "Ross received a favorable response" to his complaint. Here, in contrast, the Department found against Appellants in its responses to both the Appellants' Step 1s and Step 2s. Moreover, in its responses to Appellants' Step 2s, the Department made it clear that it considered the Appellants' grievances to be untimely.

Accordingly, because the Department raised the issue of the fifteen-day filing deadline in its Step 2 decision, it did not waive its right to do so in the present appeal.

C

Finally, Appellants note that there are 32 Step 1 responses and 136 Step 2 final decisions in which the Department both raised the fifteen-day filing deadline in Paragraph 13.1 and considered the merits of Appellants' prevailing wage claims. Appellants contend that with respect to those responses, waiver should apply because the Department's consideration of the merits was inconsistent with an intent to rely on Paragraph 13.1. I disagree.

In the responses at issue, the Department plainly stated that Appellants' prevailing wage claims were time-barred under Paragraph 13.1. While the Department also addressed the merits

of Appellants' claims within those responses, that mere fact did not preclude the Department from applying the fifteen-day filing deadline from Paragraph 13.1. The Department's decisions must be read in their entirety. When done so, it is plain that there is no basis for concluding that the Department waived, either expressly or impliedly, its right to invoke the fifteen-day filing deadline. Cf. Brooks v. Walls, 279 F.3d 518, 523 (7th Cir. 2002) (holding that when a state court rules against a party on both procedural and substantive grounds, the court "has not abandoned the procedural ground but has instead added a substantive failing to the procedural one.").[10]

V. Was the Department equitably estopped from raising Paragraph 13.1?

Next, Appellants contend that the Department is equitably estopped from raising the fifteen-day filing deadline in Paragraph 13.1. Specifically, Appellants argue that Paragraph 13.9 and the pre-printed Step 1 form "lulled" them into believing that their prevailing wage claims were policy grievances and thus could be filed "at any time." I disagree.

"The essential elements of equitable estoppel are divided between the estopped party and the party claiming estoppel." Strickland v. Strickland, 375 S.C. 76, 84, 650 S.E.2d 465, 470 (2007). The elements of equitable estoppel as related to the party being estopped are: (1) conduct which amounts to a false representation, or conduct which is calculated to convey the impression that the facts are otherwise than, and inconsistent with, those which the party subsequently attempts to assert; (2) the intention that such conduct shall be acted upon by the other party; and (3) actual or constructive knowledge of the real facts. Id. The party asserting

[10] Appellants cite Pozo v. McCaughtry, 286 F.3d 1022 (7th Cir. 2002) for the proposition that courts are divided on the issue of whether a filing that is dismissed as both untimely and unmeritorious is properly filed. In that case, the Seventh Circuit considered whether a prisoner's failure to take a timely administrative appeal within the state system meant that he failed to exhaust state remedies for purposes of 42 U.S.C. § 1997e(a). Although the court answered the question in the affirmative, in dicta it stated that "[c]ases look both ways on the question whether a document that is rejected as *both* late and unmeritorious counts as properly filed." Id. at 1025.

Appellants now attempt to rely on that statement, but they neglect to discuss the U.S. Supreme Court's subsequent decision in Pace v. DiGuglielmo, 544 U.S. 408 (2005). In that case, the Court addressed whether a state post-conviction petition that the state court had rejected as untimely could nonetheless be considered "properly filed" for the purposes of the tolling provision of 28 U.S.C. § 2244(d)(2). After noting the division among the circuit courts on the issue, the Court held: "[T]ime limits, no matter their form, are "filing" conditions. Because the state court rejected petitioner's PCRA petition as untimely, it was not 'properly filed'. . . ." Id. at 417; see also Carey v. Saffold, 536 U.S. 214, 226 (2002) (holding that if a state court clearly ruled that a prisoner's application for collateral review was untimely, then "that would be the end of the matter" for federal purposes, "regardless of whether [the state court] also addressed the merits of the claim, or whether its timeliness ruling was 'entangled' with the merits."). In light of the U.S. Supreme Court's holding in Pace, this court is unwilling to rely upon any federal circuit court decision holding that a document dismissed as both untimely and unmeritorious is properly filed.

estoppel must show: (1) lack of knowledge, and the means of knowledge, of the truth as to the facts in question; (2) reliance upon the conduct of the party estopped; and (3) a prejudicial change of position in reliance on the conduct of the party being estopped. Id. at 84-85, 650 S.E.2d at 470. The party asserting equitable estoppel bears the burden of establishing all of the elements. Kelly v. Logan, Jolley, & Smith, L.L.P., 383 S.C. 626, 682 S.E.2d 1, 7 (Ct. App. 2009).

Under South Carolina law, a party may be estopped from claiming the statute of limitations as a defense if the delay that otherwise would give operation to the statute was induced by the party's conduct. Kleckley v. Nw. Nat. Cas. Co., 338 S.C. 131, 136, 526 S.E.2d 218, 220 (2000). The South Carolina Supreme Court has described the necessary "inducement" as follows:

> Such inducement may consist of an express representation that the claim will be settled without litigation or conduct that suggests a lawsuit is not necessary. The defendant's conduct may also involve inducing the plaintiff either to believe that an amicable adjustment of the claim will be made without suit or to forbear exercising the right to sue.

Id. at 136-37, 526 S.E.2d at 220 (citations omitted).

Here, the only conduct of the Department that Appellants point to in making their estoppel argument is the Department's issuance of Paragraph 13.9 and the Step 1 instructions. However, Paragraph 13.9 and the Step 1 instructions did not state that *all* grievances could be filed outside of Section 13.1's fifteen-day deadline. Rather, they merely stated that grievances concerning "policies/procedures" could be filed outside of Section 13.1's fifteen-day deadline. Additionally, both Paragraph 13.1 and the Step 1 instructions clearly notified Appellants that "incident" grievances had to be filed within fifteen days. Although Appellants claim that they thought that Paragraph 13.9 applied to their prevailing wage claims, there is no evidence that the Department, through its words or actions, induced Appellants into believing that their grievances constituted "policies/procedures" grievances. Therefore, Appellants have failed to show that the Department engaged in conduct which "amount[ed] to a false representation," or conduct which was "calculated to convey the impression that the facts are otherwise than, and inconsistent with, those which the party subsequently attempts to assert." See Strickland, 375 S.C. at 84, 650 S.E.2d at 470.

Appellants have also failed to establish that the Department engaged in the type of "inducement" described in Kleckley. See Kleckley, 338 S.C. at 136-37, 526 S.E.2d at 220.

There is no evidence that the Department did anything that would have induced Appellants into believing that filing a grievance was unnecessary. Rather, the record merely shows that the Department issued a grievance policy that set forth, in a straightforward fashion, different time periods for filing different types of grievances. In the court's view, such evidence, on its own, is insufficient to establish an estoppel claim. A party should not be able to avoid the consequences of a filing deadline simply by claiming that it misinterpreted the deadline.[11] For these reasons, I find that the Department is not equitably estopped from raising the fifteen-day filing deadline in Paragraph 13.1.

VI. Did inmates comply with Paragraph 13.1 because it was tolled by their class action?

Next, Appellants argue that the fifteen-day filing deadline in Paragraph 13.1 was tolled when they filed their class action in Williams on January 29, 2002. I disagree.

"Equitable tolling is a nonstatutory tolling theory which suspends a limitations period." Hooper v. Ebenezer Sr. Servs. & Rehab. Ctr., 386 S.C. 108, 115, 687 S.E.2d 29, 32 (2009) (quoting Ocana v. Am. Furniture Co., 135 N.M. 539, 91 P.3d 58, 66 (2004)). It is a judicially created doctrine, and it stems from the judiciary's inherent power to formulate rules of procedure "where justice demands it." Hooper, 386 S.C. at 115, 687 S.E.2d at 32. "Where a statute sets a limitation period for action, courts have invoked the equitable tolling doctrine to suspend or extend the statutory period 'to ensure fundamental practicality and fairness.'" Id. (citations omitted). The party claiming the statute of limitations should be tolled bears the burden of establishing sufficient facts to justify its use. Id.

Equitable tolling is reserved for extraordinary circumstances, and it is rarely applied in South Carolina. American Legion Post 15 v. Horry County, 381 S.C. 576, 582, 674 S.E.2d 181, 184 (Ct. App. 2009). The threshold necessary to trigger equitable tolling is very high, lest the exception swallow the rule. Ex parte Ward, 46 So. 3d 888, 897 (Ala. 2007). Our Court of Appeals has explained:

> [A]ny invocation of equity to relieve the strict application of a statute of limitations must be guarded and infrequent, lest circumstances of individualized hardship supplant the rules of clearly drafted statutes. To apply equity generously

[11] Significantly, there is no evidence that any of the Appellants ever asked the Department whether a prevailing wage claim constituted an "incident" grievance or a grievance concerning "policies/procedures."

> would loose the rule of law to whims about the adequacy of excuses, divergent responses to claims of hardship, and subjective notions of fair accommodation.

Pelzer v. State, 378 S.C. 516, 522, 662 S.E.2d 618, 621 (Ct. App. 2008) (quoting Harris v. Hutchinson, 209 F.3d 325, 330 (4th Cir. 2000)).

Typically, equitable tolling applies in cases where a litigant was prevented from filing suit because of an extraordinary event beyond his or her control. Hooper, 386 S.C. at 116, 687 S.E.2d at 32; see also 54 C.J.S. Limitations of Actions § 133 (updated Dec. 2011) ("The statute of limitations generally will not be tolled when the plaintiff has slept on his or her rights, but only when he or she has been prevented from asserting them."). However, as the South Carolina Supreme Court has noted, court have flexibility in applying equitable remedies such as tolling:

> "The equitable power of a court is not bound by cast-iron rules but exists to do fairness and is flexible and adaptable to particular exigencies so that relief will be granted when, in view of all the circumstances, to deny it would permit one party to suffer a gross wrong at the hands of the other." Equitable tolling may be applied where it is justified under all the circumstances. We agree, however, that equitable tolling is a doctrine that should be used sparingly and only when the interests of justice compel its use.

Hooper, 386 S.C. at 116-17, 687 S.E.2d at 33 (citations omitted).

Here, the circumstances do not warrant the application of equitable tolling. Appellants contend that equitable tolling should be applied because the McNeil decision prevented them from filing their grievances. However, as noted above, McNeil was an ALC decision and did not constitute binding precedent. See 21 C.J.S. Courts § 212 (updated Dec. 2011). Had Appellants timely filed grievances and had the ALC denied their grievances based upon McNeil, Appellants could have appealed to the Court of Appeals, which possessed the authority to reverse McNeil. Thus, while McNeil may have discouraged Appellants from filing their prevailing wage grievances, it did not bar them from doing so.

Furthermore, the "interests of justice" do not call for the application of equitable tolling in this case. There is no evidence that the Department prevented Appellants from timely filing their grievances. Moreover, if equitable tolling were applied here, the Department would be forced to defend actions it took many years ago. As our Court of Appeals has noted, the passage of time can greatly hinder a party's ability to defend against a claim:

> [W]ith the passage of time, evidence becomes more difficult to obtain and is less reliable. Physical evidence is lost or destroyed, witnesses become impossible to locate, and memories fade. With passing time, a defendant faces an increasingly difficult task in formulating and mounting an effective defense.

Moriarty v. Garden Sanctuary Church of God, 334 S.C. 150, 163, 511 S.E.2d 699, 706 (Ct. App. 1999), aff'd, 341 S.C. 320, 534 S.E.2d 672 (2000).

While not tolling Paragraph 13.1 will mean the dismissal of nearly all of Appellants' prevailing wage claims, in Adkins, our Supreme Court held that the prevailing wage statute was not enacted for the special benefit of inmates, but rather was passed to "prevent unfair competition." Adkins, 360 S.C. at 418, 602 S.E.2d at 54. In the present case, any unfair competition that arose as a result of the Department's alleged failure to pay the prevailing wage years ago will not be rectified by allowing the inmates to bring a prevailing wage claim now. Competitors who may have been previously harmed by the Department's asserted failure to pay the prevailing wage likely will not receive any type of benefit as a result of the inmates bringing such a case. The damage has already been done. Rather, the main party that stands to benefit from prevailing wage claims involving conduct that occurred long ago is the inmates—a group which our Supreme Court expressly stated was not the intended beneficiary of the prevailing wage statute.

VII Are inmates' grievances timely filed because they filed within fifteen days of a term of employment?

Finally, Appellants argue that all Step 1s filed during or within fifteen days of completion of a term of employment should be considered timely regardless of when Appellants began their employment. I disagree.

As noted above, Paragraph 13.1 of GA-01.12 states that inmates must submit their grievances "within 15 days of the alleged incident." The "alleged incident" in this case was not the Appellants' "completion of a term of employment," but rather the Department's decision to pay Appellants less than the prevailing wage as required under Section 24-3-430(D). Accordingly, the fifteen-day time frame in Paragraph 13.1 began to run when Appellants were informed of the Department's decision to pay them less than that mandated by Paragraph 24-3-430(D).

A similar conclusions was reached in Wallace v. Burbury, 305 F. Supp. 2d 801, 806 (N.D. Ohio 2003). In that case, an inmate brought an action in federal court alleging that prison officials violated his constitutional rights by denying his religious accommodation request for Passover. The prison officials argued that the inmate failed to exhaust his administrative remedies because he did not timely file a complaint under Ohio's inmate grievance procedure.

The procedure required that "[w]ithin fourteen calendar days of the date of the event giving rise to the complaint, the inmate shall file an informal complaint to the direct supervisor of the staff member, or department most directly responsible for the particular subject matter of the complaint." Id. at 806. The inmate, despite learning of the denial of his religious accommodation request a week before Passover began, did not file a complaint until eleven days after the week-long holiday ended. Nevertheless, the inmate contended that his complaint was timely filed, arguing that "because his requests for religious accommodation were denied through the week of Passover," the "event giving rise to the complaint" occurred daily through the last day of the holiday. Id. The court rejected the inmate's argument, explaining:

> To allow a filing deadline to toll with a continuous violation . . . would undermine the very purpose of the deadline, which is to limit the time to file a claim. The event giving rise to the complaint was the date in March, 2002, when plaintiff first learned that NCCI would not honor his request to observe Passover. All subsequent grievances stem from that initial event. The filing of plaintiff's informal grievance was therefore untimely, and failure to file a timely grievance does not constitute an exhaustion of available administrative remedies.

Id.; see also Johnson v. Johnson, 385 F.3d 503, 519 (5th Cir. 2004) ("While it is true that the conditions that Johnson suffered both before and after the grievance were of the same general character, to permit the March 2001 grievance to reach back to events that transpired up to six months earlier would effectively negate the state's fifteen-day rule and frustrate the prison system's legitimate interest in investigating complaints while they are still fresh. **That a condition continues does not excuse the failure to file a grievance earlier.**") (emphasis added).

Similar to the court in Wallace, this court concludes that Appellants should have filed a grievance within fifteen days after being informed of the Department's decision to pay them less than the prevailing wage. Like the deadline at issue in that case, the purpose of the fifteen-day deadline in Paragraph 13.1 is to limit the time to file a claim. If this court were to hold that inmates may timely file grievances within fifteen days of any term of employment, the Department could be forced to defend wage decisions it made a long time ago.

Appellants contend that ruling against them on this issue would be "absurd" because it would require an inmate asserting a prevailing wage claim to file a grievance every time he received a paycheck. However, the court's decision here does not mandate such a result. Rather, a timely filed grievance will cover all damages recoverable by an inmate as a result of the

Department's decision to pay him less than the prevailing wage. Thus, as long as an inmate timely files a grievance within fifteen days of learning of the Department's decision to pay him less than that required under Section 24-3-430(D), he will not need to file any additional grievances during the period of his employment affected by that decision.

CONCLUSION AND ORDER

Based on the foregoing, I conclude the following:

1. Appellants' grievances did not concern "policies/procedures" as that term is used in Paragraph 13.9 of GA-01.12 and thus the fifteen-day filing deadline in Paragraph 13.1 applied to their grievances.
2. Appellants did not have reasonable cause for not filing their grievances within Paragraph 13.1's fifteen-day time limit.
3. The Department's application of Paragraph 13.1 did not violate Appellants' due process rights.
4. The Department did not waive its right to raise Paragraph 13.1's fifteen-day filing deadline.
5. The Department was not equitably estopped from raising Paragraph 13.1.
6. The fifteen-day filing deadline set forth in Paragraph 13.1 was not tolled by the filing of Appellants' class action suit in circuit court.
7. Appellants did not comply with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment.

Applying these conclusions to this case, a review of the record reveals that, with the lone exception of Fred Gatewood, #289775, none of the Appellants timely filed their Step 1 grievances. Other than Gatewood, each Appellant filed his Step 1 grievance more than fifteen days after his initial pay date. Certainly, by his initial pay date, each Appellant should have known of the Department's decision to pay him less than the prevailing wage. Accordingly,

IT IS HEREBY ORDERED that, for every Appellant other than Gatewood, the Department's final decisions in this matter are **AFFIRMED**.

IT IS FURTHER ORDERED that, as to Gatewood's appeal, within twenty (20) days from the date of this Order, the Department shall supplement, to the extent necessary, the Record on Appeal to include all content required under ALC Rule 36(B).

IT IS FURTHER ORDERED that the parties prepare briefs on the merits of Gatewood's appeal, taking into account the court's rulings in this Order.

IT IS FURTHER ORDERED that the Appellants' Brief shall be filed thirty (30) days from the date of receipt of the supplemented Record on Appeal and shall be limited to no more than thirty (30) pages. The Respondent's Brief shall be filed thirty (30) days from the date of receipt of the Appellants' Brief and shall be limited to no more than thirty (30) pages. If Appellants wish to file a Reply to Respondent's Brief, that Reply shall be due fifteen (15) days from the date of receipt of the Respondent's Brief and shall be limited to no more than fifteen (15) pages.

AND IT IS SO ORDERED.

Ralph K. Anderson, III
Chief Administrative Law Judge

March 16, 2012
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

E. Harvin Belser Fair
Judicial Law Clerk

March 16, 2012
Columbia, South Carolina

STATE OF SOUTH CAROLINA

Administrative Law Court

Ralph K. Anderson, III
Chief Judge

Jana E. Cox Shealy
Clerk



PHONE: (803) 734-0550
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WEB: WWW.SCALC.NET

May 17, 2012

Hand-Delivered

Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Dear Ms. Kitchings:

I issued an Amended Order in Francis Ackerman, #266928, et al. v. South Carolina Department of Revenue Corrections, on March 16, 2012. This case has been appealed to South Carolina Court of Appeals and is docketed as 2012210588. The Amended Order was intended to be the exact same decision as the previous decision with simply the addition of four (4) inmates in the caption that had been inadvertently omitted. In fact, a footnote in the amended decision stated that; "This Order is amended to correct the caption to include the docket numbers of four (4) inmates inadvertently omitted." However, it thereafter came to my attention that due to a clerical error, a draft decision was utilized as my Amended Decision rather than the Order I had previously issued.

Administrative Law Court Rule 60 (a) provides that:

> Clerical mistakes in orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the administrative law judge at any time of his own initiative or on the motion of any party and after such notice, if any, as the administrative law judge orders. During the pendency of an appeal from the decision of an administrative law judge, leave to correct the mistake must be obtained from the appellate court.

I hereby request leave of the court to issue a Second Amended Order to correct the above oversight. For the sake of efficiency, I have attached a copy of the proposed Second Amended Order should leave be granted.

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Thank you for your attention to this matter.

Yours very truly,

Ralph King Anderson, III

cc: Lake E. Summers, Esq.
Katherine A. Phillips, Esq.
Doug Westbrook, Esq.

enclosure

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	) Docket Nos. 07-ALJ-04-00444 through 00449-AP) Docket Nos. 07-ALJ-04-00500 through 00548-AP) 0549-IJ, 0550 through 07-00559-AP) Docket Nos. 07-ALJ-04-00623 through 00632-AP
Appellants,	) Docket Nos. 07-ALJ-04-00671 through 00677-AP) Docket Nos. 07-ALJ-04-00691, 0752, 0798, 0826,) 0856 through 0868-AP) Docket Nos. 07-ALJ-04-00869 through 00872-AP
vs.	) Docket Nos. 07-ALJ-04-00444, 0876, 0885) Docket Nos. 08-ALJ-04-00141 through 00149-AP) Docket Nos. 08-ALJ-04-00169 through 0171-AP) Docket No. 08-ALJ-04-00192-AP)Docket Nos. 08-ALJ-04-00966 through 01022-IJ
South Carolina Department of Corrections,	) Docket Nos. 08-ALJ-04-01023 through 01045-IJ) Docket No. 09-ALJ-04-00304-IJ
	) **SECOND AMENDED ORDER**[1]
Respondent.	)

STATEMENT OF THE CASE

In this consolidated action before the Administrative Law Court (ALC), the Appellants appeal the denial by the South Carolina Department of Corrections (Department or DOC) of 197 administrative grievances filed by them under DOC Policy Number GA-01.12 (GA-01.12). The Appellants include current and former inmates of the Department who either currently participate or at one time participated in the prison industries project operated by the Department at Lieber Correctional Institution (Lieber) in which Williams Technologies, Inc. (WTI), and now Caterpillar, Inc., act as the private industry sponsors. The Appellants argue that they are entitled to back pay and a higher hourly rate of pay for the labor they have provided or currently provide to the prison industries project operated at Lieber. Specifically, the Appellants contend that they are entitled to the "prevailing wage" under S.C. Code Ann. § 24-3-430(D) (2007).

Pursuant to an April 14, 2010 order, this court, in the interest of judicial economy, instructed the parties that it would consider the issues relevant to the Appellants' appeals in three

[1] This Order is amended to correct the caption to include the docket numbers of four (4) inmates inadvertently omitted.

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FILED
MAY 17 2012
SC ADMIN. LAW COURT

levels. In the first level of review, which was set forth in an order dated March 10, 2011, the court addressed the following two issues: (1) did Adkins v. S.C. Department of Corrections, 360 S.C. 413, 602 S.E.2d 51 (2004) and Wicker v. S.C. Department of Corrections, 360 S.C. 421, 602 S.E.2d 56 (2004) create new substantive rights and/or new remedies? and (2) do Adkins and Wicker apply prospective or retrospectively? As discussed in the March 10, 2011 order, the court found that Adkins and Wicker created neither new substantive rights nor new remedies and that both decisions applied retrospectively.

The court now turns to the second level of review, which involves the timeliness of the filing of the Appellants' grievances under GA-01.12. The Appellants make the following arguments: (1) the Appellants' grievances are not time-barred under the fifteen-day time limit for filing grievances set forth in Paragraph 13.1 of GA-01.12 because they concern policies/procedures and thus fall under Paragraph 13.9; (2) the Appellants had reasonable cause under Paragraph 13.9 of GA-01.12 not to file within Paragraph 13.1's fifteen-day time limit; (3) the Department's application of Paragraph 13.1 violated the Appellants' due process rights because it cut off the Appellants' claims before they accrued; (4) the Department waived Paragraph 13.1 because it did not raise Paragraph 13.1 until the Step 2 appeal and it considered the Appellants' grievances on the merits before invoking Paragraph 13.1; (5) the Department was equitably estopped from raising Paragraph 13.1; (6) the Appellants were "effectively barred" from exercising their grievance and appeal rights before Adkins and Wicker and therefore Paragraph 13.1's fifteen-day filing deadline was tolled prior to the issuance of those decisions; (7) Paragraph 13.1's fifteen-day filing deadline was tolled by the filing of the Appellants' class action suit in circuit court; and (8) the Appellants complied with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment.

BACKGROUND

In 2002, the Appellants filed a class action lawsuit in circuit court against the Department and WTI in which they sought back pay and higher current pay under the provisions of Section 24-3-430(D). In that lawsuit, which was captioned Williams v. S.C. Department of Corrections, the Appellants alleged a cause of action under South Carolina's Payment of Wages Act, claiming they were due lost wages because they were not paid the "prevailing wage" as specified in Section 24-3-430(D).

On August 23, 2004, while the Appellants' class action lawsuit was pending, the Supreme Court issued its decisions in Wicker and Adkins. In those two cases, inmates who then participated or at one time participated in a prison industries projects operated by the Department alleged that they were entitled to the "prevailing wage" pursuant to Section 24-3-430(D). As discussed in this court's March 10, 2011 order, the Supreme Court held that Section 24-3-430(D) did not give rise to a private cause of action,[2] but that inmates could pursue their claims under the Department's grievance policies and, if necessary, appeal the Department's decision to the ALC.[3]

After Adkins and Wicker were issued on August 23, 2004, the Appellants' counsel filed grievances with Department officials at Lieber on behalf of the Appellants. Although Department officials had begun processing those grievances, on November 3, 2004, the circuit court judge presiding over the class action lawsuit, which was still active, stayed the Department's efforts to process and adjudicate all administrative grievances—including the Appellants'—which it had received from or on behalf of inmates who articulated pay claims attributed to their participation in the Department's project at Lieber. After it imposed this stay on November 3, 2004, however, the circuit court granted motions for dismissal filed by both the Department and WTI, and, by an order filed on July 1, 2005, the circuit court dismissed the Appellants' class action lawsuit and decertified the class it had originally recognized. In its July 1, 2005 order, the circuit court also lifted the stay it had imposed on November 3, 2004. However, because the Appellants subsequently appealed the circuit court's order, the stay imposed by the circuit court on November 3, 2004 was reimposed.

On February 26, 2007, the South Carolina Supreme Court affirmed the circuit court's dismissal of the class action lawsuit in its opinion, Williams v. S.C. Department of Corrections, 372 S.C. 255, 641 S.E.2d 885 (2007), and, as a result, the stay imposed by the circuit court on November 3, 2004 ceased being effective on or about May 22, 2007. Thereafter, the Department resumed processing and adjudicating the Appellants' grievances. Ultimately, the Department issued final decisions denying each Appellant's respective grievance, largely finding that the grievances were not filed within the fifteen-day time period required under Paragraph 13.1 of

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2 Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55.

3 Wicker, 360 S.C. at 423-25, 602 S.E.2d at 57-58.

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GA-01.12. The Appellants timely appealed those decisions to this court. Subsequently, during a conference call held on February 25, 2010, the parties agreed to consolidate the appeals for the purposes of briefing and filing the record.

ISSUES ON APPEAL

1. Are the Appellants' grievances not time-barred under the fifteen-day time limit for filing grievances set forth in Paragraph 13.1 of GA-01.12 because they concern "policies/procedures" and thus fall under Paragraph 13.9 of GA-01.12?

2. Did the Appellants have reasonable cause not to file within Paragraph 13.1's fifteen-day time limit?

3. Did the Department's application of Paragraph 13.1 violate the Appellants' due process rights because it cut off the Appellants' claims before they accrued?

4. Did the Department waive its right to raise Paragraph 13.1's fifteen-day time limit?

5. Was the Department equitably estopped from raising Paragraph 13.1?

6. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled until after the issuance of Adkins and Wicker because, prior to that time, the Appellants were "effectively barred" from exercising their grievance and appeal rights?

7. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled by the filing of the Appellants' class action suit in circuit court?

8. Did the Appellants comply with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment?

STANDARD OF REVIEW

As set forth above, this case is before the ALC on appeal from consolidated final decisions of the Department pursuant to S.C. Code Ann. § 1-23-600(D) (Supp. 2010) of the Administrative Procedures Act (APA). As such, the Administrative Law Judge (ALJ) sits in an appellate capacity under the APA rather than as an independent finder of fact. In South Carolina, the provisions of the APA—specifically Section 1-23-380(A)(5)—govern the circumstances in which an appellate body may reverse or modify an agency decision. That section states:

> The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) in violation of constitutional or statutory provisions;

(b) in excess of the statutory authority of the agency;

(c) made upon unlawful procedure;

(d) affected by other error of law;

(e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2010).

DISCUSSION

I. Did the Appellants' claims involve a DOC "policy/procedure" such that there was no time limit to file under Paragraph 13.9 of GA-01.12?

Paragraph 13.1 of GA-01.12 generally requires that Step 1 grievances be filed "within 15 days of the alleged incident." DOC Policy Number GA-01.12, ¶ 13.1. However, Paragraph 13.9 of GA-01.12 provides that "[e]xceptions to the 15 day time limit requirement will be made for grievances concerning policies/procedures." DOC Policy Number GA-01.12, ¶ 13.9. In the present case, the Appellants contend that their grievances concerned DOC "policies/procedures" and that no time limit therefore applied to the filing of their grievances. I disagree.

Before delving into the specifics of the Appellants' argument, it is necessary to briefly discuss the nature of, and the purpose behind, Paragraph 13.1's fifteen-day filing deadline. By issuing GA-01.12, the Department has unquestionably established a prescribed procedure for handling inmate grievance matters that has been approved by the South Carolina Supreme Court. See Al-Shabazz v. State, 338 S.C. 354, 373, 527 S.E.2d 742, 752 (2000) ("We hold that Department's disciplinary and grievance procedures are consistent with the standards delineated by the Supreme Court in Wolff v. McDonnell, supra. We note that Department also prepared its grievance procedures in compliance with the Civil Rights of Institutionalized Persons Act."). The Department's prescribed procedure further sets forth a specific time frame to exercise the rights created under those provisions. Therefore, as discussed below, it appears that the Department's regulations are a "statute of creation."

Under South Carolina law, a statute that creates a new liability and affixes the time within which an action may be commenced is a "statute of creation," and commencement within the time affixed is an indispensable condition of the action. Knight Publ'g Co. v. Univ. of S.C., 295 S.C. 31, 33, 367 S.E.2d 20, 22 (1988), overruled on other grounds by McLendon v. S.C. Dep't of Highways and Public Transp., 313 S.C. 525, 443 S.E.2d 539 (1994). Although the failure to timely commence an action pursuant to a statute of creation is not a subject matter jurisdiction defect, such an action "cannot be maintained unless brought within the time allowed by that statute." Simpson v. Sanders, 314 S.C. 413, 415 n.1, 445 S.E.2d 93, 94 n.1 (1994). When a statute both creates a cause of action and includes a time limit for its commencement, compliance with the time limit is a condition precedent to the maintenance of the action. 54 C.J.S. Limitations of Actions § 31 (updated Dec. 2011). "Such a statutory time limit conditions the existence of the right of action, thereby creating a substantive, rather than procedural, limitation on the right. Bringing suit within the prescribed time is a condition of liability itself, not of the remedy alone." Id.

The rationale behind a statute of creation is similar to that of a statute of limitations. Significantly, South Carolina courts have held that "[s]tatutes of limitations are not simply technicalities," but rather are "fundamental to a well-ordered judicial system." Moates v. Bobb, 322 S.C. 172, 176, 470 S.E.2d 402, 404 (Ct. App. 1996). "The purpose of statutes of limitation is to ensure litigation is 'brought within a reasonable time in order that evidence be reasonably available and there be some end to litigation.'" Transp. Ins. Co. & Flagstar Corp. v. S.C. Second Injury Fund, 389 S.C. 422, 428, 699 S.E.2d 687, 690 (2010) (quoting Hooper v. Ebenezer Senior Servs. & Rehab. Ctr., 377 S.C. 217, 227, 659 S.E.2d 213, 218 (Ct. App. 2008)). "Statutes of limitation embody important public policy considerations in that they stimulate activity, punish negligence, and promote repose by giving security and stability to human affairs." Transp. Ins. Co., 389 S.C. at 428, 699 S.E.2d at 690 (quoting Moates, 322 S.C. at 176, 470 S.E.2d at 404). Moreover, statutes of limitations relieve courts of the burden of trying stale claims of those who have "slept on their rights." Transp. Ins. Co., 389 S.C. at 428, 699 S.E.2d at 690.

In the present case, the court finds that the Appellants' interpretation of the term "policies/procedures" in Paragraph 13.9 is overly expansive. The Appellants appear to argue that the term, which is not defined in GA-01.12, refers to any "act or method of proceeding in an

action." However, if the term were construed that broadly, Paragraph 13.9's exception would effectively swallow Paragraph 13.1's general rule. Because such a construction would fail to give proper effect to Paragraph 13.1's fifteen-day filing deadline, it must be rejected. Cf. State ex rel. McLeod v. Nessler, 273 S.C. 371, 373, 256 S.E.2d 419, 420 (1979) ("In determining the meaning of a statute, it is the duty of this Court to give force and effect to all parts of the statute, if possible."); Hinton v. S.C. Dep't of Prob., Parole & Pardon Servs., 357 S.C. 327, 333, 592 S.E.2d 335, 338 (Ct. App. 2004) ("Statutes must be read as a whole and sections which are part of the same general statutory scheme must be construed together **and each given effect** . . . .") (emphasis added).

Moreover, the Appellants' broad interpretation of the term "policies/procedures" does not comport with public policy. The Department has a legitimate interest in investigating grievances while they are still new, and thus public policy calls for the application of some limitations period to the Appellants' prevailing wage claims. See Johnson v. Johnson, 385 F.3d 503, 519 (5th Cir. 2004) (noting that the prison system has a legitimate interest in investigating complaints while they are still fresh); see also Woodford v. Ngo, 548 U.S. 81, 95 (2006) ("When a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and preserved."). Here, the fifteen-day filing deadline from Paragraph 13.1 is the only limitations period applicable to these claims.[4] Therefore, ruling in favor of the Appellants would mean that inmates would not be required to file prevailing wage grievances within any set time period. Due in part to public policy concerns over such a result, this court has consistently held that prevailing wage claims do not involve the Department's "policies or procedures." See, e.g., Lawson v. S.C. Dep't of Corr., 06-ALJ-04-00823-AP (S.C. Admin. Law Ct. Feb. 12, 2007); Wright v. S.C. Dep't of Corr., 06-ALJ-04-00114-AP, 2006 WL 1430140 (S.C. Admin. Law Ct. Apr. 28, 2006).

The importance of filing deadlines is underscored by the facts of this case. The record demonstrates the Department did not begin receiving Step 1s from the Appellants regarding their prevailing wage claims until September 22, 2004. The record also reflects that a significant

[4] The statutory provisions upon which Appellants base their pay claims do not create a private right of action. See Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55. Therefore, statutes of limitations derived from state law do not apply to Appellants' claims. See Talford v. S.C. Dep't of Corr., 06-ALJ-04-00823-AP (S.C. Admin. Law Ct. Feb. 14, 2007).

number of the Appellants began participating in the prison industries project at Lieber in 1999. Thus, approximately five years passed between when these Appellants began participating in the project and when they filed their Step 1s challenging their pay. Clearly, the passage of five years could significantly affect the Department's ability to defend the Appellants' claims.[5]

In contrast to the Appellants, the Department—the agency that drafted Paragraph 13.9—presents a very persuasive construction of the term "policies/procedures." In its brief, the Department argues:

> [T]he terms "policies" and "procedures" constitute approved guidelines for handling the agency's day-to-day operations as well as statements expressing the basic expectations of conduct for agency staff and inmates. More formally stated, the terms "policies" and "procedures" constitute agency directives deemed by the responsible agency officials as "necessary to preserve internal order and discipline, and to maintain institutional security in the prison."

(footnote and citations omitted). This interpretation is consistent with the way in which "policies/procedures" is used throughout GA-01.12. See Georgia-Carolina Bail Bonds, Inc. v. County of Aiken, 354 S.C. 18, 24, 579 S.E.2d 334, 337 (Ct. App. 2003) (holding that undefined terms "must be construed in context"). Significantly, nearly all of the references to "policy/procedure" in GA-01.12 are to the official policies and procedures set forth within that document or another similar operating document issued by the Department. See, e.g., DOC Policy Number GA-01.12, ¶ 1.3 ("Every inmate assigned to a South Carolina Department of Corrections (SCDC) institution is eligible to utilize the grievance system as set forth in **this policy/procedure.**") (emphasis added); DOC Policy Number GA-01.12, Note to ¶ 10.5 ("The Warden's decision to grant restitution/monetary reimbursement will not require additional approval to have state provided like/issued items issued or deposits made to the grievant's E.H. Cooper Account so long as the amount of reimbursement is within the monetary limits of SCDC **Policy/Procedure OP-22.03** . . . .") (emphasis added); DOC Policy Number GA-01.12, ¶ 13.1 ("No inmate (except the grievant, if s/he requests it) and no employee (other than those specified in **this policy/procedure**) will be given a copy of a grievance.") (emphasis added); DOC Policy

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[5] The court notes in this regard that the statutory deadline for filing wage recovery claims under South Carolina's Payment of Wages Act is three years. See S.C. Code Ann. § 41-10-80(C) (Supp. 2010) ("Any civil action for the recovery of wages must be commenced within three years after the wages become due.").

Number GA-01.12, ¶ 17 ("The Inmate Grievance Branch will serve as monitor to ensure compliance with **this policy/procedure.**") (emphasis added).

In addition to being supported by the text of GA-01.12, the Department's interpretation of the term "policies/procedures" in Paragraph 13.9 avoids the public policy problems inherent in the Appellants' construction. Under the Department's interpretation, the filing of a "policies/procedures" grievance under Paragraph 13.9 would not force the Department to defend actions it took many years ago. Rather, the Department would merely be required to determine whether the "policies/procedures" it currently has in effect should be changed.

I find that the Department's interpretation of "policies/procedures" is reasonable and should be accepted by this court. In that light, it is clear that the Appellants' prevailing wage claims do not concern "policies/procedures" as that term is used in Paragraph 13.9.

The Appellants' attempt to argue otherwise by pointing to this court's use of the term "policies" in its March 10, 2011 order is unpersuasive. Specifically, Appellants refer to the following portion of the court's order:

> Paragraph 7 of DOC Policy Number GA-01.12, which has existed in some form since May 1, 1996, sets forth the issues that are considered grievable by DOC. Among other grievable issues, it includes the following: "Department policies/procedures, directives, or conditions which directly affect an inmate." DOC Policy Number GA-01.12, ¶ 7.1 (emphasis added). **Unquestionably, inmates are "directly affect[ed]" by DOC policies that cause them to be paid less than that required by law.** Thus, this provision, which is very broad in scope, encompasses prevailing wage claims.

(emphasis added).

Although the court employed the term "policies" in discussing the Appellants' claims, its use of that term was made in the context of determining whether the Appellants' claims were grievable under Paragraph 7.1 of GA-01.12. The court was simply describing the Appellants' claims; it was not ruling on whether the Department did in fact have policies to underpay inmates. Moreover, in utilizing the term "policies," the court was referring to its broad meaning as "course[s] of action,"[6] not to the meaning ascribed to the term in Paragraph 13.9. The sentence highlighted above was meant to convey the court's conclusion that the Department's

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[6] See Dictionary.com, http://dictionary.reference.com (last visited Jan. 23, 2012) (defining "policy").

alleged action in the case (i.e., deciding to pay the Appellants less than the prevailing wage) would have, if true, created a "condition" that "directly affected" the Appellants.[7]

While the Appellants contend that the term "policies" should be given the same meaning in Paragraph 7.1 as it is in Paragraph 13.9, Paragraph 7.1 makes grievable not only "policies/procedures" that directly affect inmates, but also "directives" and "conditions." See DOC Policy Number GA-01.12, ¶ 7.1 ("The following issues will be considered grievable: Department policies/procedures, **directives, or conditions** which directly affect an inmate.") (emphasis added). Thus, ruling that the Appellants' grievances do not concern "policies/procedures" under Paragraph 13.9 is not inconsistent with ruling that the Appellants' claims were grievable under Paragraph 7.1.

For the foregoing reasons, I conclude that prevailing wage claims do not constitute grievances concerning "policies/procedures" under Paragraph 13.9 of GA-01.12. Rather, I find that prevailing wage claims are "incident" grievances and thus must be filed within the fifteen-day timeframe set forth in Paragraph 13.1.

II. Did the Appellants have reasonable cause under Paragraph 13.9 not to file within Paragraph 13.1's fifteen-day time frame?

The Appellants next argue that, if this court determines that their Step 1 grievances constituted "incident" grievances and, therefore, were subject to Paragraph 13.1's fifteen-day filing deadline, they had "reasonable cause" under Paragraph 13.9 not to file their Step 1s before the South Carolina Supreme Court issued its opinions in Adkins and Wicker. Specifically, the Appellants contend that the Department's "practice of denying grievability" for prevailing wage claims, as well as the ALC's en banc order in McNeil v. South Carolina Department of Corrections, 00-ALJ-04-00336-AP (S.C. Admin. Law Ct. Sept. 5, 2001), "effectively barred"

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[7] In this court's view, the Appellants' wage rates were "condition[s]" affecting their participation in the prison industries project operated at Lieber. Indeed, the Prison Industries Act specifically refers to inmates' "rates of pay" as "conditions of employment." See S.C. Code Ann. § 24-3-315 (2007) (The director must determine prior to using inmate labor in a prison industry project that it will not displace employed workers, that the locality does not have a surplus of available labor for the skills, crafts, or trades that would utilize inmate labor, **and that the rates of pay and other conditions of employment** are not less than those paid and provided for work of similar nature in the locality in which the work is performed.") (emphasis added).

them from exercising their grievance and appeal rights prior to the issuance of Adkins and Wicker.[8] I disagree.

> Paragraph 13.9 of GA-01.12 provides in pertinent part:
>
> Exceptions [to the 15 day time limit requirement] may . . . be made for incident grievances by the Chief/designee, Inmate Grievance Branch, **provided that documented reasonable cause can be demonstrated** as to why the original time frame was not met, e.g., inmate physically unable to initiate grievance due to hospitalization, court appearance, etc. **The waiver must be requested by the grievant.**

DOC Policy Number GA-01.12, ¶ 13.9 (emphasis added).

Paragraph 13.9 clearly states that "documented reasonable cause" must be shown as to why the fifteen-day time limit "was not met," and that any such waiver of the time limit must be "requested by the grievant." Thus, exceptions to the fifteen-day filing deadline are not automatic or guaranteed. Instead, the grievant must affirmatively request a waiver to the fifteen-day time limit and provide documented reasonable cause in support for such a request.

As reflected by the record, no Appellant requested a waiver to the fifteen-day time limit in his Step 1 grievance by which he asserted "reasonable cause" as permitted by Paragraph 13.9. Also, no Appellant provided "documented reasonable cause" in the manner required by Paragraph 13.9. Therefore, no Appellant satisfied the procedural requirements set forth in Paragraph 13.9.

Instead, the vast majority of the Appellants first explicitly invoked such a "reasonable cause" exception in their Notices of Appeal to this court. By only invoking this exception within their Notices of Appeal, the Appellants failed to afford the Department an opportunity to consider their request. Accordingly, this issue has not been properly preserved by the Appellants. See Brown v. S.C. Dep't of Health & Envtl. Control, 348 S.C. 507, 519, 560 S.E.2d 410, 417 (2002) ("[I]ssues not raised to and ruled on by the agency are not preserved for judicial consideration."); Kiawah Resort Assocs. v. S.C. Tax Comm'n, 318 S.C. 502, 505, 458 S.E.2d 542, 544 (1995) (holding that a court reviewing a decision of an administrative agency on appeal cannot consider issues that were not raised to and ruled upon by the agency).

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[8] In McNeil, the ALC held that its appellate jurisdiction in inmate appeals was limited to either: (1) cases in which an inmate contended that prison officials had erroneously calculated his sentence, sentence related credits, or custody status; or (2) cases in which the Department had taken an inmate's created liberty interest as punishment in a major disciplinary hearing.

Furthermore, even if this issue were preserved, I find that it lacks merit. In its March 10, 2011 order, this court expressly held that "Adkins and Wicker did not create new substantive rights, new grievance remedies, or new appeal remedies." In doing so, the court explained that under the broad provision of Paragraph 7.1 of GA-01.12, the Appellants' prevailing wage claims were grievable and had, in fact, been held to be so by an Administrative Law Judge in 2001.

This court also specifically rejected the Appellants' argument that the ALC's decision in McNeil made prevailing wage claims unappealable prior to the issuance of Wicker. The court explained: "Because the ALC is a lower court, its decisions do not constitute binding precedent. Given that the ALC cannot create judicial precedent, it certainly cannot answer legal questions with "finality." (citations omitted).

Indeed, as the Department correctly notes, the McNeil decision was not the final word on the appealability of inmate grievances. In Sullivan v. S.C. Dep't of Corr., 355 S.C. 437, 586 S.E.2d 124 (2003), a decision issued a year prior to Adkins and Wicker, our Supreme Court specifically instructed the ALC to refrain from relying upon McNeil when determining its jurisdiction to hear inmate appeals. See id. at 445 n.5, 586 S.E.2d at 128 n.5 ("[B]ecause we know McNeil has been relied upon by the ALJ in other cases to deny jurisdiction, the ALJD and the circuit court are instructed to look to this opinion, not McNeil, for guidance in future cases."). Moreover, in that case, the Supreme Court reiterated its holding in Al-Shabazz that procedural due process was guaranteed whenever an inmate was deprived of an interest encompassed by "the Fourteenth Amendment's protection of liberty **and property**."[9] Id. at 441-42, 586 S.E.2d at 126 (emphasis added). Notwithstanding the issuance of Sullivan in August 2003, the earliest any of the Appellants filed a grievance regarding their prevailing wage claims was September 22, 2004. Thus, in light of Sullivan, it seems disingenuous for the Appellants to suggest that they would have filed their grievances earlier had it not been for McNeil.

For these reasons, I find that the Appellants' contention that they were "effectively barred" from filing their Step 1s before the issuance of Adkins and Wicker is without merit.

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[9] In Al-Shabazz, our Supreme Court, quoting U.S. Supreme Court precedent from 1972, held that "[t]he requirements of procedural due process apply . . . to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property." Al-Shabazz, 338 S.C. at 369, 527 S.E.2d at 750 (quoting Bd. of Regents of State Colleges v. Roth, 408 U.S. 564, 569 (1972)).

III. Did the Department violate the Appellants' due process rights by applying the fifteen-day filing deadline in Paragraph 13.1 to their claims?

Next, the Appellants argue that their right to file Step 1 grievances regarding their prevailing wage claims did not accrue until the issuance of Adkins and Wicker and that they could not enforce such rights until the issuance of those two decisions. Therefore, they argue that the Department denied them due process by applying Paragraph 13.1's fifteen-day filing deadline to those grievances involving prevailing wage claims that arose prior to the issuance of Adkins and Wicker. I disagree.

As discussed above, this court's March 10, 2011 order previously determined that "Adkins and Wicker did not create new substantive rights, new grievance remedies, or new appeal remedies." Thus, the court has already determined that the Appellants possessed grievance rights and appellate remedies concerning their prevailing wage claims prior to the Supreme Court's issuance of Adkins and Wicker.

Furthermore, it should be noted that, in Al-Shabazz, 338 S.C. 354, 374-75, 527 S.E.2d 742, 753 (2000), our Supreme Court held that "[DOC]'s disciplinary and grievance procedures **comply with the minimal due process required in such proceedings.**" Al-Shabazz, 338 S.C. at 374-75, 527 S.E.2d at 753 (emphasis added). The Court also determined that "an inmate may seek review of [DOC's] final decision in an administrative matter under the APA," and that "[p]lacing review of these cases within the ambit of the APA **will ensure that inmate receives due process.**" Id. at 369, 527 S.E.2d at 750 (emphasis added). Thus, the Court recognized that inmates received due process by filing a grievance with the Department and then appealing the Department's final decision regarding the grievance to the ALC.

The Court also recognized as much in Wicker when it rejected the notion that the ALC lacked jurisdiction to review the Department's denial of an inmate's prevailing wage grievance. See Wicker, 360 S.C. at 424-25, 602 S.E.2d at 57-58. The Court concluded that because the inmate was entitled to due process with regard to his prevailing wage claim under Al-Shabazz, the Department's denial of his grievance was reviewable by the ALC. Id. Thus, the Court implicitly acknowledged that inmates receive due process by processing their prevailing wage claims through the Department's grievance system and the review procedures of the APA.

In conclusion, this court's March 10, 2011 order and the relevant precedent from our Supreme Court clearly contradict the Appellants' claim that the Department denied them due

process by invoking the fifteen-day filing deadline set forth in Paragraph 13.1. The Appellants' failure to timely avail themselves to the process available to them is exclusively attributable to their own failure to act in conformity with the provisions of this paragraph. Consequently, the Department's application of the fifteen-day filing deadline to the Appellants' prevailing wage claims that arose before the issuance of Adkins and Wicker did not violate their due process rights.

IV. Did the Department waive its right to raise Paragraph 13.1's fifteen-day time limit?

Next, the Appellants argue that the Department waived its right to apply the fifteen-day filing deadline to their Step 1 grievances for the following reasons: (1) the language in Paragraph 13.9 and the instructions on the Department's pre-printed Step 1 grievance form, which both state that policy grievances may be filed at any time, are inconsistent with an intent to raise the fifteen-day filing deadline; (2) for 153 inmates, the Department did not raise timeliness as an issue in its responses to the Appellants' Step 1 grievances; and (3) for 32 Step 1 responses, and 136 Step 2 final decisions, the Department raised the fifteen-day filing deadline **and** considered the merits of the Appellants' prevailing wage claims. As discussed below, I find the Appellants' arguments unpersuasive.

A

As stated above, the Appellants contend that the language in Paragraph 13.9 and the instructions appearing on the preprinted Step 1 grievance form are inconsistent with the Department's intent to assert the fifteen-day filing deadline as a basis by which to deny the prevailing wage claims articulated by the Appellants within their Step 1s. I disagree.

"Waiver is a voluntary and intentional abandonment or relinquishment of a known right." Eason v. Eason, 384 S.C. 473, 480, 682 S.E.2d 804, 807 (2009) (quoting Parker v. Parker, 313 S.C. 482, 487, 443 S.E.2d 388, 391 (1994)). It may be either express or implied. Lyles v. BMI, Inc., 292 S.C. 153, 158, 355 S.E.2d 282, 285 (Ct. App. 1987). Acts that are inconsistent with the continued assertion of a right may give rise to a waiver. Provident Life and Acc. Ins. Co. v. Driver, 317 S.C. 471, 478, 451 S.E.2d 924, 928 (Ct. App. 1994). Waiver is an affirmative defense, and the burden of proof is upon the party who asserts it. Id. at 478, 451 S.E.2d at 929.

Here, the Department applied the fifteen-day filing deadline set forth in Paragraph 13.1 to the Appellants' prevailing wage claims because those claims represented "incidents" by which the Appellants challenged the conditions of their participation in the prison industries project at Lieber. Importantly, the pre-printed form and Paragraph 13.1 expressly stated that inmates were required to file their Step 1s within 15 days of any alleged "incident." Thus, the Department's application of the fifteen-day filing deadline in Paragraph 13.1 was entirely consistent with the Department's grievance policy and the pre-printed Step 1 forms.

Although the Step 1 form and Paragraph 13.9 provided an exception to the fifteen-day filing deadline for grievances concerning "policies/procedures," nothing in the Department's grievance policy or in the language of the pre-printed Step 1 form suggested that prevailing wage claims constituted policies/procedures grievances under Paragraph 13.9. By merely providing an exception to the fifteen-day filing deadline, the Department did not waive its right to invoke the fifteen-day deadline for cases falling outside that exception. Accordingly, I find that the Department did not waive the fifteen-day deadline in Paragraph 13.1 for filing incident grievances by issuing the language in Paragraph 13.9 or the instructions on the pre-printed Step 1 grievance form.

B

The Appellants also argue that the Department waived the fifteen-day filing deadline in Paragraph 13.1 because it did not raise timeliness as an issue in 153 of its responses to the Appellants' Step 1 grievances. I disagree.

"Administrative agencies have an inherent authority to reconsider a prior determination which is not final . . . ." 2 Am. Jur. 2d Administrative Law § 468 (updated Nov. 2011). As discussed below, the responses provided to the Appellants' Step 1s did not constitute final decisions of the Department. Accordingly, during the Step 2 review process, the Department was authorized to reverse the Step 1 decision or, alternatively, to uphold the Step 1 decision on different grounds.

Paragraph 13 of the Department's grievance policy sets forth the steps in the grievance process. Per Paragraph 13.1, an inmate must complete a Step 1 grievance form in which he must articulate the basis of his complaint. The inmate must then submit that form to an employee designated by the Warden within fifteen days of the alleged "incident." DOC Policy Number

GA-01.12, ¶ 13.1. Paragraph 13.2 further articulates that the Step 1 must be forwarded to the Institutional Inmate Grievance Coordinator, who, if unable to resolve the matter informally, must conduct a complete investigation and make recommendations to the Warden. DOC Policy Number GA-01.12, ¶ 13.2. The Warden must respond to the inmate "in writing . . . indicating in detail the rationale for the decision rendered and any recommended remedies." DOC Policy Number GA-01.12, ¶ 13.3.

If the inmate is unsatisfied with the response at the institutional level, he may appeal under Paragraphs 13.4 and 13.5 by filing a "Step 2" appeal and thereby seek a final agency decision. Paragraph 13.4 provides that "[i]f the grievant is not satisfied with the decision of the Warden, the grievant may next appeal to the Division Director of Operations for **final resolution of the grievance.**" DOC Policy Number GA-01.12, ¶ 13.4 (emphasis added). Furthermore, Paragraph 13.5 states: "The responsible official will render **the final decision** on the grievance within 60 days from the date that the Institutional Inmate Grievance Coordinator received the appeal of the Warden's decision. . . . **The response of the responsible official will be the Department's final response in the matter.** DOC Policy Number GA-01.12, ¶ 13.5 (emphases added).

Thus, under Paragraphs 13.4 and 13.5, the final decisions concerning the issues raised in the Appellants' grievances were rendered by the responsible official at the agency level, and this official's response to the Step 2 appeals constituted the final agency decisions. Therefore, because the Department raised the issue of the fifteen-day filing deadline in its Step 2 decisions, the failure by the Warden to raise the issue in some of his Step 1 decisions did not constitute waiver of the issue. Rather, as noted above, the Department possessed the authority to modify the Warden's Step 1 decisions because they were not final.

For instance, in Friends of Potter Marsh v. Peters, 371 F. Supp. 2d 1115 (D. Alaska 2005), the plaintiffs objected to the Secretary of Transportation's waiver, in a federal transportation legislation guidance, of a statutory requirement that Surface Transportation Program projects not be located on local roads or rural minor collectors. The defendants moved to dismiss the matter, contending that there had been no final agency action. The court granted the defendant's motion to dismiss, explaining:

> Even if Plaintiffs are correct that the waiver is invalid, an erroneous legal interpretation at one stage in the process is not a final agency action. **There is**

> **still time for the Secretary to change or modify the waiver, issue an individualized waiver, or the agency may not need to rely on the waiver.**

Id. at 1122 (emphasis added).

Like the legislation guidance at issue in Peters, the Step 1s in this case were not final agency decisions. In its Step 2 responses, the Department retained the right to come to a different conclusion than that reached in the Step 1 responses. Just as the Department could have reversed the Step 1 decisions, it also had the authority to affirm the Step 1 decisions on other grounds. Thus, because the Step 1 responses were not final agency decisions, the mere fact that the Department failed to invoke the fifteen-day filing deadline when it issued some of the Step 1 responses did not preclude it from raising the issue in its Step 2 responses.

The Appellants' reliance on Ross v. County of Bernalillo, 365 F.3d 1181 (10th Cir. 2004), abrogated in part by Jones v. Bock, 549 U.S. 199 (2007), is misplaced. In that case, the Tenth Circuit addressed whether an inmate had exhausted his administrative remedies regarding his claim that the prison shower was unreasonably dangerous where the inmate failed to file a complaint within the three-day timeframe set forth in the prison's procedures. The Tenth Circuit concluded that because prison officials had accepted his complaint and found in his favor, the inmate had exhausted his administrative remedies. Specifically, the court held:

> We need not address in the abstract whether Ross' complaint was timely because in this case the prison did actually consider it. Nothing in the record suggests that MCDC treated Ross' complaint as untimely; indeed, Ross received a favorable response and a mat was placed in the shower as he requested. If a prison accepts a belated filing, and considers it on the merits, that step makes the filing proper for purposes of state law and avoids exhaustion, default, and timeliness hurdles in federal court.

Id. at 1186.

The present case is distinguishable from Ross. In Ross, the court based its decision on the fact that "[n]othing in the record suggests that MCDC treated Ross' complaint as untimely" and that "Ross received a favorable response" to his complaint. Id. Here, in contrast, the Department found against the Appellants in its responses to both the Appellants' Step 1s and Step 2s. Moreover, in its responses to the Appellants' Step 2s, the Department made it clear that it considered the Appellants' grievances to be untimely.

Accordingly, because the Department raised the issue of the fifteen-day filing deadline in its Step 2 decisions, it did not waive its right to do so in the present appeal.

C

Finally, the Appellants note that there are 32 Step 1 responses and 136 Step 2 final decisions in which the Department both raised the fifteen-day filing deadline in Paragraph 13.1 and considered the merits of the Appellants' prevailing wage claims. The Appellants contend that with respect to those responses, waiver should apply because the Department's consideration of the merits was inconsistent with an intent to rely on Paragraph 13.1. I disagree.

In the responses at issue, the Department plainly stated that the Appellants' prevailing wage claims were time-barred under Paragraph 13.1. While the Department also addressed the merits of the Appellants' claims within those responses, that mere fact did not preclude the Department from applying the fifteen-day filing deadline from Paragraph 13.1. The Department's decisions must be read in their entirety. When done so, it is plain that there is no basis for concluding that the Department waived, either expressly or impliedly, its right to invoke the fifteen-day filing deadline. Cf. Brooks v. Walls, 279 F.3d 518, 523 (7th Cir. 2002) (holding that when a state court rules against a party on both procedural and substantive grounds, the court "has not abandoned the procedural ground but has instead added a substantive failing to the procedural one.").[10]

V. Was the Department equitably estopped from raising Paragraph 13.1?

Next, the Appellants contend that the Department is equitably estopped from raising the fifteen-day filing deadline in Paragraph 13.1. Specifically, the Appellants argue that Paragraph

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[10] Appellants cite Pozo v. McCaughtry, 286 F.3d 1022 (7th Cir. 2002) for the proposition that courts are divided on the issue of whether a filing that is dismissed as both untimely and unmeritorious is properly filed. In that case, the Seventh Circuit considered whether a prisoner's failure to take a timely administrative appeal within the state system meant that he failed to exhaust state remedies for purposes of 42 U.S.C. § 1997e(a). Although the court answered the question in the affirmative, in dicta it stated that "[c]ases look both ways on the question whether a document that is rejected as *both* late and unmeritorious counts as properly filed." Id. at 1025.

Appellants now attempt to rely on that statement, but they neglect to discuss the U.S. Supreme Court's subsequent decision in Pace v. DiGuglielmo, 544 U.S. 408 (2005). In that case, the Court addressed whether a state post-conviction petition that the state court had rejected as untimely could nonetheless be considered "properly filed" for the purposes of the tolling provision of 28 U.S.C. § 2244(d)(2). After noting the division among the circuit courts on the issue, the Court held: "[T]ime limits, no matter their form, are "filing" conditions. Because the state court rejected petitioner's PCRA petition as untimely, it was not 'properly filed'. . . ." Id. at 417; see also Carey v. Saffold, 536 U.S. 214, 226 (2002) (holding that if a state court clearly ruled that a prisoner's application for collateral review was untimely, then "that would be the end of the matter" for federal purposes, "regardless of whether [the state court] also addressed the merits of the claim, or whether its timeliness ruling was 'entangled' with the merits."). In light of the U.S. Supreme Court's holding in Pace, this court is unwilling to rely upon any federal circuit court decision holding that a document dismissed as both untimely and unmeritorious is properly filed.

13.9 and the pre-printed Step 1 form "lulled" them into believing that their prevailing wage claims were policy grievances and thus could be filed "at any time." I disagree.

"The essential elements of equitable estoppel are divided between the estopped party and the party claiming estoppel." Strickland v. Strickland, 375 S.C. 76, 84, 650 S.E.2d 465, 470 (2007). The elements of equitable estoppel as related to the party being estopped are: (1) conduct which amounts to a false representation, or conduct which is calculated to convey the impression that the facts are otherwise than, and inconsistent with, those which the party subsequently attempts to assert; (2) the intention that such conduct shall be acted upon by the other party; and (3) actual or constructive knowledge of the real facts. Id. The party asserting estoppel must show: (1) lack of knowledge, and the means of knowledge, of the truth as to the facts in question; (2) reliance upon the conduct of the party estopped; and (3) a prejudicial change of position in reliance on the conduct of the party being estopped. Id. at 84-85, 650 S.E.2d at 470. The party asserting equitable estoppel bears the burden of establishing all of the elements. Kelly v. Logan, Jolley, & Smith, L.L.P., 383 S.C. 626, 682 S.E.2d 1, 7 (Ct. App. 2009).

Under South Carolina law, a party may be estopped from claiming the statute of limitations as a defense if the delay that otherwise would give operation to the statute was induced by the party's conduct. Kleckley v. Nw. Nat. Cas. Co., 338 S.C. 131, 136, 526 S.E.2d 218, 220 (2000). The South Carolina Supreme Court has described the necessary "inducement" as follows:

> Such inducement may consist of an express representation that the claim will be settled without litigation or conduct that suggests a lawsuit is not necessary. The defendant's conduct may also involve inducing the plaintiff either to believe that an amicable adjustment of the claim will be made without suit or to forbear exercising the right to sue.

Id. at 136-37, 526 S.E.2d at 220 (citations omitted).

Here, the only conduct of the Department that the Appellants point to in making their estoppel argument is the Department's issuance of Paragraph 13.9 and the Step 1 instructions. However, Paragraph 13.9 and the Step 1 instructions did not state that *all* grievances could be filed outside of Section 13.1's fifteen-day deadline. Rather, they merely stated that grievances concerning "policies/procedures" could be filed outside of that deadline. Additionally, both Paragraph 13.1 and the Step 1 instructions clearly notified the Appellants that "incident"

grievances had to be filed within fifteen days. Although the Appellants claim they thought that Paragraph 13.9 applied to their prevailing wage claims, there is no evidence that the Department, through its words or actions, induced the Appellants into believing that their grievances constituted "policies/procedures" grievances. Therefore, the Appellants have failed to show that the Department engaged in conduct which "amount[ed] to a false representation," or conduct which was "calculated to convey the impression that the facts are otherwise than, and inconsistent with, those which the party subsequently attempts to assert." See Strickland, 375 S.C. at 84, 650 S.E.2d at 470.

The Appellants have also failed to establish that the Department engaged in the type of "inducement" described in Kleckley. See Kleckley, 338 S.C. at 136-37, 526 S.E.2d at 220. There is no evidence the Department did anything that would have induced the Appellants into believing that filing a grievance was unnecessary. Rather, the record merely shows that the Department issued a grievance policy that set forth, in a straightforward fashion, different time periods for filing different types of grievances. In the court's view, such evidence, on its own, is insufficient to establish an estoppel claim. A party should not be able to avoid the consequences of a filing deadline simply by claiming that it misinterpreted the deadline.[11] For these reasons, I find that the Department is not equitably estopped from raising the fifteen-day filing deadline in Paragraph 13.1.

VI. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled until after the issuance of Adkins and Wicker?

Next, the Appellants argue that the fifteen-day filing deadline in Paragraph 13.1 was tolled until after the issuance of Adkins and Wicker because, prior to that time, Appellants were "effectively barred" from exercising any grievance and appeal rights. I disagree.

Where a statute sets forth a limitation period for commencement of an action, courts have invoked the doctrine of equitable tolling to suspend the statutory period "to ensure fundamental practicality and fairness." Hooper v. Ebenezer Sr. Servs. & Rehab. Ctr., 386 S.C. 108, 115, 687 S.E.2d 29, 32 (2009) (quoting Rodriguez v. Superior Court, 98 Cal. Rptr. 3d 728, 736 (Cal. Ct. App. 2009)). Equitable tolling is a judicially created doctrine, and it stems from the judiciary's

[11] Significantly, there is no evidence that any of the Appellants ever asked the Department whether a prevailing wage claim constituted an "incident" grievance or a grievance concerning "policies/procedures."

inherent power to formulate rules of procedure "where justice demands it." Hooper, 386 S.C. at 115, 687 S.E.2d at 32. The party claiming the statute of limitations should be tolled bears the burden of establishing sufficient facts to justify its use. Id.

Equitable tolling is reserved for extraordinary circumstances, and it is rarely applied in South Carolina. American Legion Post 15 v. Horry County, 381 S.C. 576, 582, 674 S.E.2d 181, 184 (Ct. App. 2009). The threshold necessary to trigger equitable tolling is very high, lest the exception swallow the rule. Ex parte Ward, 46 So. 3d 888, 897 (Ala. 2007). Our Court of Appeals has explained:

> [A]ny invocation of equity to relieve the strict application of a statute of limitations must be guarded and infrequent, lest circumstances of individualized hardship supplant the rules of clearly drafted statutes. To apply equity generously would loose the rule of law to whims about the adequacy of excuses, divergent responses to claims of hardship, and subjective notions of fair accommodation.

Pelzer v. State, 378 S.C. 516, 522, 662 S.E.2d 618, 621 (Ct. App. 2008) (quoting Harris v. Hutchinson, 209 F.3d 325, 330 (4th Cir. 2000)).

Typically, equitable tolling applies in cases where a litigant was prevented from filing suit because of an extraordinary event beyond his or her control. Hooper, 386 S.C. at 116, 687 S.E.2d at 32; see also 54 C.J.S. Limitations of Actions § 133 (updated Dec. 2011) ("The statute of limitations generally will not be tolled when the plaintiff has slept on his or her rights, but only when he or she has been prevented from asserting them."). However, as the South Carolina Supreme Court has noted, court have flexibility in applying equitable remedies such as tolling:

> "The equitable power of a court is not bound by cast-iron rules but exists to do fairness and is flexible and adaptable to particular exigencies so that relief will be granted when, in view of all the circumstances, to deny it would permit one party to suffer a gross wrong at the hands of the other." Equitable tolling may be applied where it is justified under all the circumstances. We agree, however, that equitable tolling is a doctrine that should be used sparingly and only when the interests of justice compel its use.

Hooper, 386 S.C. at 116-17, 687 S.E.2d at 33 (citations omitted).

Turning to the present case, the court notes at the onset it is questionable whether Paragraph 13.1's fifteen-day filing deadline is subject to tolling. As noted above, it appears that the deadline is a statute of creation. Unlike statutes of limitations, statutes of creation cannot be tolled. See 54 C.J.S. Limitations of Actions § 5 (updated Dec. 2011) ("Statutes of limitations are subject to tolling, whereas statutes of creation are not.").

Even if the deadline can be tolled, the circumstances do not warrant the application of equitable tolling here. The Appellants contend that tolling should be applied because the McNeil decision prevented them from filing their grievances. However, as noted above, McNeil was an ALC decision and did not constitute binding precedent. See 21 C.J.S. Courts § 212 (updated Dec. 2011). Had the Appellants timely filed grievances and had the ALC denied their grievances based upon McNeil, the Appellants could have appealed to the Court of Appeals, which possessed the authority to reverse McNeil. In fact, as discussed above, the pertinent portions of McNeil were unmistakably superseded by the Sullivan decision in August 2003— a full year before any of the Appellants filed a grievance. See Sullivan, 355 S.C. at 445 n.5, 586 S.E.2d at 128 n.5. Thus, while McNeil may have discouraged the Appellants from filing their prevailing wage grievances, it did not bar them from doing so.

Furthermore, the "interests of justice" do not call for the application of equitable tolling in this case. There is no evidence that the Department prevented the Appellants from timely filing their grievances. Moreover, if equitable tolling were applied here, the Department would be forced to defend actions it took many years ago. As our Court of Appeals has noted, the passage of time can greatly hinder a party's ability to defend against a claim:

> [W]ith the passage of time, evidence becomes more difficult to obtain and is less reliable. Physical evidence is lost or destroyed, witnesses become impossible to locate, and memories fade. With passing time, a defendant faces an increasingly difficult task in formulating and mounting an effective defense.

Moriarty v. Garden Sanctuary Church of God, 334 S.C. 150, 163, 511 S.E.2d 699, 706 (Ct. App. 1999), aff'd, 341 S.C. 320, 534 S.E.2d 672 (2000).

While not tolling Paragraph 13.1 will mean the dismissal of nearly all of the Appellants' prevailing wage claims, in Adkins, our Supreme Court held that the prevailing wage statute was not enacted for the special benefit of inmates, but rather was passed to "prevent unfair competition." Adkins, 360 S.C. at 418, 602 S.E.2d at 54. In the present case, any unfair competition that arose as a result of the Department's alleged failure to pay the prevailing wage years ago will not be rectified by allowing the inmates to bring a prevailing wage claim now. Competitors who may have been previously harmed by the Department's asserted failure to pay the prevailing wage likely will not receive any type of benefit as a result of the inmates bringing such a case. The damage has already been done. Rather, the main party that stands to benefit

from prevailing wage claims involving conduct that occurred long ago is the inmates—a group which our Supreme Court expressly stated was not the intended beneficiary of the prevailing wage statute.

VII. Did inmates comply with Paragraph 13.1's filing deadline because it was tolled by their class action?

Next, the Appellants argue that the fifteen-day filing deadline in Paragraph 13.1 was tolled when they filed their class action in Williams on January 29, 2002. I disagree.

In making this argument, Appellants rely upon the U.S. Supreme Court's decision in Crown, Cork & Seal Co. v. Parker, 462 U.S. 345 (1983). In that case, the Court held that the running of the ninety-day statutory period within which the plaintiff was required to commence his employment discrimination suit was tolled during the period there was pending a class action in which he was a putative class member. Id. at 353-54. The Court further held that because the plaintiff did not receive his notice of right to sue until after the class action was filed, he retained a full ninety days to bring suit after the class certification was denied. Id. at 354. In reaching these conclusions, the Court reasoned that "unless the statute of limitations was tolled by the filing of the class action, class members would not be able to rely on the existence of the suit to protect their rights." Id. at 350. The Court further reasoned:

> A putative class member who fears that class certification may be denied would have every incentive to file a separate action prior to the expiration of his own period of limitations. The result would be a needless multiplicity of actions—precisely the situation that Federal Rule of Civil Procedure 23[12] and the tolling rule of American Pipe were designed to avoid.

Id. at 350-51.

The facts of the present case are notably different from those of Crown. Unlike the class action in Crown, the Appellants' class action did not fail because their certification was denied. Rather, it failed because the South Carolina Supreme Court concluded in Adkins that the inmates did not have a private cause of action with regard to their prevailing wage claims. See Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55. Thus, applying tolling to the present matter would constitute a significant extension of Crown. Such an extension would also require this court to

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[12] Federal Rule of Civil Procedure 23 sets forth the requirements regarding the filing of class actions. See Fed. R. Civ. P. 23.

conclude that the Appellants were justified in relying upon the 2002 class action to protect their rights, despite the fact that the South Carolina Supreme Court ultimately determined that no private right of action existed.

The Appellants' reliance on Crown is also mistaken because the Crown decision was based in large part upon Federal Rule of Civil Procedure 23—a rule which does not apply to the Department's internal grievance system. Moreover, the Court is unaware of any applicable rule similar to Rule 23 that allows inmates to file grievances as a class. Therefore, the Crown Court's reasoning regarding Rule 23 and its purpose are simply inapplicable to the present case.

Finally, the court notes that, unlike in Crown, for a significant number of Appellants, their right to file a grievance regarding their prevailing wage claims arose long before the filing of the class action in 2002. The record shows that numerous Appellants began participating in the prison industries project at Lieber several months, and in some cases *years*, before the class action was filed. As discussed in more detail below, under Paragraph 13.1, these Appellants were required to file a grievance within fifteen days after being informed of the Department's decision to pay them less than the prevailing wage. Thus, by the time the 2002 class action was filed, Paragraph 13.1's fifteen-day filing deadline had already passed with regard to their prevailing wage claims. Accordingly, even if the running of the fifteen-day filing deadline were suspended by the filing of the class action, these Appellants still failed to timely file their grievances.

For these reasons, I conclude that Crown is distinguishable from the present case and that Paragraph 13.1's fifteen-day filing deadline was therefore not tolled by the filing of Appellants' class action in Williams.

VIII. Are inmates' grievances timely filed because they filed within fifteen days of a term of employment?

Finally, the Appellants argue that all Step 1s filed during or within fifteen days of completion of a term of employment should be considered timely regardless of when the Appellants began their employment. I disagree.

As noted above, Paragraph 13.1 of GA-01.12 states that inmates must submit their grievances "within 15 days of the alleged incident." The "alleged incident" in this case was not the Appellants' "completion of a term of employment," but rather the Department's decision to

pay the Appellants less than the prevailing wage as required under Section 24-3-430(D). Accordingly, the fifteen-day time frame in Paragraph 13.1 began to run when the Appellants were informed of the Department's decision to pay them less than that mandated by Paragraph 24-3-430(D).

A similar conclusions was reached in Wallace v. Burbury, 305 F. Supp. 2d 801, 806 (N.D. Ohio 2003). In that case, an inmate brought an action in federal court alleging that prison officials violated his constitutional rights by denying his religious accommodation request for Passover. The prison officials argued that the inmate failed to exhaust his administrative remedies because he did not timely file a complaint under Ohio's inmate grievance procedure. The procedure required that "[w]ithin fourteen calendar days of the date of the event giving rise to the complaint, the inmate shall file an informal complaint to the direct supervisor of the staff member, or department most directly responsible for the particular subject matter of the complaint." Id. at 806. The inmate, despite learning of the denial of his religious accommodation request a week before Passover began, did not file a complaint until eleven days after the week-long holiday ended. Nevertheless, the inmate contended that his complaint was timely filed, arguing that "because his requests for religious accommodation were denied through the week of Passover," the "event giving rise to the complaint" occurred daily through the last day of the holiday. Id. The court rejected the inmate's argument, explaining:

> **To allow a filing deadline to toll with a continuous violation . . . would undermine the very purpose of the deadline, which is to limit the time to file a claim.** The event giving rise to the complaint was the date in March, 2002, when plaintiff first learned that NCCI would not honor his request to observe Passover. All subsequent grievances stem from that initial event. The filing of plaintiff's informal grievance was therefore untimely, and failure to file a timely grievance does not constitute an exhaustion of available administrative remedies.

Id. (emphasis added); see also Johnson v. Johnson, 385 F.3d 503, 519 (5th Cir. 2004) ("While it is true that the conditions that Johnson suffered both before and after the grievance were of the same general character, to permit the March 2001 grievance to reach back to events that transpired up to six months earlier would effectively negate the state's fifteen-day rule and frustrate the prison system's legitimate interest in investigating complaints while they are still fresh. **That a condition continues does not excuse the failure to file a grievance earlier.**") (emphasis added).

Similar to the court in Wallace, this court concludes that the Appellants should have filed a grievance within fifteen days after being informed of the Department's decision to pay them less than the prevailing wage. Like the deadline at issue in that case, the purpose of the fifteen-day deadline in Paragraph 13.1 is to limit the time to file a claim. If this court were to hold that inmates may timely file grievances within fifteen days of any term of employment, the Department could be forced to defend wage decisions it made a long time ago.

The Appellants contend that ruling against them on this issue would be "absurd" because it would require an inmate asserting a prevailing wage claim to file a grievance every time he received a paycheck. However, the court's decision here does not mandate such a result. Rather, a timely filed grievance will cover all damages recoverable by an inmate as a result of the Department's decision to pay him less than the prevailing wage. Thus, as long as an inmate timely files a grievance within fifteen days of learning of the Department's decision to pay him less than that required under Section 24-3-430(D), he will not need to file any additional grievances during the period of his employment affected by that decision.

CONCLUSION AND ORDER

Based on the foregoing, I conclude the following:

1. The Appellants' grievances did not concern "policies/procedures" as that term is used in Paragraph 13.9 of GA-01.12 and thus the fifteen-day filing deadline in Paragraph 13.1 applied to their grievances.
2. The Appellants did not have reasonable cause for not filing their grievances within Paragraph 13.1's fifteen-day time limit.
3. The Department's application of Paragraph 13.1 did not violate the Appellants' due process rights.
4. The Department did not waive its right to raise Paragraph 13.1's fifteen-day filing deadline.
5. The Department was not equitably estopped from raising Paragraph 13.1.
6. The Appellants were not "effectively barred" from exercising their grievance and appeal rights before Adkins and Wicker and therefore the fifteen-day filing deadline set forth in Paragraph 13.1 was not tolled prior to the issuance of those decisions.
7. Paragraph 13.1's fifteen-day filing deadline was not tolled by the filing of the Appellants' class action suit in circuit court.
8. The Appellants did not comply with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment.

Applying these conclusions to this case, a review of the record reveals that, with the lone exception of Fred Gatewood, #289775, none of the Appellants timely filed their Step 1 grievances. Other than Gatewood, each Appellant filed his Step 1 grievance more than fifteen days after his initial pay date. Certainly, by his initial pay date, each Appellant should have known of the Department's decision to pay him less than the prevailing wage. Accordingly,

IT IS HEREBY ORDERED that, for every Appellant other than Gatewood, the Department's final decisions in this matter are **AFFIRMED.**

IT IS FURTHER ORDERED that, as to Gatewood's appeal, within twenty (20) days from the date of this Order, the Department shall supplement, to the extent necessary, the Record on Appeal to include all content required under ALC Rule 36(B).

IT IS FURTHER ORDERED that the parties prepare briefs on the merits of Gatewood's appeal, taking into account the court's rulings in this Order.

IT IS FURTHER ORDERED that the Appellants' Brief shall be filed thirty (30) days from the date of receipt of the supplemented Record on Appeal and shall be limited to no more than thirty (30) pages. The Respondent's Brief shall be filed thirty (30) days from the date of receipt of the Appellants' Brief and shall be limited to no more than thirty (30) pages. If the Appellants wish to file a Reply to Respondent's Brief, that Reply shall be due fifteen (15) days from the date of receipt of the Respondent's Brief and shall be limited to no more than fifteen (15) pages.

AND IT IS SO ORDERED.

Ralph K. Anderson, III
Chief Administrative Law Judge

May 17, 2012
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

E. Harvin Belser Fair
Judicial Law Clerk

May 17, 2012
Columbia, South Carolina

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The South Carolina Court of Appeals

Francis Ackerman #266928, et al., Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-210588

ORDER

In response to the May 17, 2012 letter from Judge Ralph K. Anderson, III, this case is remanded to the Administrative Law Court for the purpose of issuing a Second Amended Order.

The remaining motions before this Court will be addressed after the amended order has been filed.

FOR THE COURT

Columbia, South Carolina

cc:
Douglas H. Westbrook
Katherine Anne Phillips
Lake Eric Summers

FILED
Carter 7/23/12

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STATE OF SOUTH CAROLINA

Administrative Law Court

Ralph K. Anderson, III
Chief Judge

Jana E. Cox Shealy
Clerk



JULY 25, 2012

PHONE: (803) 734-0550
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339 Heyward Street, Suite 200
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Re: Ackerman #266928, et al, v. South Carolina Department of Corrections, 07-ALJ-04-0444-AP
SC Court of Appeals, 2012-210588

Gentlemen:

Pursuant to the Order of the South Carolina Court of Appeals Order filed July 23, 2012, please find the Second Amended Order issued by the Administrative Law Court dated July 24, 2012.

Thank you for your attention to this matter.

Sincerely,

E. Harvin Belser Fair

E. Harvin Belser Fair
Law Clerk to the Honorable Ralph King Anderson, III

enclosure

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rec'd 7-30-12

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	) Docket Nos. 07-ALJ-04-00444 through 00449-AP) Docket Nos. 07-ALJ-04-00500 through 00548-AP) 0549-IJ, 0550 through 07-00559-AP) Docket Nos. 07-ALJ-04-00623 through 00632-AP) Docket Nos. 07-ALJ-04-00671 through 00677-AP) Docket Nos. 07-ALJ-04-00691, 0752, 0798, 0826,) 0856 through 0868-AP) Docket Nos. 07-ALJ-04-00869 through 00872-AP) Docket Nos. 07-ALJ-04-00444, 0876, 0885) Docket Nos. 08-ALJ-04-00141 through 00149-AP) Docket Nos. 08-ALJ-04-00169 through 0171-AP) Docket No. 08-ALJ-04-00192-AP)Docket Nos. 08-ALJ-04-00966 through 01022-IJ) Docket Nos. 08-ALJ-04-01023 through 01045-IJ) Docket No. 09-ALJ-04-00304-IJ
Appellants,	
vs.	
South Carolina Department of Corrections,	
Respondent.	) **SECOND AMENDED ORDER**[1]

STATEMENT OF THE CASE

In this consolidated action before the Administrative Law Court (ALC), the Appellants appeal the denial by the South Carolina Department of Corrections (Department or DOC) of 197 administrative grievances filed by them under DOC Policy Number GA-01.12 (GA-01.12). The Appellants include current and former inmates of the Department who either currently participate or at one time participated in the prison industries project operated by the Department at Lieber Correctional Institution (Lieber) in which Williams Technologies, Inc. (WTI), and now Caterpillar, Inc., act as the private industry sponsors. The Appellants argue that they are entitled to back pay and a higher hourly rate of pay for the labor they have provided or currently provide to the prison industries project operated at Lieber. Specifically, the Appellants contend that they are entitled to the "prevailing wage" under S.C. Code Ann. § 24-3-430(D) (2007).

Pursuant to an April 14, 2010 order, this court, in the interest of judicial economy, instructed the parties that it would consider the issues relevant to the Appellants' appeals in three

[1] This Order is issued pursuant to an Order of the South Carolina Court of Appeals allowing the Administrative Law Court is issue this Second Amended Order to correct a clerical error. This Order is amended to correct the caption to include the docket numbers of four (4) inmates inadvertently omitted.

FILED
July 26, 2012
SC ADMIN. LAW COURT

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rec'd 7-30-12

.evels. In the first level of review, which was set forth in an order dated March 10, 2011, the court addressed the following two issues: (1) did Adkins v. S.C. Department of Corrections, 360 S.C. 413, 602 S.E.2d 51 (2004) and Wicker v. S.C. Department of Corrections, 360 S.C. 421, 602 S.E.2d 56 (2004) create new substantive rights and/or new remedies? and (2) do Adkins and Wicker apply prospective or retrospectively? As discussed in the March 10, 2011 order, the court found that Adkins and Wicker created neither new substantive rights nor new remedies and that both decisions applied retrospectively.

The court now turns to the second level of review, which involves the timeliness of the filing of the Appellants' grievances under GA-01.12. The Appellants make the following arguments: (1) the Appellants' grievances are not time-barred under the fifteen-day time limit for filing grievances set forth in Paragraph 13.1 of GA-01.12 because they concern policies/procedures and thus fall under Paragraph 13.9; (2) the Appellants had reasonable cause under Paragraph 13.9 of GA-01.12 not to file within Paragraph 13.1's fifteen-day time limit; (3) the Department's application of Paragraph 13.1 violated the Appellants' due process rights because it cut off the Appellants' claims before they accrued; (4) the Department waived Paragraph 13.1 because it did not raise Paragraph 13.1 until the Step 2 appeal and it considered the Appellants' grievances on the merits before invoking Paragraph 13.1; (5) the Department was equitably estopped from raising Paragraph 13.1; (6) the Appellants were "effectively barred" from exercising their grievance and appeal rights before Adkins and Wicker and therefore Paragraph 13.1's fifteen-day filing deadline was tolled prior to the issuance of those decisions; (7) Paragraph 13.1's fifteen-day filing deadline was tolled by the filing of the Appellants' class action suit in circuit court; and (8) the Appellants complied with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment.

BACKGROUND

In 2002, the Appellants filed a class action lawsuit in circuit court against the Department and WTI in which they sought back pay and higher current pay under the provisions of Section 24-3-430(D). In that lawsuit, which was captioned Williams v. S.C. Department of Corrections, the Appellants alleged a cause of action under South Carolina's Payment of Wages Act, claiming they were due lost wages because they were not paid the "prevailing wage" as specified in Section 24-3-430(D).

On August 23, 2004, while the Appellants' class action lawsuit was pending, the Supreme Court issued its decisions in Wicker and Adkins. In those two cases, inmates who then participated or at one time participated in a prison industries projects operated by the Department alleged that they were entitled to the "prevailing wage" pursuant to Section 24-3-430(D). As discussed in this court's March 10, 2011 order, the Supreme Court held that Section 24-3-430(D) did not give rise to a private cause of action,[2] but that inmates could pursue their claims under the Department's grievance policies and, if necessary, appeal the Department's decision to the ALC.[3]

After Adkins and Wicker were issued on August 23, 2004, the Appellants' counsel filed grievances with Department officials at Lieber on behalf of the Appellants. Although Department officials had begun processing those grievances, on November 3, 2004, the circuit court judge presiding over the class action lawsuit, which was still active, stayed the Department's efforts to process and adjudicate all administrative grievances—including the Appellants'—which it had received from or on behalf of inmates who articulated pay claims attributed to their participation in the Department's project at Lieber. After it imposed this stay on November 3, 2004, however, the circuit court granted motions for dismissal filed by both the Department and WTI, and, by an order filed on July 1, 2005, the circuit court dismissed the Appellants' class action lawsuit and decertified the class it had originally recognized. In its July 1, 2005 order, the circuit court also lifted the stay it had imposed on November 3, 2004. However, because the Appellants subsequently appealed the circuit court's order, the stay imposed by the circuit court on November 3, 2004 was reimposed.

On February 26, 2007, the South Carolina Supreme Court affirmed the circuit court's dismissal of the class action lawsuit in its opinion, Williams v. S.C. Department of Corrections, 372 S.C. 255, 641 S.E.2d 885 (2007), and, as a result, the stay imposed by the circuit court on November 3, 2004 ceased being effective on or about May 22, 2007. Thereafter, the Department resumed processing and adjudicating the Appellants' grievances. Ultimately, the Department issued final decisions denying each Appellant's respective grievance, largely finding that the grievances were not filed within the fifteen-day time period required under Paragraph 13.1 of

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2 Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55.

3 Wicker, 360 S.C. at 423-25, 602 S.E.2d at 57-58.

GA-01.12. The Appellants timely appealed those decisions to this court. Subsequently, during a conference call held on February 25, 2010, the parties agreed to consolidate the appeals for the purposes of briefing and filing the record.

ISSUES ON APPEAL

1. Are the Appellants' grievances not time-barred under the fifteen-day time limit for filing grievances set forth in Paragraph 13.1 of GA-01.12 because they concern "policies/procedures" and thus fall under Paragraph 13.9 of GA-01.12?

2. Did the Appellants have reasonable cause not to file within Paragraph 13.1's fifteen-day time limit?

3. Did the Department's application of Paragraph 13.1 violate the Appellants' due process rights because it cut off the Appellants' claims before they accrued?

4. Did the Department waive its right to raise Paragraph 13.1's fifteen-day time limit?

5. Was the Department equitably estopped from raising Paragraph 13.1?

6. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled until after the issuance of Adkins and Wicker because, prior to that time, the Appellants were "effectively barred" from exercising their grievance and appeal rights?

7. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled by the filing of the Appellants' class action suit in circuit court?

8. Did the Appellants comply with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment?

STANDARD OF REVIEW

As set forth above, this case is before the ALC on appeal from consolidated final decisions of the Department pursuant to S.C. Code Ann. § 1-23-600(D) (Supp. 2010) of the Administrative Procedures Act (APA). As such, the Administrative Law Judge (ALJ) sits in an appellate capacity under the APA rather than as an independent finder of fact. In South Carolina, the provisions of the APA—specifically Section 1-23-380(A)(5)—govern the circumstances in which an appellate body may reverse or modify an agency decision. That section states:

> The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) in violation of constitutional or statutory provisions;

(b) in excess of the statutory authority of the agency;

(c) made upon unlawful procedure;

(d) affected by other error of law;

(e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2010).

DISCUSSION

I. Did the Appellants' claims involve a DOC "policy/procedure" such that there was no time limit to file under Paragraph 13.9 of GA-01.12?

Paragraph 13.1 of GA-01.12 generally requires that Step 1 grievances be filed "within 15 days of the alleged incident." DOC Policy Number GA-01.12, ¶ 13.1. However, Paragraph 13.9 of GA-01.12 provides that "[e]xceptions to the 15 day time limit requirement will be made for grievances concerning policies/procedures." DOC Policy Number GA-01.12, ¶ 13.9. In the present case, the Appellants contend that their grievances concerned DOC "policies/procedures" and that no time limit therefore applied to the filing of their grievances. I disagree.

Before delving into the specifics of the Appellants' argument, it is necessary to briefly discuss the nature of, and the purpose behind, Paragraph 13.1's fifteen-day filing deadline. By issuing GA-01.12, the Department has unquestionably established a prescribed procedure for handling inmate grievance matters that has been approved by the South Carolina Supreme Court. See Al-Shabazz v. State, 338 S.C. 354, 373, 527 S.E.2d 742, 752 (2000) ("We hold that Department's disciplinary and grievance procedures are consistent with the standards delineated by the Supreme Court in Wolff v. McDonnell, supra. We note that Department also prepared its grievance procedures in compliance with the Civil Rights of Institutionalized Persons Act."). The Department's prescribed procedure further sets forth a specific time frame to exercise the rights created under those provisions. Therefore, as discussed below, it appears that the Department's regulations are a "statute of creation."

Under South Carolina law, a statute that creates a new liability and affixes the time within which an action may be commenced is a "statute of creation," and commencement within the time affixed is an indispensable condition of the action. Knight Publ'g Co. v. Univ. of S.C., 295 S.C. 31, 33, 367 S.E.2d 20, 22 (1988), overruled on other grounds by McLendon v. S.C. Dep't of Highways and Public Transp., 313 S.C. 525, 443 S.E.2d 539 (1994). Although the failure to timely commence an action pursuant to a statute of creation is not a subject matter jurisdiction defect, such an action "cannot be maintained unless brought within the time allowed by that statute." Simpson v. Sanders, 314 S.C. 413, 415 n.1, 445 S.E.2d 93, 94 n.1 (1994). When a statute both creates a cause of action and includes a time limit for its commencement, compliance with the time limit is a condition precedent to the maintenance of the action. 54 C.J.S. Limitations of Actions § 31 (updated Dec. 2011). "Such a statutory time limit conditions the existence of the right of action, thereby creating a substantive, rather than procedural, limitation on the right. Bringing suit within the prescribed time is a condition of liability itself, not of the remedy alone." Id.

The rationale behind a statute of creation is similar to that of a statute of limitations. Significantly, South Carolina courts have held that "[s]tatutes of limitations are not simply technicalities," but rather are "fundamental to a well-ordered judicial system." Moates v. Bobb, 322 S.C. 172, 176, 470 S.E.2d 402, 404 (Ct. App. 1996). "The purpose of statutes of limitation is to ensure litigation is 'brought within a reasonable time in order that evidence be reasonably available and there be some end to litigation.'" Transp. Ins. Co. & Flagstar Corp. v. S.C. Second Injury Fund, 389 S.C. 422, 428, 699 S.E.2d 687, 690 (2010) (quoting Hooper v. Ebenezer Senior Servs. & Rehab. Ctr., 377 S.C. 217, 227, 659 S.E.2d 213, 218 (Ct. App. 2008)). "Statutes of limitation embody important public policy considerations in that they stimulate activity, punish negligence, and promote repose by giving security and stability to human affairs." Transp. Ins. Co., 389 S.C. at 428, 699 S.E.2d at 690 (quoting Moates, 322 S.C. at 176, 470 S.E.2d at 404). Moreover, statutes of limitations relieve courts of the burden of trying stale claims of those who have "slept on their rights." Transp. Ins. Co., 389 S.C. at 428, 699 S.E.2d at 690.

In the present case, the court finds that the Appellants' interpretation of the term "policies/procedures" in Paragraph 13.9 is overly expansive. The Appellants appear to argue that the term, which is not defined in GA-01.12, refers to any "act or method of proceeding in an

action." However, if the term were construed that broadly, Paragraph 13.9's exception would effectively swallow Paragraph 13.1's general rule. Because such a construction would fail to give proper effect to Paragraph 13.1's fifteen-day filing deadline, it must be rejected. Cf. State ex rel. McLeod v. Nessler, 273 S.C. 371, 373, 256 S.E.2d 419, 420 (1979) ("In determining the meaning of a statute, it is the duty of this Court to give force and effect to all parts of the statute, if possible."); Hinton v. S.C. Dep't of Prob., Parole & Pardon Servs., 357 S.C. 327, 333, 592 S.E.2d 335, 338 (Ct. App. 2004) ("Statutes must be read as a whole and sections which are part of the same general statutory scheme must be construed together **and each given effect** . . . .") (emphasis added).

Moreover, the Appellants' broad interpretation of the term "policies/procedures" does not comport with public policy. The Department has a legitimate interest in investigating grievances while they are still new, and thus public policy calls for the application of some limitations period to the Appellants' prevailing wage claims. See Johnson v. Johnson, 385 F.3d 503, 519 (5th Cir. 2004) (noting that the prison system has a legitimate interest in investigating complaints while they are still fresh); see also Woodford v. Ngo, 548 U.S. 81, 95 (2006) ("When a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and preserved."). Here, the fifteen-day filing deadline from Paragraph 13.1 is the only limitations period applicable to these claims.[4] Therefore, ruling in favor of the Appellants would mean that inmates would not be required to file prevailing wage grievances within any set time period. Due in part to public policy concerns over such a result, this court has consistently held that prevailing wage claims do not involve the Department's "policies or procedures." See, e.g., Lawson v. S.C. Dep't of Corr., 06-ALJ-04-00823-AP (S.C. Admin. Law Ct. Feb. 12, 2007); Wright v. S.C. Dep't of Corr., 06-ALJ-04-00114-AP, 2006 WL 1430140 (S.C. Admin. Law Ct. Apr. 28, 2006).

The importance of filing deadlines is underscored by the facts of this case. The record demonstrates the Department did not begin receiving Step 1s from the Appellants regarding their prevailing wage claims until September 22, 2004. The record also reflects that a significant

[4] The statutory provisions upon which Appellants base their pay claims do not create a private right of action. See Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55. Therefore, statutes of limitations derived from state law do not apply to Appellants' claims. See Talford v. S.C. Dep't of Corr., 06-ALJ-04-00823-AP (S.C. Admin. Law Ct. Feb. 14, 2007).

number of the Appellants began participating in the prison industries project at Lieber in 1999. Thus, approximately five years passed between when these Appellants began participating in the project and when they filed their Step 1s challenging their pay. Clearly, the passage of five years could significantly affect the Department's ability to defend the Appellants' claims.[5]

In contrast to the Appellants, the Department—the agency that drafted Paragraph 13.9—presents a very persuasive construction of the term "policies/procedures." In its brief, the Department argues:

> [T]he terms "policies" and "procedures" constitute approved guidelines for handling the agency's day-to-day operations as well as statements expressing the basic expectations of conduct for agency staff and inmates. More formally stated, the terms "policies" and "procedures" constitute agency directives deemed by the responsible agency officials as "necessary to preserve internal order and discipline, and to maintain institutional security in the prison."

(footnote and citations omitted). This interpretation is consistent with the way in which "policies/procedures" is used throughout GA-01.12. See Georgia-Carolina Bail Bonds, Inc. v. County of Aiken, 354 S.C. 18, 24, 579 S.E.2d 334, 337 (Ct. App. 2003) (holding that undefined terms "must be construed in context"). Significantly, nearly all of the references to "policy/procedure" in GA-01.12 are to the official policies and procedures set forth within that document or another similar operating document issued by the Department. See, e.g., DOC Policy Number GA-01.12, ¶ 1.3 ("Every inmate assigned to a South Carolina Department of Corrections (SCDC) institution is eligible to utilize the grievance system as set forth in **this policy/procedure.**") (emphasis added); DOC Policy Number GA-01.12, Note to ¶ 10.5 ("The Warden's decision to grant restitution/monetary reimbursement will not require additional approval to have state provided like/issued items issued or deposits made to the grievant's E.H. Cooper Account so long as the amount of reimbursement is within the monetary limits of **SCDC Policy/Procedure OP-22.03** . . . .") (emphasis added); DOC Policy Number GA-01.12, ¶ 13.1 ("No inmate (except the grievant, if s/he requests it) and no employee (other than those specified in **this policy/procedure**) will be given a copy of a grievance.") (emphasis added); DOC Policy

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[5] The court notes in this regard that the statutory deadline for filing wage recovery claims under South Carolina's Payment of Wages Act is three years. See S.C. Code Ann. § 41-10-80(C) (Supp. 2010) ("Any civil action for the recovery of wages must be commenced within three years after the wages become due.").

Number GA-01.12, ¶ 17 ("The Inmate Grievance Branch will serve as monitor to ensure compliance with **this policy/procedure.**") (emphasis added).

In addition to being supported by the text of GA-01.12, the Department's interpretation of the term "policies/procedures" in Paragraph 13.9 avoids the public policy problems inherent in the Appellants' construction. Under the Department's interpretation, the filing of a "policies/procedures" grievance under Paragraph 13.9 would not force the Department to defend actions it took many years ago. Rather, the Department would merely be required to determine whether the "policies/procedures" it currently has in effect should be changed.

I find that the Department's interpretation of "policies/procedures" is reasonable and should be accepted by this court. In that light, it is clear that the Appellants' prevailing wage claims do not concern "policies/procedures" as that term is used in Paragraph 13.9.

The Appellants' attempt to argue otherwise by pointing to this court's use of the term "policies" in its March 10, 2011 order is unpersuasive. Specifically, Appellants refer to the following portion of the court's order:

> Paragraph 7 of DOC Policy Number GA-01.12, which has existed in some form since May 1, 1996, sets forth the issues that are considered grievable by DOC. Among other grievable issues, it includes the following: "Department policies/procedures, directives, or conditions which directly affect an inmate." DOC Policy Number GA-01.12, ¶ 7.1 (emphasis added). **Unquestionably, inmates are "directly affect[ed]" by DOC policies that cause them to be paid less than that required by law.** Thus, this provision, which is very broad in scope, encompasses prevailing wage claims.

(emphasis added).

Although the court employed the term "policies" in discussing the Appellants' claims, its use of that term was made in the context of determining whether the Appellants' claims were grievable under Paragraph 7.1 of GA-01.12. The court was simply describing the Appellants' claims; it was not ruling on whether the Department did in fact have policies to underpay inmates. Moreover, in utilizing the term "policies," the court was referring to its broad meaning as "course[s] of action,"[6] not to the meaning ascribed to the term in Paragraph 13.9. The sentence highlighted above was meant to convey the court's conclusion that the Department's

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[6] See Dictionary.com, http://dictionary.reference.com (last visited Jan. 23, 2012) (defining "policy").

alleged action in the case (i.e., deciding to pay the Appellants less than the prevailing wage) would have, if true, created a "condition" that "directly affected" the Appellants.[7]

While the Appellants contend that the term "policies" should be given the same meaning in Paragraph 7.1 as it is in Paragraph 13.9, Paragraph 7.1 makes grievable not only "policies/procedures" that directly affect inmates, but also "directives" and "conditions." See DOC Policy Number GA-01.12, ¶ 7.1 ("The following issues will be considered grievable: Department policies/procedures, **directives, or conditions** which directly affect an inmate.") (emphasis added). Thus, ruling that the Appellants' grievances do not concern "policies/procedures" under Paragraph 13.9 is not inconsistent with ruling that the Appellants' claims were grievable under Paragraph 7.1.

For the foregoing reasons, I conclude that prevailing wage claims do not constitute grievances concerning "policies/procedures" under Paragraph 13.9 of GA-01.12. Rather, I find that prevailing wage claims are "incident" grievances and thus must be filed within the fifteen-day timeframe set forth in Paragraph 13.1.

II. Did the Appellants have reasonable cause under Paragraph 13.9 not to file within Paragraph 13.1's fifteen-day time frame?

The Appellants next argue that, if this court determines that their Step 1 grievances constituted "incident" grievances and, therefore, were subject to Paragraph 13.1's fifteen-day filing deadline, they had "reasonable cause" under Paragraph 13.9 not to file their Step 1s before the South Carolina Supreme Court issued its opinions in Adkins and Wicker. Specifically, the Appellants contend that the Department's "practice of denying grievability" for prevailing wage claims, as well as the ALC's en banc order in McNeil v. South Carolina Department of Corrections, 00-ALJ-04-00336-AP (S.C. Admin. Law Ct. Sept. 5, 2001), "effectively barred"

[7] In this court's view, the Appellants' wage rates were "condition[s]" affecting their participation in the prison industries project operated at Lieber. Indeed, the Prison Industries Act specifically refers to inmates' "rates of pay" as "conditions of employment." See S.C. Code Ann. § 24-3-315 (2007) (The director must determine prior to using inmate labor in a prison industry project that it will not displace employed workers, that the locality does not have a surplus of available labor for the skills, crafts, or trades that would utilize inmate labor, **and that the rates of pay and other conditions of employment** are not less than those paid and provided for work of similar nature in the locality in which the work is performed.") (emphasis added).

them from exercising their grievance and appeal rights prior to the issuance of Adkins and Wicker.[8] I disagree.

> Paragraph 13.9 of GA-01.12 provides in pertinent part:
>
> Exceptions [to the 15 day time limit requirement] may . . . be made for incident grievances by the Chief/designee, Inmate Grievance Branch, **provided that documented reasonable cause can be demonstrated** as to why the original time frame was not met, e.g., inmate physically unable to initiate grievance due to hospitalization, court appearance, etc. **The waiver must be requested by the grievant.**

DOC Policy Number GA-01.12, ¶ 13.9 (emphasis added).

Paragraph 13.9 clearly states that "documented reasonable cause" must be shown as to why the fifteen-day time limit "was not met," and that any such waiver of the time limit must be "requested by the grievant." Thus, exceptions to the fifteen-day filing deadline are not automatic or guaranteed. Instead, the grievant must affirmatively request a waiver to the fifteen-day time limit and provide documented reasonable cause in support for such a request.

As reflected by the record, no Appellant requested a waiver to the fifteen-day time limit in his Step 1 grievance by which he asserted "reasonable cause" as permitted by Paragraph 13.9. Also, no Appellant provided "documented reasonable cause" in the manner required by Paragraph 13.9. Therefore, no Appellant satisfied the procedural requirements set forth in Paragraph 13.9.

Instead, the vast majority of the Appellants first explicitly invoked such a "reasonable cause" exception in their Notices of Appeal to this court. By only invoking this exception within their Notices of Appeal, the Appellants failed to afford the Department an opportunity to consider their request. Accordingly, this issue has not been properly preserved by the Appellants. See Brown v. S.C. Dep't of Health & Envtl. Control, 348 S.C. 507, 519, 560 S.E.2d 410, 417 (2002) ("[I]ssues not raised to and ruled on by the agency are not preserved for judicial consideration."); Kiawah Resort Assocs. v. S.C. Tax Comm'n, 318 S.C. 502, 505, 458 S.E.2d 542, 544 (1995) (holding that a court reviewing a decision of an administrative agency on appeal cannot consider issues that were not raised to and ruled upon by the agency).

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[8] In McNeil, the ALC held that its appellate jurisdiction in inmate appeals was limited to either: (1) cases in which an inmate contended that prison officials had erroneously calculated his sentence, sentence related credits, or custody status; or (2) cases in which the Department had taken an inmate's created liberty interest as punishment in a major disciplinary hearing.

Furthermore, even if this issue were preserved, I find that it lacks merit. In its March 10, 2011 order, this court expressly held that "Adkins and Wicker did not create new substantive rights, new grievance remedies, or new appeal remedies." In doing so, the court explained that under the broad provision of Paragraph 7.1 of GA-01.12, the Appellants' prevailing wage claims were grievable and had, in fact, been held to be so by an Administrative Law Judge in 2001.

This court also specifically rejected the Appellants' argument that the ALC's decision in McNeil made prevailing wage claims unappealable prior to the issuance of Wicker. The court explained: "Because the ALC is a lower court, its decisions do not constitute binding precedent. Given that the ALC cannot create judicial precedent, it certainly cannot answer legal questions with "finality." (citations omitted).

Indeed, as the Department correctly notes, the McNeil decision was not the final word on the appealability of inmate grievances. In Sullivan v. S.C. Dep't of Corr., 355 S.C. 437, 586 S.E.2d 124 (2003), a decision issued a year prior to Adkins and Wicker, our Supreme Court specifically instructed the ALC to refrain from relying upon McNeil when determining its jurisdiction to hear inmate appeals. See id. at 445 n.5, 586 S.E.2d at 128 n.5 ("[B]ecause we know McNeil has been relied upon by the ALJ in other cases to deny jurisdiction, the ALJD and the circuit court are instructed to look to this opinion, not McNeil, for guidance in future cases."). Moreover, in that case, the Supreme Court reiterated its holding in Al-Shabazz that procedural due process was guaranteed whenever an inmate was deprived of an interest encompassed by "the Fourteenth Amendment's protection of liberty **and property.**"[9] Id. at 441-42, 586 S.E.2d at 126 (emphasis added). Notwithstanding the issuance of Sullivan in August 2003, the earliest any of the Appellants filed a grievance regarding their prevailing wage claims was September 22, 2004. Thus, in light of Sullivan, it seems disingenuous for the Appellants to suggest that they would have filed their grievances earlier had it not been for McNeil.

For these reasons, I find that the Appellants' contention that they were "effectively barred" from filing their Step 1s before the issuance of Adkins and Wicker is without merit.

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[9] In Al-Shabazz, our Supreme Court, quoting U.S. Supreme Court precedent from 1972, held that "[t]he requirements of procedural due process apply . . . to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property." Al-Shabazz, 338 S.C. at 369, 527 S.E.2d at 750 (quoting Bd. of Regents of State Colleges v. Roth, 408 U.S. 564, 569 (1972)).

III. Did the Department violate the Appellants' due process rights by applying the fifteen-day filing deadline in Paragraph 13.1 to their claims?

Next, the Appellants argue that their right to file Step 1 grievances regarding their prevailing wage claims did not accrue until the issuance of Adkins and Wicker and that they could not enforce such rights until the issuance of those two decisions. Therefore, they argue that the Department denied them due process by applying Paragraph 13.1's fifteen-day filing deadline to those grievances involving prevailing wage claims that arose prior to the issuance of Adkins and Wicker. I disagree.

As discussed above, this court's March 10, 2011 order previously determined that "Adkins and Wicker did not create new substantive rights, new grievance remedies, or new appeal remedies." Thus, the court has already determined that the Appellants possessed grievance rights and appellate remedies concerning their prevailing wage claims prior to the Supreme Court's issuance of Adkins and Wicker.

Furthermore, it should be noted that, in Al-Shabazz, 338 S.C. 354, 374-75, 527 S.E.2d 742, 753 (2000), our Supreme Court held that "[DOC]'s disciplinary and grievance procedures **comply with the minimal due process required in such proceedings.**" Al-Shabazz, 338 S.C. at 374-75, 527 S.E.2d at 753 (emphasis added). The Court also determined that "an inmate may seek review of [DOC's] final decision in an administrative matter under the APA," and that "[p]lacing review of these cases within the ambit of the APA **will ensure that inmate receives due process.**" Id. at 369, 527 S.E.2d at 750 (emphasis added). Thus, the Court recognized that inmates received due process by filing a grievance with the Department and then appealing the Department's final decision regarding the grievance to the ALC.

The Court also recognized as much in Wicker when it rejected the notion that the ALC lacked jurisdiction to review the Department's denial of an inmate's prevailing wage grievance. See Wicker, 360 S.C. at 424-25, 602 S.E.2d at 57-58. The Court concluded that because the inmate was entitled to due process with regard to his prevailing wage claim under Al-Shabazz, the Department's denial of his grievance was reviewable by the ALC. Id. Thus, the Court implicitly acknowledged that inmates receive due process by processing their prevailing wage claims through the Department's grievance system and the review procedures of the APA.

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In conclusion, this court's March 10, 2011 order and the relevant precedent from our Supreme Court clearly contradict the Appellants' claim that the Department denied them due process by invoking the fifteen-day filing deadline set forth in Paragraph 13.1. The Appellants' failure to timely avail themselves to the process available to them is exclusively attributable to their own failure to act in conformity with the provisions of this paragraph. Consequently, the Department's application of the fifteen-day filing deadline to the Appellants' prevailing wage claims that arose before the issuance of Adkins and Wicker did not violate their due process rights.

IV. Did the Department waive its right to raise Paragraph 13.1's fifteen-day time limit?

Next, the Appellants argue that the Department waived its right to apply the fifteen-day filing deadline to their Step 1 grievances for the following reasons: (1) the language in Paragraph 13.9 and the instructions on the Department's pre-printed Step 1 grievance form, which both state that policy grievances may be filed at any time, are inconsistent with an intent to raise the fifteen-day filing deadline; (2) for 153 inmates, the Department did not raise timeliness as an issue in its responses to the Appellants' Step 1 grievances; and (3) for 32 Step 1 responses, and 136 Step 2 final decisions, the Department raised the fifteen-day filing deadline and considered the merits of the Appellants' prevailing wage claims. As discussed below, I find the Appellants' arguments unpersuasive.

A

As stated above, the Appellants contend that the language in Paragraph 13.9 and the instructions appearing on the preprinted Step 1 grievance form are inconsistent with the Department's intent to assert the fifteen-day filing deadline as a basis by which to deny the prevailing wage claims articulated by the Appellants within their Step 1s. I disagree.

"Waiver is a voluntary and intentional abandonment or relinquishment of a known right." Eason v. Eason, 384 S.C. 473, 480, 682 S.E.2d 804, 807 (2009) (quoting Parker v. Parker, 313 S.C. 482, 487, 443 S.E.2d 388, 391 (1994)). It may be either express or implied. Lyles v. BMI, Inc., 292 S.C. 153, 158, 355 S.E.2d 282, 285 (Ct. App. 1987). Acts that are inconsistent with the continued assertion of a right may give rise to a waiver. Provident Life and Acc. Ins.

Co. v. Driver, 317 S.C. 471, 478, 451 S.E.2d 924, 928 (Ct. App. 1994). Waiver is an affirmative defense, and the burden of proof is upon the party who asserts it. Id. at 478, 451 S.E.2d at 929.

Here, the Department applied the fifteen-day filing deadline set forth in Paragraph 13.1 to the Appellants' prevailing wage claims because those claims represented "incidents" by which the Appellants challenged the conditions of their participation in the prison industries project at Lieber. Importantly, the pre-printed form and Paragraph 13.1 expressly stated that inmates were required to file their Step 1s within 15 days of any alleged "incident." Thus, the Department's application of the fifteen-day filing deadline in Paragraph 13.1 was entirely consistent with the Department's grievance policy and the pre-printed Step 1 forms.

Although the Step 1 form and Paragraph 13.9 provided an exception to the fifteen-day filing deadline for grievances concerning "policies/procedures," nothing in the Department's grievance policy or in the language of the pre-printed Step 1 form suggested that prevailing wage claims constituted policies/procedures grievances under Paragraph 13.9. By merely providing an exception to the fifteen-day filing deadline, the Department did not waive its right to invoke the fifteen-day deadline for cases falling outside that exception. Accordingly, I find that the Department did not waive the fifteen-day deadline in Paragraph 13.1 for filing incident grievances by issuing the language in Paragraph 13.9 or the instructions on the pre-printed Step 1 grievance form.

B

The Appellants also argue that the Department waived the fifteen-day filing deadline in Paragraph 13.1 because it did not raise timeliness as an issue in 153 of its responses to the Appellants' Step 1 grievances. I disagree.

"Administrative agencies have an inherent authority to reconsider a prior determination which is not final . . . ." 2 Am. Jur. 2d Administrative Law § 468 (updated Nov. 2011). As discussed below, the responses provided to the Appellants' Step 1s did not constitute final decisions of the Department. Accordingly, during the Step 2 review process, the Department was authorized to reverse the Step 1 decision or, alternatively, to uphold the Step 1 decision on different grounds.

Paragraph 13 of the Department's grievance policy sets forth the steps in the grievance process. Per Paragraph 13.1, an inmate must complete a Step 1 grievance form in which he must

articulate the basis of his complaint. The inmate must then submit that form to an employee designated by the Warden within fifteen days of the alleged "incident." DOC Policy Number GA-01.12, ¶ 13.1. Paragraph 13.2 further articulates that the Step 1 must be forwarded to the Institutional Inmate Grievance Coordinator, who, if unable to resolve the matter informally, must conduct a complete investigation and make recommendations to the Warden. DOC Policy Number GA-01.12, ¶ 13.2. The Warden must respond to the inmate "in writing . . . indicating in detail the rationale for the decision rendered and any recommended remedies." DOC Policy Number GA-01.12, ¶ 13.3.

If the inmate is unsatisfied with the response at the institutional level, he may appeal under Paragraphs 13.4 and 13.5 by filing a "Step 2" appeal and thereby seek a final agency decision. Paragraph 13.4 provides that "[i]f the grievant is not satisfied with the decision of the Warden, the grievant may next appeal to the Division Director of Operations for **final resolution of the grievance.**" DOC Policy Number GA-01.12, ¶ 13.4 (emphasis added). Furthermore, Paragraph 13.5 states: "The responsible official will render **the final decision** on the grievance within 60 days from the date that the Institutional Inmate Grievance Coordinator received the appeal of the Warden's decision. . . . **The response of the responsible official will be the Department's final response in the matter.** DOC Policy Number GA-01.12, ¶ 13.5 (emphases added).

Thus, under Paragraphs 13.4 and 13.5, the final decisions concerning the issues raised in the Appellants' grievances were rendered by the responsible official at the agency level, and this official's response to the Step 2 appeals constituted the final agency decisions. Therefore, because the Department raised the issue of the fifteen-day filing deadline in its Step 2 decisions, the failure by the Warden to raise the issue in some of his Step 1 decisions did not constitute waiver of the issue. Rather, as noted above, the Department possessed the authority to modify the Warden's Step 1 decisions because they were not final.

For instance, in Friends of Potter Marsh v. Peters, 371 F. Supp. 2d 1115 (D. Alaska 2005), the plaintiffs objected to the Secretary of Transportation's waiver, in a federal transportation legislation guidance, of a statutory requirement that Surface Transportation Program projects not be located on local roads or rural minor collectors. The defendants moved

to dismiss the matter, contending that there had been no final agency action. The court granted the defendant's motion to dismiss, explaining:

> Even if Plaintiffs are correct that the waiver is invalid, an erroneous legal interpretation at one stage in the process is not a final agency action. **There is still time for the Secretary to change or modify the waiver, issue an individualized waiver, or the agency may not need to rely on the waiver.**

Id. at 1122 (emphasis added).

Like the legislation guidance at issue in Peters, the Step 1s in this case were not final agency decisions. In its Step 2 responses, the Department retained the right to come to a different conclusion than that reached in the Step 1 responses. Just as the Department could have reversed the Step 1 decisions, it also had the authority to affirm the Step 1 decisions on other grounds. Thus, because the Step 1 responses were not final agency decisions, the mere fact that the Department failed to invoke the fifteen-day filing deadline when it issued some of the Step 1 responses did not preclude it from raising the issue in its Step 2 responses.

The Appellants' reliance on Ross v. County of Bernalillo, 365 F.3d 1181 (10th Cir. 2004), abrogated in part by Jones v. Bock, 549 U.S. 199 (2007), is misplaced. In that case, the Tenth Circuit addressed whether an inmate had exhausted his administrative remedies regarding his claim that the prison shower was unreasonably dangerous where the inmate failed to file a complaint within the three-day timeframe set forth in the prison's procedures. The Tenth Circuit concluded that because prison officials had accepted his complaint and found in his favor, the inmate had exhausted his administrative remedies. Specifically, the court held:

> We need not address in the abstract whether Ross' complaint was timely because in this case the prison did actually consider it. Nothing in the record suggests that MCDC treated Ross' complaint as untimely; indeed, Ross received a favorable response and a mat was placed in the shower as he requested. If a prison accepts a belated filing, and considers it on the merits, that step makes the filing proper for purposes of state law and avoids exhaustion, default, and timeliness hurdles in federal court.

Id. at 1186.

The present case is distinguishable from Ross. In Ross, the court based its decision on the fact that "[n]othing in the record suggests that MCDC treated Ross' complaint as untimely" and that "Ross received a favorable response" to his complaint. Id. Here, in contrast, the Department found against the Appellants in its responses to both the Appellants' Step 1s and

Step 2s. Moreover, in its responses to the Appellants' Step 2s, the Department made it clear that it considered the Appellants' grievances to be untimely.

Accordingly, because the Department raised the issue of the fifteen-day filing deadline in its Step 2 decisions, it did not waive its right to do so in the present appeal.

C

Finally, the Appellants note that there are 32 Step 1 responses and 136 Step 2 final decisions in which the Department both raised the fifteen-day filing deadline in Paragraph 13.1 and considered the merits of the Appellants' prevailing wage claims. The Appellants contend that with respect to those responses, waiver should apply because the Department's consideration of the merits was inconsistent with an intent to rely on Paragraph 13.1. I disagree.

In the responses at issue, the Department plainly stated that the Appellants' prevailing wage claims were time-barred under Paragraph 13.1. While the Department also addressed the merits of the Appellants' claims within those responses, that mere fact did not preclude the Department from applying the fifteen-day filing deadline from Paragraph 13.1. The Department's decisions must be read in their entirety. When done so, it is plain that there is no basis for concluding that the Department waived, either expressly or impliedly, its right to invoke the fifteen-day filing deadline. Cf. Brooks v. Walls, 279 F.3d 518, 523 (7th Cir. 2002) (holding that when a state court rules against a party on both procedural and substantive grounds, the court "has not abandoned the procedural ground but has instead added a substantive failing to the procedural one.").[10]

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[10] Appellants cite Pozo v. McCaughtry, 286 F.3d 1022 (7th Cir. 2002) for the proposition that courts are divided on the issue of whether a filing that is dismissed as both untimely and unmeritorious is properly filed. In that case, the Seventh Circuit considered whether a prisoner's failure to take a timely administrative appeal within the state system meant that he failed to exhaust state remedies for purposes of 42 U.S.C. § 1997e(a). Although the court answered the question in the affirmative, in dicta it stated that "[c]ases look both ways on the question whether a document that is rejected as *both* late and unmeritorious counts as properly filed." Id. at 1025.

Appellants now attempt to rely on that statement, but they neglect to discuss the U.S. Supreme Court's subsequent decision in Pace v. DiGuglielmo, 544 U.S. 408 (2005). In that case, the Court addressed whether a state post-conviction petition that the state court had rejected as untimely could nonetheless be considered "properly filed" for the purposes of the tolling provision of 28 U.S.C. § 2244(d)(2). After noting the division among the circuit courts on the issue, the Court held: "[T]ime limits, no matter their form, are "filing" conditions. Because the state court rejected petitioner's PCRA petition as untimely, it was not 'properly filed'. . . ." Id. at 417; see also Carey v. Saffold, 536 U.S. 214, 226 (2002) (holding that if a state court clearly ruled that a prisoner's application for collateral review was untimely, then "that would be the end of the matter" for federal purposes, "regardless of whether [the state court] also addressed the merits of the claim, or whether its timeliness ruling was 'entangled' with the merits."). In light of the U.S. Supreme Court's holding in Pace, this court is unwilling to rely upon any federal circuit court decision holding that a document dismissed as both untimely and unmeritorious is properly filed.

V. Was the Department equitably estopped from raising Paragraph 13.1?

Next, the Appellants contend that the Department is equitably estopped from raising the fifteen-day filing deadline in Paragraph 13.1. Specifically, the Appellants argue that Paragraph 13.9 and the pre-printed Step 1 form "lulled" them into believing that their prevailing wage claims were policy grievances and thus could be filed "at any time." I disagree.

"The essential elements of equitable estoppel are divided between the estopped party and the party claiming estoppel." Strickland v. Strickland, 375 S.C. 76, 84, 650 S.E.2d 465, 470 (2007). The elements of equitable estoppel as related to the party being estopped are: (1) conduct which amounts to a false representation, or conduct which is calculated to convey the impression that the facts are otherwise than, and inconsistent with, those which the party subsequently attempts to assert; (2) the intention that such conduct shall be acted upon by the other party; and (3) actual or constructive knowledge of the real facts. Id. The party asserting estoppel must show: (1) lack of knowledge, and the means of knowledge, of the truth as to the facts in question; (2) reliance upon the conduct of the party estopped; and (3) a prejudicial change of position in reliance on the conduct of the party being estopped. Id. at 84-85, 650 S.E.2d at 470. The party asserting equitable estoppel bears the burden of establishing all of the elements. Kelly v. Logan, Jolley, & Smith, L.L.P., 383 S.C. 626, 682 S.E.2d 1, 7 (Ct. App. 2009).

Under South Carolina law, a party may be estopped from claiming the statute of limitations as a defense if the delay that otherwise would give operation to the statute was induced by the party's conduct. Kleckley v. Nw. Nat. Cas. Co., 338 S.C. 131, 136, 526 S.E.2d 218, 220 (2000). The South Carolina Supreme Court has described the necessary "inducement" as follows:

> Such inducement may consist of an express representation that the claim will be settled without litigation or conduct that suggests a lawsuit is not necessary. The defendant's conduct may also involve inducing the plaintiff either to believe that an amicable adjustment of the claim will be made without suit or to forbear exercising the right to sue.

Id. at 136-37, 526 S.E.2d at 220 (citations omitted).

Here, the only conduct of the Department that the Appellants point to in making their estoppel argument is the Department's issuance of Paragraph 13.9 and the Step 1 instructions. However, Paragraph 13.9 and the Step 1 instructions did not state that *all* grievances could be

filed outside of Section 13.1's fifteen-day deadline. Rather, they merely stated that grievances concerning "policies/procedures" could be filed outside of that deadline. Additionally, both Paragraph 13.1 and the Step 1 instructions clearly notified the Appellants that "incident" grievances had to be filed within fifteen days. Although the Appellants claim they thought that Paragraph 13.9 applied to their prevailing wage claims, there is no evidence that the Department, through its words or actions, induced the Appellants into believing that their grievances constituted "policies/procedures" grievances. Therefore, the Appellants have failed to show that the Department engaged in conduct which "amount[ed] to a false representation," or conduct which was "calculated to convey the impression that the facts are otherwise than, and inconsistent with, those which the party subsequently attempts to assert." See Strickland, 375 S.C. at 84, 650 S.E.2d at 470.

The Appellants have also failed to establish that the Department engaged in the type of "inducement" described in Kleckley. See Kleckley, 338 S.C. at 136-37, 526 S.E.2d at 220. There is no evidence the Department did anything that would have induced the Appellants into believing that filing a grievance was unnecessary. Rather, the record merely shows that the Department issued a grievance policy that set forth, in a straightforward fashion, different time periods for filing different types of grievances. In the court's view, such evidence, on its own, is insufficient to establish an estoppel claim. A party should not be able to avoid the consequences of a filing deadline simply by claiming that it misinterpreted the deadline.[11] For these reasons, I find that the Department is not equitably estopped from raising the fifteen-day filing deadline in Paragraph 13.1.

VI. Was the fifteen-day time limit set forth in Paragraph 13.1 tolled until after the issuance of Adkins and Wicker?

Next, the Appellants argue that the fifteen-day filing deadline in Paragraph 13.1 was tolled until after the issuance of Adkins and Wicker because, prior to that time, Appellants were "effectively barred" from exercising any grievance and appeal rights. I disagree.

Where a statute sets forth a limitation period for commencement of an action, courts have invoked the doctrine of equitable tolling to suspend the statutory period "to ensure fundamental

[11] Significantly, there is no evidence that any of the Appellants ever asked the Department whether a prevailing wage claim constituted an "incident" grievance or a grievance concerning "policies/procedures."

practicality and fairness." Hooper v. Ebenezer Sr. Servs. & Rehab. Ctr., 386 S.C. 108, 115, 687 S.E.2d 29, 32 (2009) (quoting Rodriguez v. Superior Court, 98 Cal. Rptr. 3d 728, 736 (Cal. Ct. App. 2009)). Equitable tolling is a judicially created doctrine, and it stems from the judiciary's inherent power to formulate rules of procedure "where justice demands it." Hooper, 386 S.C. at 115, 687 S.E.2d at 32. The party claiming the statute of limitations should be tolled bears the burden of establishing sufficient facts to justify its use. Id.

Equitable tolling is reserved for extraordinary circumstances, and it is rarely applied in South Carolina. American Legion Post 15 v. Horry County, 381 S.C. 576, 582, 674 S.E.2d 181, 184 (Ct. App. 2009). The threshold necessary to trigger equitable tolling is very high, lest the exception swallow the rule. Ex parte Ward, 46 So. 3d 888, 897 (Ala. 2007). Our Court of Appeals has explained:

> [A]ny invocation of equity to relieve the strict application of a statute of limitations must be guarded and infrequent, lest circumstances of individualized hardship supplant the rules of clearly drafted statutes. To apply equity generously would loose the rule of law to whims about the adequacy of excuses, divergent responses to claims of hardship, and subjective notions of fair accommodation.

Pelzer v. State, 378 S.C. 516, 522, 662 S.E.2d 618, 621 (Ct. App. 2008) (quoting Harris v. Hutchinson, 209 F.3d 325, 330 (4th Cir. 2000)).

Typically, equitable tolling applies in cases where a litigant was prevented from filing suit because of an extraordinary event beyond his or her control. Hooper, 386 S.C. at 116, 687 S.E.2d at 32; see also 54 C.J.S. Limitations of Actions § 133 (updated Dec. 2011) ("The statute of limitations generally will not be tolled when the plaintiff has slept on his or her rights, but only when he or she has been prevented from asserting them."). However, as the South Carolina Supreme Court has noted, court have flexibility in applying equitable remedies such as tolling:

> "The equitable power of a court is not bound by cast-iron rules but exists to do fairness and is flexible and adaptable to particular exigencies so that relief will be granted when, in view of all the circumstances, to deny it would permit one party to suffer a gross wrong at the hands of the other." Equitable tolling may be applied where it is justified under all the circumstances. We agree, however, that equitable tolling is a doctrine that should be used sparingly and only when the interests of justice compel its use.

Hooper, 386 S.C. at 116-17, 687 S.E.2d at 33 (citations omitted).

Turning to the present case, the court notes at the onset it is questionable whether Paragraph 13.1's fifteen-day filing deadline is subject to tolling. As noted above, it appears that

the deadline is a statute of creation. Unlike statutes of limitations, statutes of creation cannot be tolled. See 54 C.J.S. Limitations of Actions § 5 (updated Dec. 2011) ("Statutes of limitations are subject to tolling, whereas statutes of creation are not.").

Even if the deadline can be tolled, the circumstances do not warrant the application of equitable tolling here. The Appellants contend that tolling should be applied because the McNeil decision prevented them from filing their grievances. However, as noted above, McNeil was an ALC decision and did not constitute binding precedent. See 21 C.J.S. Courts § 212 (updated Dec. 2011). Had the Appellants timely filed grievances and had the ALC denied their grievances based upon McNeil, the Appellants could have appealed to the Court of Appeals, which possessed the authority to reverse McNeil. In fact, as discussed above, the pertinent portions of McNeil were unmistakably superseded by the Sullivan decision in August 2003— a full year before any of the Appellants filed a grievance. See Sullivan, 355 S.C. at 445 n.5, 586 S.E.2d at 128 n.5. Thus, while McNeil may have discouraged the Appellants from filing their prevailing wage grievances, it did not bar them from doing so.

Furthermore, the "interests of justice" do not call for the application of equitable tolling in this case. There is no evidence that the Department prevented the Appellants from timely filing their grievances. Moreover, if equitable tolling were applied here, the Department would be forced to defend actions it took many years ago. As our Court of Appeals has noted, the passage of time can greatly hinder a party's ability to defend against a claim:

> [W]ith the passage of time, evidence becomes more difficult to obtain and is less reliable. Physical evidence is lost or destroyed, witnesses become impossible to locate, and memories fade. With passing time, a defendant faces an increasingly difficult task in formulating and mounting an effective defense.

Moriarty v. Garden Sanctuary Church of God, 334 S.C. 150, 163, 511 S.E.2d 699, 706 (Ct. App. 1999), aff'd, 341 S.C. 320, 534 S.E.2d 672 (2000).

While not tolling Paragraph 13.1 will mean the dismissal of nearly all of the Appellants' prevailing wage claims, in Adkins, our Supreme Court held that the prevailing wage statute was not enacted for the special benefit of inmates, but rather was passed to "prevent unfair competition." Adkins, 360 S.C. at 418, 602 S.E.2d at 54. In the present case, any unfair competition that arose as a result of the Department's alleged failure to pay the prevailing wage years ago will not be rectified by allowing the inmates to bring a prevailing wage claim now.

Competitors who may have been previously harmed by the Department's asserted failure to pay the prevailing wage likely will not receive any type of benefit as a result of the inmates bringing such a case. The damage has already been done. Rather, the main party that stands to benefit from prevailing wage claims involving conduct that occurred long ago is the inmates—a group which our Supreme Court expressly stated was not the intended beneficiary of the prevailing wage statute.

VII. Did inmates comply with Paragraph 13.1's filing deadline because it was tolled by their class action?

Next, the Appellants argue that the fifteen-day filing deadline in Paragraph 13.1 was tolled when they filed their class action in Williams on January 29, 2002. I disagree.

In making this argument, Appellants rely upon the U.S. Supreme Court's decision in Crown, Cork & Seal Co. v. Parker, 462 U.S. 345 (1983). In that case, the Court held that the running of the ninety-day statutory period within which the plaintiff was required to commence his employment discrimination suit was tolled during the period there was pending a class action in which he was a putative class member. Id. at 353-54. The Court further held that because the plaintiff did not receive his notice of right to sue until after the class action was filed, he retained a full ninety days to bring suit after the class certification was denied. Id. at 354. In reaching these conclusions, the Court reasoned that "unless the statute of limitations was tolled by the filing of the class action, class members would not be able to rely on the existence of the suit to protect their rights." Id. at 350. The Court further reasoned:

> A putative class member who fears that class certification may be denied would have every incentive to file a separate action prior to the expiration of his own period of limitations. The result would be a needless multiplicity of actions—precisely the situation that Federal Rule of Civil Procedure 23[12] and the tolling rule of American Pipe were designed to avoid.

Id. at 350-51.

The facts of the present case are notably different from those of Crown. Unlike the class action in Crown, the Appellants' class action did not fail because their certification was denied. Rather, it failed because the South Carolina Supreme Court concluded in Adkins that the inmates

[12] Federal Rule of Civil Procedure 23 sets forth the requirements regarding the filing of class actions. See Fed. R. Civ. P. 23.

did not have a private cause of action with regard to their prevailing wage claims. See Adkins, 360 S.C. at 416-419, 602 S.E.2d at 53-55. Thus, applying tolling to the present matter would constitute a significant extension of Crown. Such an extension would also require this court to conclude that the Appellants were justified in relying upon the 2002 class action to protect their rights, despite the fact that the South Carolina Supreme Court ultimately determined that no private right of action existed.

The Appellants' reliance on Crown is also mistaken because the Crown decision was based in large part upon Federal Rule of Civil Procedure 23—a rule which does not apply to the Department's internal grievance system. Moreover, the Court is unaware of any applicable rule similar to Rule 23 that allows inmates to file grievances as a class. Therefore, the Crown Court's reasoning regarding Rule 23 and its purpose are simply inapplicable to the present case.

Finally, the court notes that, unlike in Crown, for a significant number of Appellants, their right to file a grievance regarding their prevailing wage claims arose long before the filing of the class action in 2002. The record shows that numerous Appellants began participating in the prison industries project at Lieber several months, and in some cases *years*, before the class action was filed. As discussed in more detail below, under Paragraph 13.1, these Appellants were required to file a grievance within fifteen days after being informed of the Department's decision to pay them less than the prevailing wage. Thus, by the time the 2002 class action was filed, Paragraph 13.1's fifteen-day filing deadline had already passed with regard to their prevailing wage claims. Accordingly, even if the running of the fifteen-day filing deadline were suspended by the filing of the class action, these Appellants still failed to timely file their grievances.

For these reasons, I conclude that Crown is distinguishable from the present case and that Paragraph 13.1's fifteen-day filing deadline was therefore not tolled by the filing of Appellants' class action in Williams.

VIII. Are inmates' grievances timely filed because they filed within fifteen days of a term of employment?

Finally, the Appellants argue that all Step 1s filed during or within fifteen days of completion of a term of employment should be considered timely regardless of when the Appellants began their employment. I disagree.

As noted above, Paragraph 13.1 of GA-01.12 states that inmates must submit their grievances "within 15 days of the alleged incident." The "alleged incident" in this case was not the Appellants' "completion of a term of employment," but rather the Department's decision to pay the Appellants less than the prevailing wage as required under Section 24-3-430(D). Accordingly, the fifteen-day time frame in Paragraph 13.1 began to run when the Appellants were informed of the Department's decision to pay them less than that mandated by Paragraph 24-3-430(D).

A similar conclusions was reached in Wallace v. Burbury, 305 F. Supp. 2d 801, 806 (N.D. Ohio 2003). In that case, an inmate brought an action in federal court alleging that prison officials violated his constitutional rights by denying his religious accommodation request for Passover. The prison officials argued that the inmate failed to exhaust his administrative remedies because he did not timely file a complaint under Ohio's inmate grievance procedure. The procedure required that "[w]ithin fourteen calendar days of the date of the event giving rise to the complaint, the inmate shall file an informal complaint to the direct supervisor of the staff member, or department most directly responsible for the particular subject matter of the complaint." Id. at 806. The inmate, despite learning of the denial of his religious accommodation request a week before Passover began, did not file a complaint until eleven days after the week-long holiday ended. Nevertheless, the inmate contended that his complaint was timely filed, arguing that "because his requests for religious accommodation were denied through the week of Passover," the "event giving rise to the complaint" occurred daily through the last day of the holiday. Id. The court rejected the inmate's argument, explaining:

> **To allow a filing deadline to toll with a continuous violation . . . would undermine the very purpose of the deadline, which is to limit the time to file a claim.** The event giving rise to the complaint was the date in March, 2002, when plaintiff first learned that NCCI would not honor his request to observe Passover. All subsequent grievances stem from that initial event. The filing of plaintiff's informal grievance was therefore untimely, and failure to file a timely grievance does not constitute an exhaustion of available administrative remedies.

Id. (emphasis added); see also Johnson v. Johnson, 385 F.3d 503, 519 (5th Cir. 2004) ("While it is true that the conditions that Johnson suffered both before and after the grievance were of the same general character, to permit the March 2001 grievance to reach back to events that transpired up to six months earlier would effectively negate the state's fifteen-day rule and

frustrate the prison system's legitimate interest in investigating complaints while they are still fresh. **That a condition continues does not excuse the failure to file a grievance earlier.**") (emphasis added).

Similar to the court in Wallace, this court concludes that the Appellants should have filed a grievance within fifteen days after being informed of the Department's decision to pay them less than the prevailing wage. Like the deadline at issue in that case, the purpose of the fifteen-day deadline in Paragraph 13.1 is to limit the time to file a claim. If this court were to hold that inmates may timely file grievances within fifteen days of any term of employment, the Department could be forced to defend wage decisions it made a long time ago.

The Appellants contend that ruling against them on this issue would be "absurd" because it would require an inmate asserting a prevailing wage claim to file a grievance every time he received a paycheck. However, the court's decision here does not mandate such a result. Rather, a timely filed grievance will cover all damages recoverable by an inmate as a result of the Department's decision to pay him less than the prevailing wage. Thus, as long as an inmate timely files a grievance within fifteen days of learning of the Department's decision to pay him less than that required under Section 24-3-430(D), he will not need to file any additional grievances during the period of his employment affected by that decision.

CONCLUSION AND ORDER

Based on the foregoing, I conclude the following:

1. The Appellants' grievances did not concern "policies/procedures" as that term is used in Paragraph 13.9 of GA-01.12 and thus the fifteen-day filing deadline in Paragraph 13.1 applied to their grievances.
2. The Appellants did not have reasonable cause for not filing their grievances within Paragraph 13.1's fifteen-day time limit.
3. The Department's application of Paragraph 13.1 did not violate the Appellants' due process rights.
4. The Department did not waive its right to raise Paragraph 13.1's fifteen-day filing deadline.
5. The Department was not equitably estopped from raising Paragraph 13.1.
6. The Appellants were not "effectively barred" from exercising their grievance and appeal rights before Adkins and Wicker and therefore the fifteen-day filing deadline set forth in Paragraph 13.1 was not tolled prior to the issuance of those decisions.

7. Paragraph 13.1's fifteen-day filing deadline was not tolled by the filing of the Appellants' class action suit in circuit court.
8. The Appellants did not comply with Paragraph 13.1 by filing their grievances within fifteen days of a term of employment.

Applying these conclusions to this case, a review of the record reveals that, with the lone exception of Fred Gatewood, #289775, none of the Appellants timely filed their Step 1 grievances. Other than Gatewood, each Appellant filed his Step 1 grievance more than fifteen days after his initial pay date. Certainly, by his initial pay date, each Appellant should have known of the Department's decision to pay him less than the prevailing wage. Accordingly,

IT IS HEREBY ORDERED that, for every Appellant other than Gatewood, the Department's final decisions in this matter are **AFFIRMED.**

IT IS FURTHER ORDERED that, as to Gatewood's appeal, within twenty (20) days from the date of this Order, the Department shall supplement, to the extent necessary, the Record on Appeal to include all content required under ALC Rule 36(B).

IT IS FURTHER ORDERED that the parties prepare briefs on the merits of Gatewood's appeal, taking into account the court's rulings in this Order.

IT IS FURTHER ORDERED that the Appellants' Brief shall be filed thirty (30) days from the date of receipt of the supplemented Record on Appeal and shall be limited to no more than thirty (30) pages. The Respondent's Brief shall be filed thirty (30) days from the date of receipt of the Appellants' Brief and shall be limited to no more than thirty (30) pages. If the Appellants wish to file a Reply to Respondent's Brief, that Reply shall be due fifteen (15) days from the date of receipt of the Respondent's Brief and shall be limited to no more than fifteen (15) pages.

AND IT IS SO ORDERED.

Ralph K. Anderson, III
Chief Administrative Law Judge

July 26, 2012
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

E. Harvin Belser Fair
Judicial Law Clerk

July 26, 2012
Columbia, South Carolina

Francis Ackerman, #266928, Malik Aljalil, #219551, Linso Allen, #269378, Michael Benninger, #264212, Fredrick Brown, #289602,Timothy Brown, #238461, Terrell Buchanon, #277262, Christopher Buch, #200690, Rudy Cassady, #238732, Sheldon Clark, #264772, Zawaski Cobb, #187136, Kamathene Cooper, #145333, Gladstone Cummings, #267450, Patrick Curtis, #175139, Quintin Daniels, #196284, Curtis Davis, #238776, Heyward Dempsey, #134171, Phillip Denney, #240678, Paul Durham, #219573, Jerome Durham, #270393, Keith Eigner, #299153, Bernard Felder, #122099, Jermaine Garriett, #191274, Fred Gatewood, #289775, Dennis Goff, #177506, Gregory Grant, #109656, Nelson Hampton, #286427, James Hartmant, #219770, Gary Hayes, #263985, Michael Hood, #279897, Nikia Law, #260855, Stephen Lease, #137016, Harry Leonard, #249996, Herbert McFadden, #184297, Michael McFarland, #266870, Earl Mack, #216237, John Moultri, #276527. Matin Muntaqim, #266870, Tony Pitts, #280597, Germaine Pringle, #250390, Gene Richardson, #93614, Dennis Richey, #233472, Ignacio Rivera, #300424, Vondell Sanders, #241308, James Sattler, #235043, Joseph Schmitz, #173987, Arthur Scott, #251957, Jerome Scott, #153381, Roosevelt Scott, #275631, Archie Simmons, #161419, Robert Smith, #199324, James Williams, #282929, Gary Bryant, #258972, Harlon Edger, #261866, Johnny Holden, #245199, Don Hughes, #256862, Michael Key, #266890, Archie Lee, #226354, Isaace Richardson, #232574, Larkland Richards, #281768, John Wojcik, #219463, James Bogan, #288111, Larry Burke, #281911, Jammie Gaymon, #208922, David Harrell, #260004, Jeff Stinson, #260047, Ricky Libby, #274681, Alain Lareua, #128014, Quentin Baker, #297868, Frank Corley, #292975, James Jackson, #267718, Quintin Linen, #238553, Thomas Miles, #246763, Chauncy Orr, #177069, Isaiah Scott,

#228008, Eric Youmous, #281091, Derek Carter, #275938, Willie Hare, #256641, Ernest Miller, #235474, Robert Norris, #266101, Ronald Simmons, #267937, Samuel Simmons, #302393, William Thomas, #272501, Anthony Murphy, #295893, Anthony Murray, #237867, Johnny Hayes, #267910, Roy Morris, #288777, Daneil Dewey, #276678, Nehemiah Greene, #243339, Leroy Choice, #113990, James McFadden, #235419, Francis Prioleau, #268813, Darrell Rochester, #146731, Wilbur Jordan #292264, Alvin Stewart, #278595, Kevin Poston, #266083, Kevin Smith, #272440, Donald Robinson, #277520, Douglas Bude, #263537, Willie Elder, #246208, Rogelio Zavala, #245106, Dennis Knight, #286981, Jacob Beach, #301270, Francis Ackerman, #266928, Darrin Miller, #259593, Edward Bryant, #255998, Sherman Austin, #20028, Michael Baylor, #265682, Taurus Bowman, #252745, Kenneth Carter, #243538, Calvin Drummond, #236322, David Feggins, #287157, Terry Ferguson, #299080, Willie House, #257820, Peter Jenkins, #257321, Percy Martin, #270035, James Murray, #165487, Stephone Simmons, #300422, Larry McCam, #282972, Tyrone Aiken, #244428, Tyrone Aiken, #248367, Frank Anderson, #282800, Ronald Brewer, #285756, Keith Brown, #295762, Pete Bryant, #242370, Michael Busques, #191961, Richard Butler, #162467, Gary Davis, #106144, Anthony English, #238474, Kerlan Etheredge, #236635, James Evans, #267837, Jose Flores, #240563, Robert Garrett, #291096, Reginald Geddis, #183851, Richard Graham, #228235, Gary Grooms, #283860, Wayne Harlan, #245705, Johnny Hayes, #267910, Steven Hickenbottom, #196263, Alfred Joyner, #260442, Donald Lyles, #296135, Henry Baker, #263398, Thomas Carter, #249362, Thomas Butler, #257552, Bobby Williams, #261486, Ray Wells, #173651, Rodney Pressley, #177947, Keith Kelly, #257556, Maxie Gamble, #254413, James Enriquez, #215539, Perry Deveaux, #109601, James Wells, #180458, Cedric Martino, #291396, Donald McAteer, #292961, Robert Wydman, #260331, Anthony Wright, #214007, Derrick

Williams, #272958, Kenneth White, #228409, James Trumper, #247429, Jeffrey Spears, #281697, Timothy Smith, #296539, David Sims, #278067, Virgil Simpson, #281888, Edward Simpson, #220017, Kenneth Simmons, #278911, George Shine, #292391, Ralph Sellers, #164295, Laron Richardson, #258786, Frank Patterson, #283098, Tony McNeil, #235846, Larry McClam, #282972, Lavanza Mack, #189340, Raymond Livingston, #277133, Nicholas Lambrose, #215080, Joseph Kelsey, #217218, Keith Eugine, no number, Chuck Jackson, #266425, James Foye, #211523, Timothy Inman, #151123, Marvin Gilbert, #273934, Demetrius Wheeling, #264976, Leon Wilson, #155867, Jeffrey Tevis, #216442, Darryel Beasley, #222388, Curtis Thompson, #266448, Baron Cobbs, #280479, James Tino, #145030, Harold Roberson, #117001, Ray Gadsen, #187527, Tony Witt, #242918, Jonathan Singleton, #287670, Joe Pannell, #89592, Charlse Graham, #294453, Lazarus Brannon, #227847, Darrell Williams, #219730, Wilbert Mills, #244004, Howard Grant, #255473, Timothy Wilson, #261971, Rodney Elliott, #251337, Henry Rivers, #219118, Appellants

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-210588

ORDER

On July 23, 2012, this Court remanded this consolidated appeal to the Administrative Law Court (ALC). On remand, the ALC issued a Second Amended Order. Appellants subsequently filed a notice of appeal from the amended order.

Appellants have now filed a motion requesting leave to amend their initial brief in order to reference the ALC's amended order. Appellants' motion is granted. Within thirty days, Appellants shall serve and file their amended initial brief and designation of matter.

FOR THE COURT

Columbia, South Carolina

FILED
SC 1/11/13

cc:
Douglas H. Westbrook
Katherine Anne Phillips
Lake Eric Summers
Ralph King Anderson, III
Jana E. Shealy

The South Carolina Court of Appeals

Francis Ackerman, #266928, Malik Aljalil, #219551, Linso Allen, #269378, Michael Benninger, #264212, Fredrick Brown, #289602,Timothy Brown, #238461, Terrell Buchanon, #277262, Christopher Buch, #200690, Rudy Cassady, #238732, Sheldon Clark, #264772, Zawaski Cobb, #187136, Kamathene Cooper, #145333, Gladstone Cummings, #267450, Patrick Curtis, #175139, Quintin Daniels, #196284, Curtis Davis, #238776, Heyward Dempsey, #134171, Phillip Denney, #240678, Paul Durham, #219573, Jerome Durham, #270393, Keith Eigner, #299153, Bernard Felder, #122099, Jermaine Garriett, #191274, Fred Gatewood, #289775, Dennis Goff, #177506, Gregory Grant, #109656, Nelson Hampton, #286427, James Hartmant, #219770, Gary Hayes, #263985, Michael Hood, #279897, Nikia Law, #260855, Stephen Lease, #137016, Harry Leonard, #249996, Herbert McFadden, #184297, Michael McFarland, #266870, Earl Mack, #216237, John Moultri, #276527. Matin Muntaqim, #266870, Tony Pitts, #280597, Germaine Pringle, #250390, Gene Richardson, #93614, Dennis Richey, #233472, Ignacio Rivera, #300424, Vondell Sanders, #241308, James Sattler, #235043, Joseph Schmitz, #173987, Arthur Scott, #251957, Jerome Scott, #153381, Roosevelt Scott, #275631, Archie Simmons, #161419, Robert Smith, #199324, James Williams, #282929, Gary Bryant, #258972, Harlon Edger, #261866, Johnny Holden, #245199, Don Hughes, #256862, Michael Key, #266890, Archie Lee, #226354, Isaace Richardson, #232574, Larkland Richards, #281768, John Wojcik, #219463, James Bogan, #288111, Larry Burke, #281911, Jammie Gaymon, #208922, David Harrell, #260004, Jeff Stinson, #260047, Ricky Libby, #274681, Alain Lareua, #128014, Quentin Baker, #297868, Frank Corley, #292975, James Jackson, #267718, Quintin Linen, #238553, Thomas Miles, #246763, Chauncy Orr, #177069, Isaiah Scott,

#228008, Eric Youmous, #281091, Derek Carter, #275938, Willie Hare, #256641, Ernest Miller, #235474, Robert Norris, #266101, Ronald Simmons, #267937, Samuel Simmons, #302393, William Thomas, #272501, Anthony Murphy, #295893, Anthony Murray, #237867, Johnny Hayes, #267910, Roy Morris, #288777, Daneil Dewey, #276678, Nehemiah Greene, #243339, Leroy Choice, #113990, James McFadden, #235419, Francis Prioleau, #268813, Darrell Rochester, #146731, Wilbur Jordan #292264, Alvin Stewart, #278595, Kevin Poston, #266083, Kevin Smith, #272440, Donald Robinson, #277520, Douglas Bude, #263537, Willie Elder, #246208, Rogelio Zavala, #245106, Dennis Knight, #286981, Jacob Beach, #301270, Francis Ackerman, #266928, Darrin Miller, #259593, Edward Bryant, #255998, Sherman Austin, #20028, Michael Baylor, #265682, Taurus Bowman, #252745, Kenneth Carter, #243538, Calvin Drummond, #236322, David Feggins, #287157, Terry Ferguson, #299080, Willie House, #257820, Peter Jenkins, #257321, Percy Martin, #270035, James Murray, #165487, Stephone Simmons, #300422, Larry McCam, #282972, Tyrone Aiken, #244428, Tyrone Aiken, #248367, Frank Anderson, #282800, Ronald Brewer, #285756, Keith Brown, #295762, Pete Bryant, #242370, Michael Busques, #191961, Richard Butler, #162467, Gary Davis, #106144, Anthony English, #238474, Kerlan Etheredge, #236635, James Evans, #267837, Jose Flores, #240563, Robert Garrett, #291096, Reginald Geddis, #183851, Richard Graham, #228235, Gary Grooms, #283860, Wayne Harlan, #245705, Johnny Hayes, #267910, Steven Hickenbottom, #196263, Alfred Joyner, #260442, Donald Lyles, #296135, Henry Baker, #263398, Thomas Carter, #249362, Thomas Butler, #257552, Bobby Williams, #261486, Ray Wells, #173651, Rodney Pressley, #177947, Keith Kelly, #257556, Maxie Gamble, #254413, James Enriquez, #215539, Perry Deveaux, #109601, James Wells, #180458, Cedric Martino, #291396, Donald McAteer, #292961, Robert Wydman, #260331, Anthony Wright, #214007, Derrick

Williams, #272958, Kenneth White, #228409, James Trumper, #247429, Jeffrey Spears, #281697, Timothy Smith, #296539, David Sims, #278067, Virgil Simpson, #281888, Edward Simpson, #220017, Kenneth Simmons, #278911, George Shine, #292391, Ralph Sellers, #164295, Laron Richardson, #258786, Frank Patterson, #283098, Tony McNeil, #235846, Larry McClam, #282972, Lavanza Mack, #189340, Raymond Livingston, #277133, Nicholas Lambrose, #215080, Joseph Kelsey, #217218, Keith Eugine, no number, Chuck Jackson, #266425, James Foye, #211523, Timothy Inman, #151123, Marvin Gilbert, #273934, Demetrius Wheeling, #264976, Leon Wilson, #155867, Jeffrey Tevis, #216442, Darryel Beasley, #222388, Curtis Thompson, #266448, Baron Cobbs, #280479, James Tino, #145030, Harold Roberson, #117001, Ray Gadsen, #187527, Tony Witt, #242918, Jonathan Singleton, #287670, Joe Pannell, #89592, Charlse Graham, #294453, Lazarus Brannon, #227847, Darrell Williams, #219730, Wilbert Mills, #244004, Howard Grant, #255473, Timothy Wilson, #261971, Rodney Elliott, #251337, Henry Rivers, #219118, Appellants,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-210588

ORDER

Respondent's motion for a thirty-day extension to file a motion to strike items from Appellants' designation of matter is denied.[1]

FOR THE COURT

Columbia, South Carolina

cc:
Douglas H. Westbrook
Katherine Anne Phillips
Lake Eric Summers

FILED
9/16/13

[1] This Court notes that more than thirty days has elapsed since the filing of the motion for a thirty-day extension and no motion to strike has been received. Furthermore, the South Carolina Appellate Court Rules do not provide a time limit for the filing of a motion to strike. Accordingly, the request for an extension is unnecessary.

G R A
G. Allyn
Deputy

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
2002CP1800134

CERTIFIED COPY
2007 APR 20 PM 3:46
CLERK OF COURT
BERKELEY COUNTY

Darrell Williams, #219730
Gene Richardson,et al

PLAINTIFF(S)

S.C. Dept Of Corrections.

DEFENDANT(S)

CHECK ONE

( ) JURY VERDICT. THIS ACTION CAME BEFORE THE COURT FOR A TRIAL BY JURY. THE ISSUES HAVE BEEN TRIED AND A VERDICT RENDERED.

xxxxxx DECISION BY THE COURT. THIS ACTION CAME TO TRIAL OR HEARING BEFORE THE COURT.(See Below:)

( ) ACTION DISMISSED (CHECK REASON): ( ) RULE 12b,SCRCP; ( ) RULE 41a SCRCP (VOL NONSUIT); ( ) RULE 43k, SCRCP (SETTLED) ( ) OTHER _____

( ) ACTION STRICKEN (CHECK REASON): ( ) RULE 40(j) SCRCP;( ) BANKRUPTCY ( ) BINDING ARBITRATION, SUBJECT TO RIGHT TO RESTORE TO CONFIRM VACATE OR MODIFY ARBITRATION AWARD; ( ) OTHER_____

IT IS ORDERED AND ADJUDGED: ( ) See Attached order;( ) Statement of Judgment by the

Upon the call of the case and after discussions on the record of the issues involved, the parties reached an agreement. The agreement is memorialized in the record of this proceeding. Therefore the Motion is dismissed. The agreement of the parties is made an Order of this Court.

Dated at Florence, S.C. this 19th day of April, 2007.

HON. JAMES C. WILLIAMS, JR.
CHIEF ADMINISTRATIVE JUDGE
1ST JUDICIAL CIRCUIT

THIS JUDGMENT WAS ENTERED ON THE 20th DAY OF April 2007 AND A COPY WAS MAILED FIRST CLASS THIS 20th DAY OF April 2007 TO ATTORNEYS OF RECORD OR TO PARTIES WHEN APPEARING PRO SE AS FOLLOWS;

Doug Westbrook

Lake Summers

189

344

~~DOC #24~~

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

September 8, 2004

REMITTITUR

The Honorable Barbara A. Scott
1701 Main St
PO Box 2766
Columbia, SC 29202-2766

FILED
2004 SEP -9 AM 8:31
BARBARA A. SCOTT
C.C.C. & G.S.

Re: Adkins, Richard, et al. v. SCDC - 2000-CP-40-04761

Dear Ms. Scott:

The above referenced matter is hereby remitted to the trial court. A copy of the judgment of this Court is attached.

Very truly yours,

Daniel E. Shearouse
DS
CLERK

DES/jjp

Enclosure

cc: (without enclosure)
Harry Leslie Devoe, Jr., Esquire
Lake E. Summers, Esquire
Vinton D. Lide, Esquire

18 JUL 2008
CERTIFIED TRUE COPY
OF ORIGINAL FILED
Barbara A. Scott DS
C.C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

190

273

DOC #15

Tittus, Albert Todd, Donald Todd, Stevie Upton, Richard Ward, Frank Weathers, Herman Whitehead, Anthony Wilson, and Charlie Wright,

Appellants,

v.

South Carolina Department of Corrections,

Respondent.

Appeal From Richland County
Joseph M. Strickland, Circuit Court Judge

Opinion No. 25860
Heard April 21, 2004 - Filed August 23, 2004

AFFIRMED IN RESULT

Harry Leslie Devoe, Jr., of New Zion, for Appellants.

Lake E. Summers and Vinton D. Lide, both of Vinton D. Lide & Associates, of Lexington, for Respondent.

JUSTICE WALLER: This case involves interpretation of S.C. Code Ann. Sections 24-3-40, 24-3-410, and 24-3-430 (Supp. 2002) (the Prevailing Wage statutes). Appellants, Inmates confined within the South Carolina Department of Corrections (DOC), instituted this action asserting they were entitled to certain wages pursuant to the statutes. The circuit court ruled the statutes provided no private right of action for Inmates. We affirm in result.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Richard Adkins, Shakur Ali, Kelly Ayers, Phillip Barnett, Terry Beachum, Phillip Bennett, Bobby Boozer, John Brannon, Christopher Brown, Norman Bryson, Bernard Byrd, Sirrico Burnside, Bradley Cain, Donnie Clark, Francis Coker, John Cosby, Robert Davila, Billy Joe Davis, Bobby Davis, Terry Elliott, David Ellison, Robert Elmore, Garnell Evans, Anthony Frazier, Calvin Garrett, Charles Gove, Willie Gray, William Griffin, Claude Hamrick, Floyd Hamilton, David Harig, James Heatherly, James Hicks, Demetric Hill, Joey Irby, William Joel Jackson, Hubert Jacobs, James Jeffries, Robert Jones, Robert Johnson, Andrew Kelly, Willie Ladson, Ricky Major, Alvin Manigault, Lavaul Manigault, Larry McClary, Earl McCoy, Benjamin McInnis, Phillip Meredith, Randall Miller, John Millwood, Johnny Minter, Timothy Moore, Tony Mossberg, Jerry Neal, Kendrick Nesbitt, Walter Owens, Ricky Paige, Gerald Pridmore, Darrell Pryor, Ronald Pryor, David Teiner, Gregory Scott, Michael Scott, Michael Shell, Robert Simpson, Ralph Sims, Christopher Smith, Arthur Stephenson, Dean Stevens, Leroy Sullivan, Dennis Thomason, Douglas Thompson, Eric Thompson, Douglas

FILED
2001 SEP -9 AM 8:31
BARBARA A. SCOTT
C.C.C. & G.S.

(275)

FACTS

Inmates, while housed at Tyger River Correctional Institute, were employed in a Prison Industries/Private Sector Program, for Standard Plywoods, making "Anderson Hardwood Floors." At the time of their initial employment, Inmates were paid a .25 per hour "training wage." After 160 hours, they were paid a .75 per hour "training wage."[1] After completion of 320 hours, Inmates were paid the minimum wage of $5.15 per hour.

Inmates filed this Tort Claims action,[2] maintaining their training wages and hourly wages did not satisfy the Prevailing Wage statute, S.C. Code Ann. § 24-3-430(D);[3] they contended the prevailing wage for work of a similar nature ranged from $9.00-$14.00 per hour, and that DOC's failure to pay wages in accordance with the statute was grossly negligent.

The circuit court ruled the applicable statutes did not give rise to a private cause of action in Inmates. The court further held the DOC was paying Inmates in accordance with the statutes, and that, in any event, Inmates had not established DOC's method of payment was grossly negligent, as required to maintain a Tort Claims action.

ISSUE[4]

Did the circuit court err in holding the Prevailing Wage statutes did not create a private right of action in Inmates?

DISCUSSION

In 1995, the General Assembly enacted § 24-3-430, authorizing the DOC to use inmate labor in private industry. Section 24-3-430 provides:

---

[1] The policy of paying a training wage ended July 1, 1999.

[2] S.C. Code Ann. § 15-78-10 et seq.

[3] Section 24-3-430 (D) provides that "[n]o inmate participating in the program may earn less than the prevailing wage for work of similar nature in the private sector."

[4] In light of our holding, we need not address Inmates' claim that the trial court erred in denying their motion to transfer the case to the jury roster.

(A) The Director of the Department of Corrections may establish a program involving the use of inmate labor by a nonprofit organization or in private industry for the manufacturing and processing of goods, wares, or merchandise or the provision of services or another business or commercial enterprise considered by the director to enhance the general welfare of South Carolina. . . . Inmates participating in such labor shall not benefit in any manner contradictory to existing statutes.

(B) The director may enter into contracts necessary to implement this program. The contractual agreements may include rental or lease agreements for state buildings or portions of them on the grounds of an institution or a facility of the Department of Corrections and provide for reasonable access to and egress from the building to establish and operate a facility.

(C) An inmate may participate in the program established pursuant to this section only on a voluntary basis and only after he has been informed of the conditions of his employment.

(D) **No inmate participating in the program may earn less than the prevailing wage for work of similar nature in the private sector.**

(E) Inmate participation in the program may not result in the displacement of employed workers in the State of South Carolina and may not impair existing contracts for services.

(F) Nothing contained in this section restores, in whole or in part, the civil rights of an inmate. No inmate compensated for participation in the program is considered an employee of the State.

(G) No inmate who participates in a project designated by the Director of the Bureau of Justice Assistance pursuant to Public Law ~~90-351 is eligible for unemployment compensation upon termination~~ from the program.

(H) The earnings of an inmate authorized to work at paid employment pursuant to this section must be paid directly to the Department of Corrections and applied as provided under Section 24-3-40.[5]

Inmates assert the circuit court erred in ruling the "the prevailing wage statute did not create a right to sue for [them] and was not enacted for [their] benefit."

Initially, we note that the DOC's failure to pay a certain wage simply does not constitute a tort so as to be cognizable under the Tort Claims Act. Further, even if this were a Tort Claims case, the circuit court correctly ruled the DOC was immune from liability under S.C. Code Ann. § 15-78-60(5)(governmental entity not liable for loss resulting from the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee). In any event, we agree with the circuit court that the statutes relied upon by Inmates do not give rise to a private, civil cause of action.

The primary consideration in deciding whether a private cause of action should be implied under a criminal statute is legislative intent. Dorman v. Aiken Communications, Inc., 303 S.C. 63, 398 S.E.2d 687 (1990). "The legislative intent to grant or withhold a private right of action for violation of a statute or the failure to perform a statutory duty, is determined primarily from the language of the statute. . . . In this respect, the general rule is that a statute which does not purport to establish a civil liability, but merely makes provision to secure the safety or welfare of the public as an entity is not subject to a construction establishing a civil liability." Whitworth v. Fast Fare Markets of South Carolina, Inc., 289 S.C. 418, 420, 338 S.E.2d 155, 156 (1985). Where a statute does not specifically create a private cause of action, one can be implied **only if the legislation was enacted for the special benefit of a private party**. Citizens for Lee County v. Lee County, 308 S.C. 23, 416 S.E.2d 641 (1992) (emphasis supplied). Given that the overall

[5] Section 24-3-40 allows an inmate's wages to be distributed for restitution, child support, purchase of incidentals for the inmate, state and federal taxes, and 10% in an interest bearing account for the benefit of the prisoner.

purpose of the prevailing wage statute is to prevent unfair competition, and to aid society and the public in general, we cannot conclude that the statutes in question were enacted for the special benefit of Inmates.

Section 24-3-410 is entitled "Sale of prison-made products on open market generally prohibited; penalties." Violation of the statute is a misdemeanor and, upon conviction, a person must be fined not less than two hundred nor more than five thousand dollars or imprisoned for not less than three months nor more than one year, or both. S.C. Code Ann. § 24-3-410(C). Although section 24-3-430 does not specifically set forth criminal penalties, section 24-3-420 states that "Any person who willfully violates any of the provisions of this article other than § 24-3-410 shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail not less than ten days nor more than one year, or fined not less than ten dollars nor more than five hundred dollars, or both, in the discretion of the court." Nothing in the statutes indicates a legislative intent to create civil liability for a violation of the statutes. Accordingly, they do not give rise to a private right of action.[6] Cf., Linder v. Insurance Claims Consultants, Inc., 348 S.C. 477, 560 S.E.2d 612 (2002) (criminal statutes which prohibit unauthorized practice of law do not give rise to private right of action); Dorman v. Aiken Communications, Inc., 303 S.C. 63, 398 S.E.2d 687 (1990) (construing § 16-3-730, prohibiting publication of name of victim of criminal sexual conduct, as a criminal statute created primarily for the protection of the public, such that it does not create a private right of action).[7]

---

[6] The trial court relied upon federal cases interpreting the Ashurst-Sumners Act, 18 U.S.C. § 1761, to support its findings that the prevailing wage statute does not give rise to a private cause of action in inmates. In light of our holding, we need not address federal caselaw. However, we note the trial court's ruling is supported by the caselaw. See Harker v. State Use Industries, 990 F.2d 131 (4th Cir.), *cert. denied* 510 U.S. 886 (1993); McMaster v. Minnesota, 819 F.Supp. 1429 (D. Minn. 1993).

[7] The concurrence would hold inmates have a private cause of action under the South Carolina Payment of Wages Act. S.C. Code Ann. §§ 41-10-10, *et seq.* (Supp. 2003). However, S.C. Code Ann. § 41-10-80(C) provides that "[i]n case of any failure to pay wages due to an **employee** . . . the **employee** may recover in a civil action." Notably, section 24-3-430 (F) of the Prevailing Wage statute specifically states that "**[n]o inmate compensated for participation in the program is considered an employee of the State.**" (emphasis added). In my view, this further evinces a legislative intent not to create a private right of action.

However, notwithstanding our holding that Inmates have no private civil cause of action, they are not without a remedy. In accordance with the companion case of Wicker v. State, Op. No. 25859 (S.C. Sup. Ct. filed August 23, 2004), we hold Inmates may file an inmate grievance to protest DOC's failure to pay wages in accordance with the mandatory statutory provisions.

AFFIRMED IN RESULT.

TOAL, C.J., MOORE and BURNETT, JJ., concur. PLEICONES, J., concurring in a separate opinion.

JUSTICE PLEICONES: I agree with the majority that the inmates in this matter do not have a cause of action under the Tort Claims Act. I conclude, however, that the Prevailing Wage Statute[8] was intended for the benefit of the Inmates.[9] Citizens for Lee County v. Lee County, 308 S.C. 23, 416 S.E.2d 641 (1992). In my opinion, the fact that the Legislature provided for the distribution of part of these wages to pay the inmate's legal obligations while incarcerated, and included a provision providing for the return of the wages escrowed for the inmate's benefit upon his release, is evidence that § 24-3-430 was intended for the welfare of the inmate, not the general public. S.C. Code Ann. § 24-3-40 (Supp. 2003). I would hold that an inmate who claims not to have been paid the prevailing wage is entitled to proceed under the South Carolina Payment of Wages Act. S.C. Code Ann. §§ 41-10-10, *et seq.* (Supp. 2003).[10] Accordingly, I concur in the majority's decision upholding the circuit court's dismissal of this Tort Claims suit, but do not join the holding that the inmates' remedy is an administrative grievance.

---

[8] S.C. Code Ann. § 24-3-430 (Supp. 2003).

[9] I agree that it was also intended for the benefit of private industries whose products or services could be impacted if unfair competition resulted from underpayment of wages to inmate laborers.

[10] Under the Payment of Wages Act, "Employer" is defined to include the employer and that employer's agents. § 41-10-10(1). The Prison Industries Act provides "the employer of a prisoner authorized to work . . . in a prison industry program . . . shall pay the wages directly to the Department of Corrections . . ." and then requires the Department to distribute those wages. § 24-3-40. In my opinion, the Department of Corrections, as agent of the employer, is subject to an inmate's claim made pursuant to the Payment of Wages Act.

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

September 8, 2004

FILED
NEWBERRY COUNTY
2004 SEP -9 P 1:20
JACKIE S. BOWERS
CLERK OF COURT

REMITTITUR

The Honorable Jackie S. Bowers
1226 College St Rm 7
PO Drawer 10
Newberry, SC 29108-0278

Re: Wicker, Bennie v. SCDC - 2001-CP-36-00330

Dear Ms. Bowers:

The above referenced matter is hereby remitted to the trial court. A copy of the judgment of this Court is attached.

Very truly yours,

Daniel E. Shearouse
SS
CLERK

DES/jjp

Enclosure

cc: (without enclosure)
Lake Eric Summers, Esquire
Bennie Wicker, Jr., #122304

I, Jackie S. Bowers, Clerk of Court, Newberry, South Carolina, do hereby certify that this is a true copy of the original on file in this office.

Jackie S. Bowers JUN 1 1 2008

Clerk of Court

199

282

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Bennie Wicker, Respondent,

v.

South Carolina Department of Corrections, Appellant.

I, Jackie S. Bowers, Clerk of Court, Newberry, South Carolina, do hereby certify that this is a true copy of the original on file in this office.
Jackie S. Bowers JUN 10 2008
Clerk of Court

AFFIRMED

Appeal From Newberry County
James W. Johnson, Jr., Circuit Court Judge

FILED
NEWBERRY COUNTY
2004 SEP -9 P 1:20
JACKIE S. BOWERS
CLERK OF COURT

Opinion No. 25859
Submitted April 21, 2004 - Filed August 23, 2004

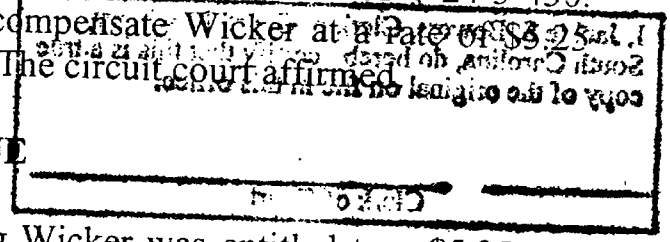
Lake Eric Summers, of Vinton D. Lide & Associates, of Lexington, for Appellant.

Bennie Wicker, Jr., of Bennettsville, pro se.

JUSTICE WALLER: This is a direct appeal from an order of the circuit court which affirmed the decision of the Administrative Law Judge (ALJ). The ALJ held that Respondent, Bennie Wicker, was entitled to be compensated the prevailing wage of $5.25 per hour for the time he was in training for his employment at the South Carolina Department of Corrections (DOC) Division of Prison Industries. We affirm.

FACTS

Wicker, while an inmate at Evans Correctional Institute, participated in the Prison Industries Program. During the first 320 hours of his employment, he was paid .25-.75 per hour; he was thereafter paid an hourly wage of $5.25. He filed an inmate grievance contending his training wages violated the Prevailing Wage Statute, S.C. Code Ann. § 24-3-430(D) (Supp. 2002). The DOC denied his appeal, and he appealed to the Administrative Law Judge (ALJ). The ALJ reversed the DOC's decision, finding Wicker was entitled to the prevailing wage during his first 320 hours of employment, and finding no authority for the DOC to deviate from the plain requirement of § 24-3-430. Accordingly, the DOC was ordered to compensate Wicker at a rate of $5.25 per hour for his first 320 hours of work. The circuit court affirmed.



ISSUE

Did the circuit court err in holding Wicker was entitled to a $5.25 per hour training wage?

DISCUSSION

The statutes under which Wicker seeks relief are part of a statutory scheme creating a Prison Industries (PI) program to provide for employment of convicts and utilize their labor for self-maintenance and reimbursement of expenses. See S.C. Code Ann. § 24-3-310 (Supp. 2003). In 1995, the General Assembly enacted S.C. Code Ann. § 24-3-430, authorizing the DOC to use inmate labor in private industry. Section 24-3-430 (D) provides that, "[n]o inmate participating in the program may earn less than the prevailing wage for work of similar nature in the private sector." Wicker filed an inmate grievance with the DOC, alleging his training wage of .25-.75 per hour was in violation of the statute. The DOC denied his grievance and he appealed to the ALJ, who reversed. The ALJ found no statutory authority for DOC to pay Wicker less than the prevailing wage; the circuit court affirmed.

The DOC appeals, contending the statutes under which Wicker seeks relief do not entitle him to the prevailing wage, and asserting the ALJ was without subject-matter jurisdiction to hear his appeal.

As recognized in the companion case of Adkins v. South Carolina Dep't of Corrections, Op. No. 25860 (S.C. Sup. Ct. filed August 23, 2004), we agree with the DOC that section 24-3-430 (D) does not give rise to a private, civil cause of action in Wicker. However, simply because Wicker may not file a civil claim for damages in circuit court does not mean he is without any remedy. There are numerous issues relating to inmates which, although not giving rise to a private, civil cause of action, are nonetheless grievable through DOC's internal grievance processes. For example, although inmates may not sue for civil damages on matters relating to parole, work release, or work credits, they may enforce such rights via DOC grievance procedures. We find no reason such procedures should not apply when an inmate challenges the wages he or she is being paid, particularly where there is a statute mandating payment of the prevailing wage. Accordingly, we hold that although Wicker has no claim for civil damages, he properly filed a grievance with the DOC.

The DOC also contends, citing the ALJD's en banc decision in McNeil v. South Carolina Dept. of Corrections, 02-ALJ-04-00336-AP (filed Sept. 5, 2001), that the ALJ was without subject-matter jurisdiction to review its denial of Wicker's grievance. We disagree.

We find that where, as here, the state has created a statutory right to the payment of a prevailing wage, it cannot thereafter deny that right without affording due process of law. Cf. Piatt v. MacDougall, 773 F.2d 1032, 1036 (9th Cir. 1985) (where state has established, by statute, a right of inmates to compensation for work performed for private parties, it cannot deny that right after they earned the wages, without affording due process of the law); Borror v. White, 377 F. Supp. 181 (W.D.Va.1974) (although there was no federal constitutional right to payment, inmate might be entitled to such compensation under state statute).

We are not unmindful of our opinion in Sullivan v. South Carolina Dep't of Corrections, 355 S.C. 437, 586 S.E.2d 124 (2003), in which we held the ALJ has jurisdiction to review DOC grievance proceedings only if they involve the denial of "state created liberty interests." There, we recognized that our opinion in Al-Shabazz v. State, 338 S.C. 354, 368, 527 S.E.2d 742,

750 (1999), held that administrative matters **typically** arise in two ways: (1) when an inmate is disciplined and punishment is imposed and (2) when an inmate believes prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. However, we did not limit Al-Shabazz to these two instances. The Al-Shabazz Court explained that procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment's protection of liberty and property. 338 S.C. at 369, 527 S.E.2d at 750.

We find the state's statutory mandate that inmates be paid the prevailing wage creates such an interest, which may not be denied without due process. Piatt v. McDougall, supra. Accordingly, in this **very limited circumstance**,[1] we hold the DOC's failure to pay in accordance with the statutes is reviewable by the ALJ.

Finally, we concur with the ALJ and the circuit court that there is simply nothing in the statutory scheme authorizing the DOC to pay Wicker a training wage less than the prevailing wage. Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000) (If a statute's language is plain, unambiguous, and conveys a clear meaning, "the rules of statutory interpretation are not needed and the court has no right to impose another meaning"). Accordingly, the judgment below is affirmed.

AFFIRMED.

TOAL, C.J., and BURNETT, J., concur. PLEICONES, J., dissenting in a separate opinion. MOORE, J., not participating.

[1] We note that our holding today is extremely limited and is not to be viewed as expanding the jurisdiction of the ALJD in any other circumstance.

JUSTICE PLEICONES: As explained more fully in my concurring opinion in Adkins v. South Carolina Dep't of Corrections, Op. No. 25860 (S.C. Sup. Ct. filed August 23, 2004), I would hold that respondent's remedy is found in the South Carolina Payment of Wages Act, S.C. Code Ann. §§ 41-10-10, *et seq.* (Supp. 2003). Accordingly, I dissent.

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

March 21, 2007

REMITTITUR

FILED-RECORDED
2007 MAR 22 PM 12:25
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

The Honorable Cheryl L. Graham
101 Ridge Street
St. George, SC 29477

Re: Williams, Darrell v. SCDC - 2002-CP-18-00134

Dear Ms. Graham:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

Very truly yours,

CLERK

DES/jjp

Enclosure

cc: (without enclosure)
Douglas H. Westbrook, Esquire
Lake Eric Summers, Esquire
Marc A. Manos, Esquire
Manton M. Grier, Jr., Esquire

205

~~DOC # 22~~ 309

002

11/17/2008 17:01 FAX 1108

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Darrell Williams, Class Representative, et al., Appellants,

v.

South Carolina Department of Corrections and Williams Technologies, Inc., Respondents.

FILED-RECORDED
2007 MAR 22 PM 12: 25
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Appeal from Dorchester County
Diane S. Goodstein, Circuit Court Judge

Opinion No. 26274
Heard December 5, 2006 – Filed February 26, 2007

AFFIRMED

Douglas H. Westbrook, of Charleston, for appellants.

Lake E. Summers, of Malone, Thompson & Summers, LLC, of Columbia, for respondent South Carolina Department of Corrections.

Marc A. Manos and Manton M. Grier, Jr., both of Nexsen Pruet, LLC, of Columbia, for respondent Williams Technologies, Inc.

206

310

003

11/17/2008 17:01 FAX 1108

JUSTICE MOORE: This class action was commenced on behalf of inmates in custody of respondent South Carolina Department of Corrections (DOC). These inmates participated in a prison industry program operated pursuant to DOC's contract with respondent Williams Technologies, Inc. (WTI). Appellants (Inmates) claim they were underpaid for their labor and seek "lost wages." The trial judge dismissed Inmates' complaint with prejudice based on our decision in Adkins v. South Carolina Dep't of Corrections, 360 S.C. 413, 602 S.E.2d 51 (2004). We affirm.

FACTS

In Adkins, we considered a suit by inmates against DOC as the sole defendant. The suit alleged a violation of S.C. Code Ann. § 24-3-430(D) (Supp. 2005) which provides that "no inmate participating in [a prison industries] program may earn less than the prevailing wage for work of similar nature in the private sector." We held there is no private cause of action for a violation of this statute.[1]

Inmates here alleged a cause of action under the South Carolina Payment of Wages Act, S.C. Code § 41-10-20 et seq. (Supp. 2005) claiming lost wages because they were not paid the "prevailing wage" as specified in § 24-3-430(D).[2] They claim the trial judge should not

---

[1]In the companion case of Wicker v. South Carolina Dep't of Corrections, 360 S.C. 421, 602 S.E.2d 56 (2004), we further held that inmates may not be deprived of this property interest without due process; accordingly, inmates were directed to file grievances if they wished to protest DOC's failure to pay a prevailing wage.

[2]Inmates concede that DOC was authorized to negotiate wages for inmate labor at less than the prevailing wage pursuant to budget provisos passed by the General Assembly for fiscal years 2001-2002 and 2002-2003. There are similar provisions in each budget passed to the present.

have dismissed this cause of action against WTI.[3]

ISSUE

Do inmates have a cause of action under the Payment of Wages Act?

DISCUSSION

The Payment of Wages Act requires that every employer "notify each employee in writing at the time of hiring of the normal hours and wages agreed upon, the time and place of payment, and the deductions which will be made. . . ." § 41-10-30. Every employer shall pay wages due at the time and place designated by this notice. § 41-10-40(D). There is no provision regarding the payment of a statutorily required wage.

Whether a private industry sponsor and the inmates in a prison industries program have an employer-employee relationship for purposes of the Payment of Wages Act is a novel issue. Inmates ask us to find such a relationship based on the test for employment set out in Felts v. Richland County, 303 S.C. 354, 400 S.E.2d 781 (1991). This test includes four factors: (1) the right to, or exercise of, control; (2) method of payment; (3) furnishing of equipment; and (4) right to fire. Inmates point to provisions in the contract between DOC and WTI that indicate WTI's right to control inmate workers. For instance, the contract provides that WTI provides worker training and supervisory staff to oversee work product quality, and WTI furnishes the equipment upon which the work is performed. Although DOC screens and selects the inmates who will participate, WTI "reserves the right to have [DOC] remove and replace inmate workers based on job performance."

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[3]In Adkins, we noted § 24-3-430(F) provides that an inmate is not considered an "employee" of the State and therefore no cause of action could be maintained against DOC under the Payment of Wages Act. 360 S.C. at 420, n.7, 602 S.E.2d at 55, n.7.

Inmates contend the contract provisions stating that inmates are not to be considered employees of WTI do not control.

We find the Felts four-part test is not determinative of employer status in the context of the Payment of Wages Act. This Act, by its very title, is concerned specifically with the payment of wages and is directed to the entity responsible for such payment. *See* Williams v. Grimes Aerospace Co., 988 F. Supp. 925, n.13 (D.S.C. 1997) (holding that corporation for whom work was performed was not liable under South Carolina Payment of Wages Act where temporary agency "handled all payment of wages").

Here, the payment of inmate wages is exclusively within the control of DOC and not WTI. The contract provides that WTI will pay DOC a flat rate of $4.00 per hour per inmate and that DOC is responsible to pay inmate workers and handle payroll deductions. Of even greater significance is the fact that the legislature has specifically mandated how inmate wages for prison industry labor are to be handled. Section 24-3-40 (Supp. 2005) provides:

> **Disposition of wages of prisoner allowed to work at paid employment.**
>
> (A) Unless otherwise provided by law, the employer of a prisoner authorized to work at paid employment . . . in a prison industry program provided under Article 3 of this chapter shall pay the prisoner's wages directly to the Department of Corrections.

(emphasis added). This section also includes specific deductions from inmate wages that are to be made by the Director of DOC, including restitution to victims, payment to the State Office of Victim Assistance, child support, and state and federal taxes. Clearly, by contract and by statute, DOC is the only entity responsible for the payment of inmate wages.

Other state courts have held for purposes of wage statutes that inmates compensated by the prison are not the employees of prison industry sponsors. *See* Manville v. Bd. of Governors of Wayne State Univ., 272 N.W.2d 162 (Mich. App. 1978) (rate of compensation for prison labor determined under state Correctional Industries Act, not Minimum Wage Law where Department of Corrections unilaterally set wage scale and work hours); Prieur v. D.C.I. Plasma Center of Nevada, Inc., 726 P.2d 1372 (Nev. 1986) (prison laborer barred from pursuing claim against prison industry sponsor under state wage and hour law where Department of Prisons determined rate and method of compensation). Federal courts have come to the same result under the Federal Labor Standards Act. *E.g.*, Henthorn v. Dep't of Navy, 29 F.3d 682 (D.C. Cir. 1994); Harker v. State Use Indus., 990 F.2d 131 (4th Cir. 1993); Gilbreath v. Cutter Biological, Inc., 931 F.2d 1320 (9th Cir. 1991); George v. SC Data Center, Inc., 884 F.Supp. 329 (W.D. Wis. 1995).

In conclusion, Inmates cannot maintain an action against WTI under the Payment of Wages Act since WTI is not the entity responsible for paying their wages. We affirm Inmates' remaining issues under Rule 220(b)(1), SCACR. *See* Adkins, *supra* (prevailing wage statute was not enacted for the special benefit of inmates but was intended to prevent unfair competition and aid the public in general).

AFFIRMED.

TOAL, C.J., WALLER and BURNETT, JJ., concur. PLEICONES, J., dissenting in a separate opinion.

JUSTICE PLEICONES: I respectfully dissent. As I explained in my concurring opinion in Adkins v. South Carolina Dep't of Corrections, 360 S.C. 413, 602 S.E.2d 51 (2004), I would hold that the inmates' remedy is found in the South Carolina Payment of Wages Act, S.C. Code Ann. §§ 41-10-10, *et seq.* (Supp. 2005).

To hold that the payment of wages is exclusively within the control of the DOC ignores the language of S.C. Code Ann. § 24-3-40 (Supp. 2005). That statute provides "the employer of a prisoner authorized to work....in a prison industry program....shall pay the prisoner's wages directly to the Department of Corrections" and then requires the DOC to distribute those wages to inmates on behalf of the employer. Thus, the ultimate responsibility for paying wages falls on the prison industry sponsor, while the DOC merely acts as a conduit for payment to the inmates.

Under the Payment of Wages Act, "Employer" is defined as "every person, firm, partnership, association, corporation, receiver, or other officer of a court of this State, the State or any political subdivision thereof, and any agent or officer of the above classes employing any person in this State." S.C. Code Ann. § 41-10-10(1). In my opinion, this definition includes both the employer, WTI, and its agent, the DOC. Accordingly, I would hold that both WTI and the DOC are subject to the inmates' claims made pursuant to the Payment of Wages Act.

315

11/17/2008 17:01 FAX 1108

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form 2

STATE OF SOUTH CAROLINA)
) IN THE COURT OF Common Pleas
COUNTY OF Dorchester) 1st JUDICIAL CIRCUIT
)
Darrell Williams)
Petitioner,)
) SUMMONS
vs.)
Williams Technologies, Inc.,)
South Carolina Dept Corrections)
Respondents.)

RECORDED
2002 JAN 29 AM 10:13
CLERK OF COURT
BERKELEY COUNTY

YOU ARE HEREBY SUMMONED, and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of our answer to this complaint upon the petitioner, at the address shown below within (30) thirty days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint; judgment by default will be rendered against you for relief demanded in the complaint.

Darrell Williams

Pro se

2002 JAN 14 PM 1:47

Sworn and subscribed before me
this 10 day of Dec
2001.

Kashuny - Stevens

Notary Public for South Carolina
My commission expires: 12/05/05

Lieber Correction Institution
1136 Wilborn Drive / A-B38
Post Office Box 205 / Pro Se
Ridgeville, South Carolina 29472

237

DC # 12

The State Of South Carolina

For The Dorchester County Court

In The Court Of Common Pleas

First Judicial Circuit

Notice Of Complaint

FILED RECORDED
2002 JAN 29 AM 10:13
CLERK OF COURT
DORCHESTER COUNTY

2002 JAN 14 PM 1:47
CLERK OF COURT
DORCHESTER COUNTY

Darrell Williams

Plaintiff

-against-

John Carullo. South Carolina Department Of Corrections
Williams Technologies Inc.,

Defendants

Honorable Court Clerk:

213

~~238~~

Please Take Notice, that Plaintiff herein will move this

court for hearing to be conducted on the ____ day of _____, 20__, or as soon thereafter as Plaintiff can be heard, requiring defendants to show cause why (1) Breach Of Trusts; (2) Violation Of Employment Laws; (3) Mismanagement Of Funds; (4) Illegal Contract.

Please Take Further Notice, that this court has Jurisdiction Pursuant to South Carolina Code Ann. Sec. 15-78-20 (Cum. Supp. 01) and therefore seek Relief in this court

Wherefore, Plaintiff Prays for Relief in complaint

Dated: 18th day of December, 2001.

Respectfully Submitted
Darrell Williams

Darrell Williams #219730
Lieber Correction Institution
136 Wilborn Drive / AB38
Post Office Box 205 / Pro Se
Ridgeville, South Carolina 29472

The State Of South Carolina

For The Dorchester County Court House

In The Court Of Common Pleas

First Judicial Circuit

Complaint

Darrell Williams,

Plaintiff,

-against-

John Corullo, Production Branch Chief, South Carolina Dept. Corrections,
Williams Technologies Inc.,

Defendants,

To Defendants Above-named:

215

Please Take Notice, that Plaintiff above-named will move

~~240~~

this court. to convene a hearing Pursuant to South Carolina Code Ann. Sec. 15-78-20(Cum. Supp. 2000-01) for a Proceeding based on allegations hereinbelow as follows:

First Cause Of Action

Defendants at all times relevant. have entered into a contract that violates Federal and State law.

Second Cause Of Action

Defendants have knowingly. Conspired to violate state law and Federal law which breaches legal estate of Plaintiff.

Third Cause Of Action

Defendants have refused to appropiate money. to Plaintiff as so Prescribed by law.

Fourth Cause Of Action

Defendant Carulle. have failed to set-up an escrow account for Plaintiff in violation of state law

Fifth Cause Of Action

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Defendants have conspired in vidation of Federal. State law to allow Plaintiff to Pay Federal/State taxes

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Sixth Cause Of Action

The defendants. contractual agreement violates federal/State law because it Pays below minimum wage.

Seventh Cause Of Action

The Guardian. of Plaintiff has not taken measures to in accordance with applicable law to set up an escrow account

Eighth Cause Of Action

When such matter was brought. to attention of defendants it was overlooked and or disregarded.

Ninth Cause Of Action

The defendants. have failed to ensure Plaintiff receive Proper medical attention from hazardous chemicals used at the Plant.

Tenth Cause Of Action

Defendant SCDC. was Given a statutory duty to appriate money Given by defendant Williams Technologies. and defendant ScDc has failed to so and when asked to do so they failed to correct as well as cease from mismanagement of money.

Eleventh Cause Of Action

Twelfth Cause Of Action

Defendants acting in concert, have knowingly subjected Plaintiff to work in an enviroment contrary to lefal Provisions of statute.

Thirteen Cause Of Action

Defendant Secc. has not established an escrow account or allowed Plaintiff to send money to Persons of his choice and this is due to the illegal contract entered by both Parties.

Fourteen Cause Of Action

Defendant Secc. has likewise violated state law by failing to allow Plaintiff to Pay State, Federal taxes.

Fifteen Cause Of Action

Since defendant Secc. fails to adhere to its statutory Guardian duty they are asked to now Give said funds to another Guardian and to Give account of money they mismanaged.

Sixteen Cause Of Action

Defendants do not Provide adequate medical treatment and the improper Protective clothing, as well as fact work conditions are far below as that was when operating in street. Where such conditions, create health hazards to the Plaintiff and others.

Relief

1) Defendant Seac Pay all back wages

2) Defendants Pay all Wages under current minimum wage

3) All money be sent to New Guardian Of Plaintiff(s) choice

Wherefore. Plaintiff Prays this court will Grant Relief

Darrell Williams /Affiant/ Pro Se

Sworn To Before Me This
10 day of Dec 2001.
Rasheny-Stevens
Notary Public

My Commission Expires: 12/05/05

2.44

STATE OF SOUTH CAROLINA)
) IN THE COURT OF Common PLEAS
COUNTY OF Dorchester) 1st JUDICIAL CIRCUIT
)
Darrell Williams, Et al.,)
Petitioner,)
) SUMMONS
vs.) 02-CP-18-00134
William Technologies, Inc. Tony Ellis)
John Corrville. Individual Capacities)
South Carolina Dept Corrections)
. Defendants.)

FILED-RECORDED
2002 JUL -1 AM 11:13
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

YOU ARE HEREBY SUMMONED, and required to answer the Amended Complaint a copy of which is herewith served upon you, and to serve a copy of our answer to this complaint upon the petitioner, at the address shown below within (20) Twenty days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint; judgment by default will be rendered against you for relief demanded in the complaint.

Ridgeville, South Carolina
June 20 2002

Petitioner Pro se
Darrell Williams #319930
Lieber Correction Institution
136 Wilborn Drive / AB35
Post Office Box 205 / Pro Se
Ridgeville, South Carolina 29471

Sworn and subscribed before me
this 20 day of June
2002.

Notary Public for South Carolina
My commission expires 12-05-05

246

DOC # 13

The State Of South Carolina

Dorchester County Courthouse

Court Of Common Pleas

FILED-RECORDED
2002 JUL -1 AM 11:13
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Darrell Williams. Jerome Scott. Chauncy Orr. Richard Cheeks. Ralph Sellars. Shelden Clark. Earl Mack. Nikkia Law. Michael McClinton. Willie Hare. keith kelly kenneth White. Michael Watson, Curtis Thompson. Matin Mutaqim. Robert Norris. kerlan Etheredge Matthew Cooper. Christopher Marshall. Lorenzo Daly. Lazarus Brannon. Andre Gibson. Shannon Hicks. James Mixon. Gene Richardson. Steve Leake. Steven Love. James Hartman. Joseph Schmitz. Johnny Holden. Jamie Bloodworth. Todd Brewer. Thomas Johnson Eric Bragg. Daniel Dewey. Charles Treyta. Samuel Mason. Gilbert Masia. Howard Grant. Archie Simmons. Anthony Wright. Isaac Blake. Robert Gregory. Larry Reed. Nehemiah Greene. Richard Butler. Richard Greene James Sattler. Stanley Garrett. Henry Baker. Anthony Brown. Victor Brown. Gladstone Cummings. Nathan LeGrand. Charles Pooler. McGill Bailey. Wilson Kinard. Jonathan Matthews. Mavis Gamble. Mitchell Canty. Alvin Stewart. Clark Green. Stanley Davis. Peter Jenkins. Raymond Pitchers. Kevin Commander. Ernest Miller. Cobb Zawacki. K. Rouse. Raymond Garner. Melvin

221

247

Bryant. Tyrion Aiken. Jeddie Williams. Orlando Williams
Ray Cadsen. Robert Doby. Joseph Sampson. Richard
Graham. 15 Unamed Prison Industry II Lieber
Correction Institution Inmates. Colum Drummond.

Plaintiffs.

-against-

Williams Technologies. Incorporated. Tony Ellis.
Deputy Director. South Carolina Department Of
Corrections Prison Industry. John Carullo. Branch
Production Chief. South Carolina Department Of
Corrections Prison Industry. Individually And
In Their Official Capacities. South Carolina
Department Of Corrections.

Defendants

02-CP-18-00134

FILED-RECORDED
2002 JUL -1 AM 11:13
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Amended Complaint

To Defendants Above-Named:

222

248

(21)

Jurisdiction

This court has Jurisdiction Pursuant to South Carolina Code Ann. Sec. 15-78-20(cum. Supp.01) under Tort Claims Act and as such this action has been commenced Pursuant to South Carolina Code Ann. Sec. 41-10-80(cum. Supp.01) Y. Rayfield v. Department Of Correction, 374 S.E.2d 910(1988) Y. Bennett v. Lambrou&os. 401 S.E.2d 428(1991) Y to Recover unpaid wages.

Preliminary Statement

This complaint has been amended to add new Plaintiffs and defendants. Furthermore, it likewise changes factual allegations by adding to ones already alleged as well as changes some of allegations asserted in 2.6.15 Cause Of Action, inter alia. adds to the Relief Requested.

Therefore. the amended complaint shall serve as the actual complaint Plaintiff Proceeds on and dismisses and abrogates original filed January 29th. 2002. and has been served on all Parties.

First Cause

The defendants Ellis. Carullo, entered a contract and knowingly. willfully failed to honor its terms.

Second Cause

Defendant Williams Tech allowed to Pay $4.00 an hour for all inmates who worked at Plant. 223

Third Cause

Defendants Secr. Ellis, Carullo, had a legal obligation to Pay this to class Plaintiffs.

Fourth Cause

Defendants violated their trust with defendant Williams Technologies and class Plaintiffs by not doing so.

Fifth Cause

Defendant Ellis, Carullo, Secr. when asked to do so, Refused to appropiate money Given to them for class Plaintiffs and misimanaged money.

Sixth Cause

Defendants Secr. Ellis, Carullo, has failed to set-up an escrow account for class Plaintiffs.

Seventh Cause

Defendants has violated, state statutory Provision which required them to set-up this account and denies class Plaintiff opportunity to send money to People of his choice.

Eighth Cause 224

All defendants had an obligation under law to Pay class Plaintiffs minimum wage.

Ninth Cause

The defendants have failed to Pay wages similar to these in community.

Tenth Cause

The defendants Senc. Ellis. Carullo Knowingly and willfully Restrained from securing minimum wage.

Eleventh Cause

Defendants Senc. Ellis. Carullo, acted contrary to law when they negotiated a contract at a rate below minimum wage.

Twelfth Cause

Defendants senc. Carullo and Ellis committed fraud when they did not Pay wages to class Plaintiffs what was being Given to them.

Thirteenth Cause

Defendants have defrauded all those interested or have an interest in work Performed. 225

(25)

(15)

Fourteenth Cause

Defendant William Tech. knew this to be Going on but refused to correct this.

Fifthteenth Cause

Defendants knowingly entering into this contract that violates law has harmed class Plaintiffs.

Sixteenth Cause

Defendants have conspired together to deprive class Plaintiffs from Paying taxes.

Seventeenth Cause

By defendant Williams Tech. Paying below minimum wage they sought to avoid Paying taxes.

Eighteenth Cause

Defendant Williams Tech. knew contract was illegal but disregarded it.

Nineteenth Cause

Defendants Secr. Ellis. Carrillo did not Protect class Plaintiff from this kind of harm.

~~252~~

Twentieth Cause

Defendants Secc. Carullo. Ellis. knew law relates to us and directly and indirectly imposes a duty on them to Guard against or not cause harm.

Twenty-first Cause

Defendants knew individuals in statute intended to Protect was class Plaintiffs.

Twenty-Second Cause

Defendants knew or had Reason to know the harm to class Plaintiffs by not Following law.

Twenty-Third Cause

Defendants know class Plaintiffs are this Protected class within law.

Twenty-Fourth Cause

Defendants have been Given sufficient authority to engage and enter into contractual agreements, and violated laws when doing so and harmed class Plaintiffs.

Twenty-Fifth Cause 227

Defendants have not ensured Class Plaintiff work conditions are same as community.

Twenty-Sixth Cause

Defendants have failed to Pay overtime, holiday, Weekend wages according to law.

Twenty-Seventh Cause

Defendants have engaged in unlawful labor, trade Practices.

Twenty-Eighth Cause

Defendants have violated state/Federal tax, Labor, health, Contracts and other laws by their actions, inactions.

Relief Requested

Defendants: Pay all overtime, holiday, Weekend wages in accordance with law.

Defendants: Pay class Plaintiffs back wages, with interest.

Defendants: Pay wages equal to what is Paid on Jobs, done before inmates obtained employment.

Defendants: Pay treble Damages for not Paying Required minimum

Defendants: Provide Proper care to class Plaintiffs with adequate Protective clothing and medical care.

Wherefore, Plaintiffs Pray for Relief.

Darrell Williams #A Plaintiff Pro Se

Sworn To Before Me This
20 day of June 2002.

Notary Public 12/

My Commission Expires: 12/05/05

255

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO.:
	)	
DARRELL WILLIAMS, Class Representative, LAWRENCE GREEN, ARCHIE SIMMONS, WILLIE KELLY, MCGILL BAILEY, KEITH KELLY, GENE RICHARDSON, CLARK GREEN, KEVIN COMMANDER, RUSSELL DEAS, TONEY FRYSON, JAMES FENO, GLADSTONE CUMMINGS, CALVIN DRUMMOND, VICTOR BROWN, ZAWASKI COBB, STANLEY GARRETT, DAVID HARRELL, RICHARD CHEEKS, TIMOTHY BROWN, MICHAEL FLOYD, LARRY SMITH, CHRISTOPHER MARSHALL, PERCY MARTIN, MALIK ALJALIL, ANDRE GIBSON, AARON GLEASON, HOWARD GRANT, LESLIE BROWN, DEREK CARTER, KENNETH CARTER, CARLOS GILMORE, SHANNON HICKS, BRUCE HOUSER, JAMES MIXSON, WILLIE HARE, MICHAEL MCCLINTON, STANLEY DAVIS, SHELDON CLARK, MATIN MUNTAGIM, JOHNNY HOLDEN, NIKIA LAW, HARRY LEONARD, MARK LIPSCOMB, STEVEN LOVE, NICHOLAS LAMBROS, THOMAS JOHNSON, MICHAEL WATSON, CURTIS THOMPSON, RALPH SELLARS, STEPHEN LEASE, EARL MACK, DAVID MATTHEWS, JEROME SCOTT, CHARLES MORRISON, JAMES SATTLER, ORLANDO WILLIAMS, RICHARD BUTLER, NATHAN LEGRAND, NEHEMIAH GREENE, TYRONE AIKEN, KENNETH WHITE, RICHARD GRAHAM, DARYL ROBINSON, CHAUNCY ORR, JOSEPH SCHMITZ, ALVIN STEWART, ROBERT GREGORY, HAROLD ROBERSON, REGINALD CHRISTOPHER, HEYWARD DEMPSEY, HERIBERTO CLARKE, SAMUEL MASON, GILBERT MASIA, JAMES MURRAY, ROBERT NORRIS, CHARLES BURROUGH, LORENZO DALY, CHRIS KING, JERRY HODGE, WILLIE LASTER, ERNEST MILLER, RICHARD NEWMAN,	)	

230

~~35~~

RONNIE JONES, FRANCIS ACKERMAN,)
WILLIAM MILLER, JOHN WOJCIK,)
JAMIE BLOODWORTH, TODD BREWER,)
RONALD SIMMONS, MICHAEL NELSON,)
JAMES SCOTT, LUTHER GREGORY,)
GARY HAYES, MICHAEL BAYLOR,)
LEROY BERNTSEN, ISAAC BLAKE,)
GARY FORREST, CHRIS STEELE,)
ERIC BRAGG, RONALD BARNEY,)
MARCUS CAMPBELL, JOHNNY MAYES,)
RAYMOND LIVINGSTON, JAMES TRUMPER,)
KAMATHENE COOPER, HAROLD SHARPE,)
MAXIE GAMBLE, FRANK ANDERSON,)
RAY GADSDEN, CALVIN BYRD,)
LARRY GREEN, ALVIN WHITE,)
CHARLES CHATMAN, LEROY CHOICE,)
HARLON EDGER, PERRY DEVEAUX,)
DARRYEL BEASLEY, STEPHEN PADDOCK,)
DENNIS GOFF, JOE THOMPSON,)
PERCY BOOTH, JOHNNY HAYES,)
JAMES MCGADDEN, HENRY BAKER,)
WAYMON NEWTON, EDSELL MCNEILL,)
ANTONIO RICHARDSON, LINSO ALLEN,)
WILBERT MILLS, CHUCK JACKSON,)
TIMOTHY WILSON, KERLAN ETHERIDGE,)
MATTHEW COOPER, SAMUEL MARTIN,)
KENNETH ROUSE, WILSON KINARD,)
TONY FAIR, EDWARD WESSON,)
RODNEY LADSON, JEROME DURHAM,)
EVERISTO CASTANA, STEVIE HANNA,)
RANDY GUTHERY, MITCHELL CANTY,)
GREGORY GRANT, TERRELL BUCHANON,)
HERBERT DORSEY, FRED RANDALL,)
CHARLES RISH, GERMAINE PRINGLE,)
CURLEY KEENON, RODNEY VEREEN,)
STEPHEN VEREEN, DONNIE BRACEY,)
EDWARD SIMPSON, JERRY BUTLER,)
EDWARD BEST, JAMMIE GAYMON,)
TYRONE ANCRUM, FRANKLIN MILFORD,)
WILLIAM MILLS, JAMES WILBANKS,)
RONALD YOUNG, LEONARD GARNER,)
LAMAR ANDERSON, WAYNE HARLEN,)
LEVARRIO SIMMONS, TONY WHITT,)
ROBERT WYDMAN, JAMES WELLS,)
ROBERT DOBY, ARTHUR SCOTT,)
JOHN HUNLEY, CHAUNCEY THOMAS,)

TONY MCNEIL, WINSTON FIELDS, MATTHEW COOPER, STONEY MCCLENDON, BARON COBBS, JOHNATHAN MATTHEWS, CECIL DANIELS, SHAROD WASHINGTON, PETE BRYANT, ALAIN LAREAU, STEVEN HICKENBOTTOM, ALFRED JOYNER, MARVIN STEVENSON, JOSEPH SAMPSON, ANTHONY ENGLISH, PATRICK CURTIS, CHARLES BENNETT, DAVID MORGAN, OTIS CHISHOLM, ELWOOD WHITE, DERRIAN SPANN, CEDRIC WHITE, JAMES JACKSON, LAZARUS BRANNON, GILBERT KING, CEDRIC PARTLOW, NATHAN HODGE, MARK KRISKOV, PETER JENKINS, KENNETH SIMMONS, TAURUS BOWMAN, QUINTIN DANIELS, WILLIAM THOMAS, CLIFTON CURTIS, DENNIS RICHEY, LARRY REED, BRUCE DAVIS, HOWARD GRANT, JOHN MOULTRIE, RAYMOND PITCHERS, VIRGIL SIMPSON, BERNARD FELDER, BERNARD LAUX, JOE PANNELL, PATRICK SIMMONS, SIDNEY TAYLOR, MENDELL STONE, MICHAEL BENNINGER, ROYCE CARSON, GEORGE HALL, SHAWN WHITE, DON ROBINSON, LARKLAND RICHARDS, ROBERTO LNU,

Plaintiffs,

vs.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS and WILLIAMS TECHNOLOGIES, INC.,

Defendants.

CERTIFIED COPY
2003 FEB 12 AM 10:53
CLERK OF COURT
DORCHESTER COUNTY

SUMMONS

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in the above entitled action, a copy of which is hereby

served upon you, and to serve a copy of your Answer to said Amended Complaint upon the Plaintiffs' attorney, Douglas H. Westbrook, 23 Broad St., Charleston, SC, 29401, within thirty (30) days from the date of service hereof, exclusive of the day of such service; and, if you fail to answer the Amended Complaint within the time aforesaid, the Plaintiffs in this action will apply to the Court for judgment by default for the relief demanded in the Amended Complaint.

Douglas H. Westbrook
23 Broad St.
Charleston, SC 29401
(843) 853-9600

ATTORNEY FOR PLAINTIFFS

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO.:
	)	
DARRELL WILLIAMS, Class Representative,	)	
LAWRENCE GREEN, ARCHIE SIMMONS,	)	
WILLIE KELLY, MCGILL BAILEY,	)	
KEITH KELLY, GENE RICHARDSON,	)	
CLARK GREEN, KEVIN COMMANDER,	)	
RUSSELL DEAS, TONEY FRYSON,	)	
JAMES FENO, GLADSTONE CUMMINGS,	)	
CALVIN DRUMMOND, VICTOR BROWN,	)	
ZAWASKI COBB, STANLEY GARRETT,	)	
DAVID HARRELL, RICHARD CHEEKS,	)	
TIMOTHY BROWN, MICHAEL FLOYD,	)	
LARRY SMITH, CHRISTOPHER MARSHALL,	)	
PERCY MARTIN, MALIK ALJALIL,	)	
ANDRE GIBSON, AARON GLEASON,	)	
HOWARD GRANT, LESLIE BROWN,	)	
DEREK CARTER, KENNETH CARTER,	)	
CARLOS GILMORE, SHANNON HICKS,	)	
BRUCE HOUSER, JAMES MIXSON,	)	
WILLIE HARE, MICHAEL MCCLINTON,	)	
STANLEY DAVIS, SHELDON CLARK,	)	
MATIN MUNTAGIM, JOHNNY HOLDEN,	)	
NIKIA LAW, HARRY LEONARD,	)	
MARK LIPSCOMB, STEVEN LOVE,	)	
NICHOLAS LAMBROS, THOMAS JOHNSON,	)	
MICHAEL WATSON, CURTIS THOMPSON,	)	
RALPH SELLARS, STEPHEN LEASE,	)	
EARL MACK, DAVID MATTHEWS,	)	
JEROME SCOTT, CHARLES MORRISON,	)	
JAMES SATTLER, ORLANDO WILLIAMS,	)	
RICHARD BUTLER, NATHAN LEGRAND,	)	
NEHEMIAH GREENE, TYRONE AIKEN,	)	
KENNETH WHITE, RICHARD GRAHAM,	)	
DARYL ROBINSON, CHAUNCY ORR,	)	
JOSEPH SCHMITZ, ALVIN STEWART,	)	
ROBERT GREGORY, HAROLD ROBERSON,	)	
REGINALD CHRISTOPHER, HEYWARD DEMPSEY,	)	
HERIBERTO CLARKE, SAMUEL MASON,	)	
GILBERT MASIA, JAMES MURRAY,	)	
ROBERT NORRIS, CHARLES BURROUGH,	)	
LORENZO DALY, CHRIS KING,	)	
JERRY HODGE, WILLIE LASTER,	)	
ERNEST MILLER, RICHARD NEWMAN,	)	

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RONNIE JONES, FRANCIS ACKERMAN,)
WILLIAM MILLER, JOHN WOJCIK,)
JAMIE BLOODWORTH, TODD BREWER,)
RONALD SIMMONS, MICHAEL NELSON,)
JAMES SCOTT, LUTHER GREGORY,)
GARY HAYES, MICHAEL BAYLOR,)
LEROY BERNTSEN, ISAAC BLAKE,)
GARY FORREST, CHRIS STEELE,)
ERIC BRAGG, RONALD BARNEY,)
MARCUS CAMPBELL, JOHNNY MAYES,)
RAYMOND LIVINGSTON, JAMES TRUMPER,)
KAMATHENE COOPER, HAROLD SHARPE,)
MAXIE GAMBLE, FRANK ANDERSON,)
RAY GADSDEN, CALVIN BYRD,)
LARRY GREEN, ALVIN WHITE,)
CHARLES CHATMAN, LEROY CHOICE,)
HARLON EDGER, PERRY DEVEAUX,)
DARRYEL BEASLEY, STEPHEN PADDOCK,)
DENNIS GOFF, JOE THOMPSON,)
PERCY BOOTH, JOHNNY HAYES,)
JAMES MCGADDEN, HENRY BAKER,)
WAYMON NEWTON, EDSELL MCNEILL,)
ANTONIO RICHARDSON, LINSO ALLEN,)
WILBERT MILLS, CHUCK JACKSON,)
TIMOTHY WILSON, KERLAN ETHERIDGE,)
MATTHEW COOPER, SAMUEL MARTIN,)
KENNETH ROUSE, WILSON KINARD,)
TONY FAIR, EDWARD WESSON,)
RODNEY LADSON, JEROME DURHAM,)
EVERISTO CASTANA, STEVIE HANNA,)
RANDY GUTHERY, MITCHELL CANTY,)
GREGORY GRANT, TERRELL BUCHANON,)
HERBERT DORSEY, FRED RANDALL,)
CHARLES RISH, GERMAINE PRINGLE,)
CURLEY KEENON, RODNEY VEREEN,)
STEPHEN VEREEN, DONNIE BRACEY,)
EDWARD SIMPSON, JERRY BUTLER,)
EDWARD BEST, JAMMIE GAYMON,)
TYRONE ANCRUM, FRANKLIN MILFORD,)
WILLIAM MILLS, JAMES WILBANKS,)
RONALD YOUNG, LEONARD GARNER,)
LAMAR ANDERSON, WAYNE HARLEN,)
LEVARRIO SIMMONS, TONY WHITT,)
ROBERT WYDMAN, JAMES WELLS,)
ROBERT DOBY, ARTHUR SCOTT,)
JOHN HUNLEY, CHAUNCEY THOMAS,)

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TONY MCNEIL, WINSTON FIELDS, MATTHEW COOPER, STONEY MCCLENDON, BARON COBBS, JOHNATHAN MATTHEWS, CECIL DANIELS, SHAROD WASHINGTON, PETE BRYANT, ALAIN LAREAU, STEVEN HICKENBOTTOM, ALFRED JOYNER, MARVIN STEVENSON, JOSEPH SAMPSON, ANTHONY ENGLISH, PATRICK CURTIS, CHARLES BENNETT, DAVID MORGAN, OTIS CHISHOLM, ELWOOD WHITE, DERRIAN SPANN, CEDRIC WHITE, JAMES JACKSON, LAZARUS BRANNON, GILBERT KING, CEDRIC PARTLOW, NATHAN HODGE, MARK KRISKOV, PETER JENKINS, KENNETH SIMMONS, TAURUS BOWMAN, QUINTIN DANIELS, WILLIAM THOMAS, CLIFTON CURTIS, DENNIS RICHEY, LARRY REED, BRUCE DAVIS, HOWARD GRANT, JOHN MOULTRIE, RAYMOND PITCHERS, VIRGIL SIMPSON, BERNARD FELDER, BERNARD LAUX, JOE PANNELL, PATRICK SIMMONS, SIDNEY TAYLOR, MENDELL STONE, MICHAEL BENNINGER, ROYCE CARSON, GEORGE HALL, SHAWN WHITE, DON ROBINSON, LARKLAND RICHARDS, ROBERTO LNU,

Plaintiffs,

vs.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS and WILLIAMS TECHNOLOGIES, INC.,

Defendants.

CERTIFIED COPY
2003 FEB 12 AM 10:53
Cheryl Strickland
CLERK OF COURT
COUNTY

AMENDED COMPLAINT

Plaintiffs, complaining of the Defendants, would show unto the Court as follows:

FIRST CAUSE OF ACTION
(S.C. CODE 24-3-430)

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1. The Plaintiffs are present and former inmates at Lieber Correctional Institution in Dorchester County, South Carolina, who, during the period 1999 to present, have been employed by Williams Technologies, Inc. in a prison industries service work program. Plaintiffs' work involved the disassembly of used transmissions, cleaning the parts, and returning them to the companies from whence they came.

2. The Defendant South Carolina Department of Corrections (SCDC) is the South Carolina State agency which operates and maintains the prison system, including the Lieber Correctional Institution.

3. The Defendant Williams Technologies, Inc. (Williams) is a corporation organized and existing under the laws of the State of South Carolina, is authorized and does business in Dorchester County, South Carolina, and at all times material to this action was the employer of the Plaintiffs at Lieber Correctional Institution in a prison industries service work program established pursuant to S.C. Code 24-3-430(A).

4. This Honorable Court has jurisdiction of the parties and subject matter herein pursuant to S.C. Constitution, Art. V, Sec. 11; S.C. Code 24-3-430; 15-78-100(b); 41-10-10, et seq.; and the common law of South Carolina. Also, venue is proper in Dorchester County, South Carolina pursuant to S.C. Code 15-78-100(b), which requires that any action be brought in the county where the act

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or omission occurred.

5. Plaintiff Darrell Williams brings this action on his own behalf, and pursuant to South Carolina Rules of Civil Procedure 23, as representative of a class defined as follows:

> All inmates, past and present, who, since Jul. 01, 1999, have worked in the Williams/Lieber service work program.

6. The members of the Plaintiff class are so numerous as to make joinder of all members impractical. The precise number of members is unknown, however, it is believed that class membership will exceed dozens if not hundreds of people. Many members, on information and belief, will be ascertainable from information and records in possession of the Defendants.

7. There are questions of law and fact common to Plaintiff Williams and to all members of the Plaintiff class. Such questions, on information and belief, will predominate over questions affecting the individual Plaintiff or members of Plaintiff class, as the unlawful activity alleged herein is generally applicable to Plaintiff Williams and all class members. Among the questions of law and fact common to Plaintiff Williams and the class are:

(a) Whether Defendants paid Plaintiffs the correct wages under prevailing law;

(b) Whether Defendants made the correct deductions from wages under prevailing law;

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(c) Whether, if Defendants failed to pay the correct wages, such failure constitutes gross negligence under the Tort Claims Act;

(d) Whether Williams was Plaintiffs' employer, and SCDC Williams' "agent", under S.C. Code 41-10-10(1);

(e) Whether SCDC and Williams should be enjoined from future violations, and mandated to pay Plaintiffs back wages.

8. Plaintiff Williams' claims are typical of the claims of the members of the Plaintiff class; they have all worked in the Williams/Lieber service work program, and on information and belief, have been underpaid under prevailing law.

9. Plaintiff Williams will fairly and adequately represent and protect the interests of the Plaintiff class, in that his interests are consistent with, and not antagonistic with, those of the Plaintiff class.

10. The amount in controversy exceeds $100 for each member of the class.

11. Class action treatment of the matters at issue is superior to the alternative, because it will permit a large number of persons to prosecute their claims in a single forum, at one time, without the duplication of effort and expense that individual actions would involve.

12. Plaintiff Williams is aware of no difficulty in the manage-

ment of this action as a class action to prevent it from being maintained.

13. Pursuant to S.C. Code 24-3-315, 430, the Director of the SCDC may establish, and in fact did establish with Williams from 1999 to present, a program involving the use of inmate labor in private industry for the provision of services; the Director may enter into, and in fact did enter into with Williams, contracts necessary to implement this program; the Director must determine prior to using inmate labor that the rates of pay and other conditions of employment are not less than those paid and provided for work of similar nature in the locality in which the work is performed; and, no inmate participating in the program may earn less than the prevailing wage for work of similar nature in the private sector.

14. Pursuant to Statutes at Large, No. 66, Section 37.31, effective July 1, 2001; and No. 289, Section 37.25, effective July 1, 2002, the Department of Corrections may negotiate the wage to be paid for prison industry service work, which wage may be less than the prevailing wage for work of a similar nature in the private sector.

15. Pursuant to S.C. Code 24-3-430(H) and 24-3-40(1)-(6), the Director of SCDC is required to deduct the following amounts from gross wages of the inmate:

(a) 20%, for any court ordered victim assistance, or to the State Office of Victim Assistance;

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(b) 35%, for any court ordered or agreed upon child support;

(c) 25%, for room and board, if there are no child support obligations;

(d) 10%, to the inmate, if there are no child support obligations;

(e) 10%, to the inmate, for purchase of incidentals;

(f) 10%, held in escrow for the inmate;

(g) balance for any taxes required by law;

(h) balance to the inmate.

16. Pursuant to S.C. Code 24-3-40(B), the SCDC is required to return an inmate's wages held in escrow as follows:

(a) An inmate released without community supervision must be given his escrowed wages upon release;

(b) An inmate serving a life or death sentence must be given the option of having his escrowed wages included in his estate, or distributed to the persons of his choice;

(c) An inmate released to community supervision shall receive $200, or the escrow balance, whichever is less, upon release, with any remaining balance to be used by the inmate's probation officer to supply inmate's needs, and disburse the remainder to the inmate at the end of the supervision period.

17. During the period from 1999 to present, Plaintiff inmates have at all times performed the work required of them during their

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employment in the Williams/Lieber service work program.

18. The SCDC and Williams, in violation of law, have failed to pay Plaintiffs the proper compensation to which they were entitled, to wit:

(a) By paying them, in most cases, less than $1.00 per hour, instead of the required prevailing wage for work of similar nature in the private sector; or the negotiated wage, as applicable to each inmate;

(b) In failing to make the required deductions and disbursements, or the correct ones, from gross wages, as applicable to each inmate; and

(c) In failing to return to released and life/death sentence inmates their proper wages held in escrow, as applicable to each inmate.

19. The SCDC and Williams have, by virtue of their failure to pay Plaintiffs the correct wages, become indebted to them in an amount to be determined by the Court.

20. As a direct and proximate result of the aforesaid violation, Plaintiffs have incurred, and are entitled to judgment against the Defendants, for lost wages in an amount to be determined by the Court; pre-judgment and post-judgment interest; costs; attorney fees under S.C. Code 15-77-300; and such further relief as the Court deems just and proper.

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SECOND CAUSE OF ACTION
(S.C. TORT CLAIMS ACT, NEGLIGENCE)

21. Plaintiffs incorporate by reference the allegations in paragraphs 1-20 above.

22. Defendant SCDC is a political agency, entity, body, and/or subdivision of the State of South Carolina, and as such, is subject to this action pursuant to the South Carolina Tort Claims Act, 15-78-10, et seq.

23. Pursuant to S.C. Code 24-3-40, 315, 420, and 430(D), the Defendants SCDC and Williams had the following statutory duties of care with respect to the Plaintiffs:

(a) To assure that Plaintiffs' rates of pay were not less than those paid for similar work in the locality, or not less than the negotiated rate;

(b) To assure the correct deductions and disbursements were made from Plaintiffs' gross wages; and

(c) To assure that released and life/death sentence inmates were paid the correct amounts from their escrow accounts.

24. The SCDC and Williams, through their agents and servants, were negligent, willful, wanton, careless, reckless, grossly negligent, and negligent per se at the time and places mentioned, in one or more of the following particulars:

(a) In failing to pay Plaintiffs the aforesaid prevailing locality wage, or the negotiated rate;

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(b) In failing to make the aforesaid correct deductions and disbursements from gross wages; and

(c) In failing to return to released and life/death sentence inmates the correct wages from escrow.

25. Pursuant to S.C. Code 15-78-40, the SCDC, as an agency of the State of South Carolina, has consented to be sued for its negligent and tortious conduct, as if a private individual, and is liable to the Plaintiffs for the injuries and damages resulting from the aforesaid conduct, which occurred within the scope of SCDC's employees' official duties and within the course of their employment.

26. As a direct and proximate result of the aforesaid negligent, willful, wanton, careless, reckless, grossly negligent, and negligent per se actions and inactions of the SCDC and Williams, through their agents and servants, Plaintiffs have incurred, and are entitled to judgment against, the Defendants for lost wages, in an amount to be determined by the Court; post-judgment interest; costs; and such further relief this Court deems just and proper.

THIRD CAUSE OF ACTION
(S.C. CODE 41-10-10, et seq.)

27. Plaintiffs incorporate by reference the allegations in paragraphs 1-26 above.

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28. Pursuant to S.C. Code 41-10-10, et seq., Williams, as Plaintiffs' employer, and SCDC, which aided and abetted Williams, as Williams' agent pursuant to S.C. Code 41-10-10(1), were required to;

(a) Notify Plaintiffs in writing at the time of hiring of the normal hours and wages agreed upon, time and place of payment, and the deductions to be made from wages (41-10-30(A));

(b) Keep records of names and addresses of all employees, wages paid each payday, and deductions made for three years (41-10-30(B));

(c) Furnish each employee an itemized statement showing gross pay and deductions from pay for each pay period (41-10-30(C));

(d) Not improperly withhold or divert any portion of an employee's pay (41-10-40(C));

(e) Pay all wages due at the time and place designated (41-10-40(A)(D)); all of which, on information and belief, Defendants failed to do.

29. As a proximate result of the said violations, SCDC and Williams are indebted to Plaintiffs in the amount of three times the full amount of unpaid wages, in amounts to be determined by the Court; pre-judgment and post-judgment interest; costs; and attorney fees (41-10-80(C) and 15-77-300).

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WHEREFORE, Plaintiffs pray for judgment against the Defendants in the following manner:

(a) First Cause of Action, for lost wages in amounts to be determined by the Court; pre-judgment and post-judgment interest; costs; attorney fees under S.C. Code 15-77-300; and such further relief as the Court deems just and proper;

(b) Second Cause of Action, for lost wages in amounts to be determined by the Court; post-judgment interest; costs; and such further relief as the Court deems just and proper;

(c) Third Cause of Action, three times the full amount of unpaid wages, in amounts to be determined by the Court; pre-judgment and post-judgment interest; costs; and attorney fees under S.C. Code 41-10-80(C) and 15-77-300.

Douglas H. Westbrook
23 Broad Street
Charleston, South Carolina 29401
(843) 853-9600

ATTORNEY FOR PLAINTIFFS

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STATE OF SOUTH CAROLINA)
) COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)

IN RE INMATE GRIEVANCES OF)
GENE RICHARDSON, ET. AL.,)
)
PLAINTIFF)
VS.) TRANSCRIPT OF RECORD
) 02-CP-18-134
SOUTH CAROLINA DEPARTMENT OF)
CORRECTIONS)
)
DEFENDANT)

April 19, 2007
Florence, South Carolina

B E F O R E:

THE HONORABLE JAMES C. WILLIAMS, JUDGE.

A P P E A R A N C E S:

DOUGLAS H. WESTBROOK, ESQ.
Attorney for the Plaintiff

LAKE E. SUMMERS, ESQ.
Attorney for the Defendant

FRANCES BAKIS-RAY, RPR
Official Court Reporter

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DOC #23

THE COURT: Well, wait a minute. What is the harm and why won't the Department accept the delivery of the documents and just say, okay, we've got them and this is what we got but we're not going to consider it, if that's your position. Now it appears to me that your position is you're not going to consider any new ---

MR. SUMMERS: No, sir, I ---

THE COURT: ---new allegations made or any new evidence. It seems to me that's the crucial thing, whether it's filed or not filed.

MR. SUMMERS: Well, sir, number one ---

THE COURT: But that gets it into the record, it protects the inmate, it protects Mr. Westbrook's position. And I mean, I've had things presented to me and I'll say, I'm sorry, you're out of the deadline, I'll mark it as an exhibit and hand it to the court reporter but I'm not going to consider it. Why can't you do that?

MR. SUMMERS: Yes, sir, and I -- what I wanted to, hopefully I made that clear. I'm willing -- SCDC is willing to do that but there may be some confusion about some letter I sent in the context of what Mr. Westbrook was talking about. Again, we'll consider it, but as far as it restarting the clock, as far as it being an amendment in the context of a civil procedure ---

THE COURT: So you're saying you will consider it?

MR. SUMMERS: Oh, yes, sir.

THE COURT: Well then what's the problem, Mr. Westbrook?

MR. WESTBROOK: Your Honor, he's told me in the letter October 19th they won't accept any of my grievances. If he will accept it ---

THE COURT: He's telling me now that he will physically accept whatever it is that you want to submit, and he's telling me now that they will consider whatever you submit on the merits but they will not go back and change any deadlines. And I don't ---

MR. SUMMERS: Or any submission dates from the original step one or step two grievance.

THE COURT: I do not have any knowledge about any of the deadlines that we're talking about so I can't even enter into that discussion. I'm just not -- I just don't have enough knowledge about the whole situation to know whether that's what we're talking about when deadlines. But what he's saying is he will consider your submissions on the merits, but he's not going to change any of the procedures that set deadlines and set numbers of days to do certain things; they're going to all be in place just like they were prior to Judge Goodstein's order. They were suspended for that period which is like two or three years and then start back 60 days from now. All of that

I'd be happy to do that. If Mr. Westbrook wants to give me a list, he can give me all the documents he wants to submit. As long as it's not a class, we don't consider it to be a class, it is a method by which we facilitate the acceptance of these materials. And again, it will not change any filing dates of any grievance in whatever phase that has already been established to this point in litigation.

MR. WESTBROOK: Your Honor, I'd like to know, I'd like -- can I -- will this be considered filing with the SCDC because, I mean, that's what the thing requires, not just giving to its lawyer. I want to file it with SCDC, Lieber Correctional, and these other ---

THE COURT: Will you accept service of the filings on behalf of Department of Corrections?

MR. SUMMERS: Yes, sir, I will.

MR. WESTBROOK: I think we've got, you know, I think that's a heck of a lot more than I've had so far and I do appreciate it, Mr. Summers.

THE COURT: All right. Now, let me put my position on the record. My position is that this Court is without authority to grant you the relief that you've requested. I think this Court has unquestionably authority to enforce Judge Goodstein's order, but what you're asking me to do is not provided in Judge Goodstein's order. And so I'm

procedure is to go through administrative law court if you're not happy. Once they deal with it, now if they refuse to accept it or then I think you got relief in this court but that's all.

MR. WESTBROOK: And just so I clarify the record, Your Honor, I'm going to tender Mr. Summers after we finish it's roughly 100 to 200 -- I'm not sure exact number. I think are at legal er original grievances with exhibits, and I'm also going to tender roughly 100 copies of amendments without exhibits for people whose grievances I have sent to other institutions and that's why in most cases I don't have those exhibits nor the original grievances so that's what I'm going to give to him.

MR. SUMMERS: That will be fine, sir. I'll make sure it goes through general counsel and to grievance branch for management and placement in individual files.

THE COURT: That a record has been preserved of these materials and then ultimately decisions will flow from those submissions and we'll go on through hopefully not back before this Court but before administrative law court, perhaps even the Court of Appeals beyond. All right. And I suggest y'all request a transcript. I'm not going to put all that in that order.

MR. SUMMERS: I think that's a wise course of action, sir.

Appendix 1

Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Francis Ackerman 266928	10-12-01/8-3-02	(10-22-01/11-19-01 1-14-02/9-9-02)	10-12-01/8-3-02	10-12-01/8-3-02	10-11-01/11-6-01 11-7-01/11-27-01 12-10-01/10-21-02	st 12-5-01	9-22-04 1-7		10-22-01/9-9-02
Tyrone Aiken 244428	3-27-02/10-7-02 1-15-03/6-26-03	(4-22-02/10-7-02 12-30-02/6-30-03) 2-7-05/5-30-05	-	1-15-03/6-26-03	4-5-02/10-3-02 1-24-03/5-13-03 5-30-03/6-26-03 1-26-05/5-31-05	st 4-5-02 sp 5-5-03 st 5-19-03 sp 6-26-03 st 1-26-05 sp 5-31-05	9-22-04 1-8		(4-5-02/5-5-03 5-19-03/6-26-03)[10] 1-26-05/5-31-05
Tyrone Aiken 248367	10-1-99/6-26-03	10-11-99/6-30-03	-	10-1-99/6-26-03	9-29-99/6-20-01 6-21-01/9-28-01 11-15-01/2-25-03 3-13-03/6-26-03	st 9-29-99	9-22-04 1-7		10-1-99/6-26-03
Malik Aljalil 219551	8-1-02/6-24-04	(10-25-99/6-5-00 7-3-00/8-14-00 9-11-00/11-5-01) 8-26-02/9-18-06	8-1-02/9-12-06	8-1-02/9-12-06	10-20-99/6-20-01 6-21-01/11-8-01 8-7-02/5-13-03 5-30-03/9-12-06	st 10-20-99 st 6-21-01 sp 11-8-01 st 8-7-02 sp 5-5-03 st 5-19-03	9-22-04 1-8		(10-20-99/6-20-01 6-21-01/11-8-01)[10] 8-1-02/9-12-06
Linso Allen 269378	10-29-01/10-31-02	10-23-00/12-4-00 (12-31-01/4-8-02 5-6-02/11-4-02) 2-21-05/7-21-08 8-17-09/9-28-09	2-7-05/present	1-14-03/6-24-03 2-7-05/present	10-18-00/12-12-00 11-13-01/3-27-02 4-17-02/10-31-02 2-7-05/present	st 10-18-00 sp 12-12-00 st 10-29-01 st 4-17-02 sp 10-31-02 st 2-7-05	9-22-04 1-8		10-18-00/12-12-00 10-29-01/10-31-02 1-14-03/6-24-03 2-7-05/present

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Frank Anderson 282800	4-16-02/6-26-03	5-6-02/6-30-03 1-24-05/6-23-08	-	5-3-02/6-26-03 1-21-05/present	4-19-02/5-2-02 5-3-02/6-26-03 1-18-05/present	-	9-22-04 1-8		4-16-02/6-26-03 1-18-05/present
Sherman Austin 300028	5-3-04/5-27-04	5-17-04/5-31-04	-	5-3-04/5-27-04	4-12-04/4-22-04 4-23-04/5-27-04	-	9-30-04 1-6		(4-12-04/4-22-04 4-23-04/5-27-04)[10]
Quentin Baker 297868	3-30-04/6-24-04	4-19-04/2-5-07	3-30-04/1-29-07	3-30-04/1-29-07	4-8-04/1-29-07	-	9-30-04 1-6, 8		3-30-04/1-29-07
Henry Baker 263398	10-12-01/6-26-03	10-22-01/6-30-03 6-13-05/1-23-06 8-7-06/10-16-06 7-19-10/8-2-10	-	5-20-05/1-9-06 7-28-06/10-2-06	11-16-01/2-5-02 2-6-02/6-26-03 5-24-05/1-11-06 8-8-06/10-30-06	-	9-22-04 1-8		10-12-01/6-26-03 5-20-05/1-9-06 8-8-06/10-30-06 7-19-10/8-2-10
Michael Baylor 265682	5-23-01/10-2-02	6-4-01/12-17-01	6-4-01/12-17-01	10-28-04/1-8-04	5-18-01/12-6-01 12-7-01/1-11-02 10-28-04/1-12-05	-	9-30-04 1-6, 8		5-23-01/10-2-02 10-28-04/1-12-05
Jacob Beach 301270	6-7-04/6-24-04	6-14-04/1-24-05 4-17-06/6-9-08	5-24-04/1-24-05 4-4-06/present	5-24-04/1-24-05 4-4-06/present	5-24-04/1-24-05 3-25-06/present	st 5-17-04 sp 1-23-05 st 3-24-06	9-30-04 1-6, 8		5-17-04/1-23-05 3-25-06/present

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Ceathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Darryel Beaseley 222388	4-5-02/5-19-03 12-4-03/6-24-04	5-6-02/4-7-03 10-6-03/7-11-05	-	12-4-03/7-7-05	5-17-02/7-16-02 7-17-02/1-23-03 1-24-03/4-7-03 12-3-03/7-7-05	-	9-30-04 1-8 9-22-04		4-5-02/5-19-03 10-6-03/7-11-05
Michael Benninger 264212	6-19-02/8-22-02	7-15-02/8-12-02	1-15-03/6-26-03	6-19-02/8-22-02	7-24-02/9-2-02	-	9-22-04 1-7		6-19-02/8-22-02 1-15-03/6-26-03
James Bogan 288111	6-26-03/6-24-04	7-14-03/5-2-05 8-22-05/11-14-05	6-26-03/11-2-05	6-26-03/11-2-05	6-26-03/4-28-05 8-10-05/11-2-05	st 7-14-05	9-22-04 1-8		6-26-03/11-2-05
Taurus Bowman 252745	9-27-01/6-26-03	(12-3-01/4-7-03 6-30-03/6-30-03)	12-3-01/6-30-03	9-27-01/6-26-03	9-27-01/6-18-03 6-19-03/6-19-03 6-23-03/6-26-03	-	9-22-04 1-7		9-27-01/6-26-03
Lazarus Brannon 227847	3-15-02/12-20-02	4-24-00/12-31-01 4-22-02/12-30-02 10-17-05/1-9-06	-	6-22-04/7-30-04 11-10-04/12-2-04 6-18-05/1-6-06	3-17-00/12-25-01 4-10-02/3-16-03 3-17-03/6-17-04 6-22-04/7-30-04 11-10-04/12-2-04 6-18-05/1-6-06	-	9-30-04 1-6, 8		3-17-00/12-25-01 (4-10-02/3-16-03 3-17-03/6-17-04 6-22-04/7-30-04)[10] 11-10-04/12-2-04 6-18-05/1-6-06
Ronald Brewer 285756	6-27-03/7-18-03	7-14-03/7-28-03	-	6-27-03/7-18-03	6-28-03/7-29-03	st 6-27-03 sp 7-18-03	9-22-04 1-7		6-28-03/7-29-03

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	L9-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Fredrick Brown 289602	3-29-04/6-24-04	4-5-04/3-15-10	3-29-04/present	3-29-04/present	3-23-04/present	st 3-5-04	9-30-04 1-6, 8		3-23-04/3-2-10
Keith Brown 295762	3-24-04/6-24-04	4-5-04/2-7-05	-	12-2-04/1-24-05 10-26-06/10-31-06	3-18-04/10-22-04 12-2-04/1-26-05 9-9-06/10-26-06	st 3-15-04 st 12-2-04 st 8-24-06 sp 10-26-06	9-30-04 1-6, 8		4-5-04/2-7-05 8-24-06/10-26-06
Timothy Brown 238461	3-29-00/6-24-04	(4-10-00/3-7-05 5-2-05/10-15-07)	3-29-00/present	3-29-00/present	5-25-00/3-4-05 4-14-05/10-9-07	st 6-25-00 sp 3-4-05 st 4-12-05	9-22-04 1-8		3-29-00/present
Edward Bryant 255998	2-27-04/6-24-04	9-23-02/2-24-03 (12-29-03/1-26-04 3-8-04/present)	2-27-04/present	2-27-04/present	7-30-99/1-26-00 8-6-02/3-18-03 2-11-04/present	st 7-30-99 sp 8-10-99 st 8-3-02 sp 3-18-03	9-22-04 1-8		7-30-99/1-26-00 8-3-02/3-18-03 (12-29-03/1-26-04 2-11-04/present)[10]
Gary Bryant 258972	9-9-99/1-5-01 3-11-02/8-16-02	9-27-99/10-8-01 3-25-02/8-26-02	9-30-00/6-21-02	9-9-99/1-5-01 3-11-02/8-16-02	9-9-99/6-7-01 6-27-01/8-28-01 3-18-02/8-15-02 2-7-05/8-9-05	-	9-30-04 1-6, 8		9-27-99/10-8-01 3-11-02/8-16-02 2-7-05/8-9-05
Pete Bryant 242370	1-17-02/10-7-02 12-22-03/6-24-04	7-3-00/12-18-00 1-28-02/10-7-02 11-17-03/8-8-05	-	12-22-03/8-16-05	4-28-00/11-30-00 12-1-00/12-12-00 1-17-02/3-13-02 3-15-02/10-3-02 1-27-03/3-5-03 1-6-04/9-26-05	-	9-22-04 9-30-04 1-8		(4-28-00/11-30-00 12-1-00/12-12-00)[10] 1-17-02/10-7-02 1-27-03/3-5-03 11-17-03/8-8-05

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Terrell Buchanon 277262	12-1-03/4-23-04	4-22-02/12-16-02 7-14-03/5-3-04	6-27-03/7-18-03	12-1-03/4-23-04	8-22-01/9-6-01 4-5-02/12-19-02 7-2-03/7-25-03 12-1-03/4-23-04	st 8-22-01 st 4-5-02 sp 12-11-02 st 7-2-03 sp 7-25-03 st 12-1-03 sp 4-23-04	9-22-04 9-30-04 1-7		8-22-01/9-6-01 4-5-02/12-19-02 7-14-03/5-3-04
Douglas Bude 263537	6-12-01/10-31-02	6-18-01/11-4-02	6-12-01/10-31-02	6-12-01/10-31-02	6-8-01/6-18-02 6-19-02/10-31-02 1-29-03/1-22-07	-	9-30-04 1-6, 8		6-12-01/10-31-02 1-29-03/1-22-07
Larry Burke 281911	10-1-02/6-24-04	10-7-02/4-7-03 7-14-03/9-5-05	10-1-02/8-26-05	10-1-02/8-26-05	10-1-02/6-16-03 6-26-03/12-23-03 1-8-04/6-17-04 6-22-04/8-28-05	st 10-1-02 sp 6-16-03 st 6-26-03 st 1-8-04 st 6-23-04 sp 8-26-05	9-30-04 1-6, 8		10-1-02/8-26-05
Christoph Bush 300690	6-9-04/6-24-04	6-28-04/5-29-06	-	6-9-04/5-23-06	5-5-04/5-23-06	-	9-30-04 1-6, 8		5-5-04/5-23-06
Michael Busques 191961	-	8-9-04/5-16-05	-	8-3-04/5-5-05	7-22-04/5-5-05	-	9-30-04 1-6, 8		7-22-04/5-5-05

Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Richard Butler 162467	6-27-00/6-26-03	7-3-00/6-30-03	-	6-27-00/6-23-03	6-27-00/6-26-03	st 3-16-99	9-30-04 1-6		3-16-99/ ? 6-27-00/6-26-03
Thomas Butler 257552	4-20-04/5-14-04	2-28-00/11-4-02 3-10-03/3-24-03 7-14-03/8-25-03 12-29-03/12-29-03 5-3-04/5-17-04 (3-19-07/4-2-07 5-28-07/present)	-	4-20-04/5-14-04 3-1-07/3-27-07 2-20-07/present	7-7-99/3-14-00 4-5-00/11-5-02 3-3-03/5-1-03 6-26-03/8-12-03 4-15-04/6-4-04 4-4-05/4-13-05 2-20-07/present	st 7-7-99 sp 3-14-00 sp 10-31-02 st 3-3-03 st 6-26-03 sp 8-12-03 st 4-15-04 st 2-21-07	9-28-04 6-8-07 1-6, 8		(7-7-99/3-14-00 4-5-00/11-5-02)[10] 3-3-03/5-1-03 6-26-03/8-12-03 12-29-03/12-29-03 4-15-04/6-4-04 4-4-05/4-13-05 2-20-07/present
Derek Carter 275938	7-10-01/6-24-04	7-16-01/7-11-05 3-19-07/2-4-08	7-10-01/7-1-05 3-2-07/present	7-10-01/7-1-05 3-2-07/present	7-10-01/12-15-04 2-10-05/4-20-05 4-21-05/7-5-05 3-2-07/present	st 7-10-01 st 8-29-06 st 3-2-07 sp 1-25-08	9-30-04 1-6, 8		7-16-01/7-11-05 3-2-07/2-4-08
Kenneth Carter 243538	? /3-25-02	(5-22-00/6-5-00 7-3-00/3-25-02) 3-31-08/1-19-09	5-22-00/3-25-02 "interruption" 6-5-00/7-3-00	4-26-00/3-25-02	4-16-00/4-16-00 4-26-00/3-25-02	st 4-26-00 sp 3-26-02 st 3-13-08	9-22-04 1-8		4-26-00/3-26-02 3-31-08/1-19-09
Thomas Carter 249362	3-15-04/6-24-04	4-19-04/10-17-05	-	3-15-04/10-11-05	3-3-04/10-11-05	-	12-1-05 1-6		3-3-04/10-11-05
Rudy Cassady 238732	4-19-02/6-24-04	5-6-02/10-17-05	4-19-02/10-4-05	4-19-02/10-4-05	4-19-02/2-10-05 2-11-05/10-4-05	st 4-19-02	9-22-04 1-8		4-19-02/10-4-05

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Leroy Choice 113990	11-10-99/6-24-04	11-22-99/3-24-03 6-2-03/present	11-10-99/present	11-10-99/present	11-3-99/4-7-03 5-30-03/present	sp 3-19-03 st 5-19-03	9-22-04 1-8		11-10-99/present
Sheldon Clarke 264772	3-29-00/6-26-03	(4-24-00/6-5-00 7-3-00/6-30-03)	3-29-00/6-26-03	3-29-00/6-26-03	5-25-00/6-26-03	-	9-22-04 1-7		3-29-00/6-26-03
Zawaski Cobb 187136	9-10-01/6-26-03	12-4-00/2-26-01 9-24-01/6-30-03 1-24-05/2-4-08 5-11-09/5-11-09	3-29-00/present	11-27-00/2-27-01 1-10-03/6-26-03 1-20-05/present	11-27-00/2-27-01 9-10-01/1-3-03 1-10-03/6-26-03 1-18-05/12-17-07 12-19-07/present	st 11-27-00 sp 2-26-01 st 9-10-01 sp 6-26-03 st 1-18-05	9-22-04 1-8		3-29-00/2-27-01 9-10-01/6-3-03 1-18-05/12-17-07 5-11-09/5-11-09
Baron Cobbs 280479	1-16-02/1-16-03 7-17-03/6-24-04	3-11-02/1-27-03 7-28-03/9-19-05 7-10-06/8-7-06 9-4-06/7-9-07 8-20-07/8-20-07)	-	1-16-02/9-6-05 6-9-06/present	1-18-02/1-16-03 7-18-03/12-6-05 5-18-06/8-1-07	-	9-22-04 1-8		1-16-02/9-6-05 6-9-06/present
Kemathene Cooper 145333	8-10-01/6-24-04	8-27-01/6-7-10	8-10-01/present	8-10-01/present	8-8-01/3-5-02 3-6-02/10-18-04 10-19-04/present	st 8-7-01	9-30-04 1-6, 8		8-10-01/present
Frank Corley 292975	12-8-03/6-24-04	7-14-03/7-28-03 (12-15-03/12-27-04 1-24-05/4-18-05)	12-8-03/4-4-05	12-8-03/4-4-05	7-7-03/8-12-04 8-13-04/4-4-05 4-12-05/4-28-05 4-29-05/5-4-06	st 7-7-03	9-30-04 1-6, 8		(7-7-03/8-12-04 8-13-04/4-4-05 4-12-05/4-28-05 4-29-05/5-4-06)[10]

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Name	Exhibit A[1] Hired And Released Dates	Exhibit P[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Gladstone Cummings 267450	7-17-00/6-16-03	10-9-00/1-12-04	7-17-00/6-16-03	7-17-00/6-16-03	7-18-00/8-15-00 2-8-01/6-16-03	st 7-18-00 sp 8-15-00 sp 6-16-03	9-30-04 1-6		7-17-00/6-16-03
Patrick Curtis 175139	10-4-01/3-22-02	11-5-01/3-25-02	10-4-01/3-22-02	10-4-01/3-22-02	9-27-01/3-21-02	-	9-22-04 1-7		9-27-01/3-21-02
Quintin Daniels 196284	3-23-02/6-24-04	(12-17-01/2-25-02 4-8-02/present)	3-23-02/present	3-23-02/present	9-27-01/2-10-02 3-29-02/present	st 9-27-01 st 3-29-02	9-22-04 1-8		(9-27-01/2-10-02[10] 3-23-02/present)
Curtis Davis 106144	10-17-00/6-19-02	10-23-00/7-1-02	10-17-00/6-19-02	10-17-00/6-19-02	10-18-00/6-19-02	st 10-17-00 sp 6-19-02	9-22-04 9-30-04 1-7		10-23-00/7-1-02
Gary Davis 106144	8-2-01/11-15-01	9-10-01/11-19-01	-	8-2-01/11-16-01	8-2-01/11-16-01	-	9-22-04 1-5, 7		8-2-01/11-16-01
Heyward Dempsey 134171	7-11-00/6-26-03	10-23-00/6-30-03	7-11-00/6-26-03	7-11-00/6-26-03	7-31-00/6-12-02 6-18-02/6-26-03	st 7-28-00 st 8-2-00 sp 6-26-03	9-22-04 1-7		7-11-00/7-1-03
Phillip Denney 240678	3-30-04/6-24-04	(4-5-04/4-17-06 6-12-06/3-19-07)	3-30-04/3-7-07	3-30-04/3-7-07	3-18-04/8-30-04 8-31-04/5-2-05 5-26-05/4-4-06 6-5-06/1-18-07 1-22-07/3-8-07	-	9-30-04 1-6, 8		4-5-04/3-19-07

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Perry Deveaux 109601	7-29-02/7-30-02	(11-20-00/3-12-01 4-9-01/4-9-01 5-7-01/8-27-01 6-3-02/6-17-02)	-	11-3-00/8-12-04	11-3-00/4-19-01 5-1-01/8-16-01 4-24-02/8-7-02	sp 4-10-01 st 5-1-01 st 5-24-02	5-15-07 1-6		11-3-00/8-12-04
Daniel Dewey 276678	8-10-01/12-10-02	8-27-01/12-30-02	8-10-01/12-10-02	8-10-01/12-10-02	8-10-01/1-30-07 1-31-07/present	st 8-10-01	9-30-04 1-6, 8		(8-10-01/1-30-07 1-31-07/present)[10]
Calvin Drummond 236322	2-6-04/3-23-04	7-30-01/11-4-02 12-29-03/3-22-04	7-30-01/11-4-02 12-29-03/3-22-04	2-6-04/3-23-04	6-12-01/6-23-02 6-24-02/6-27-02 6-28-02/10-31-02 2-5-04/3-23-04	-	9-30-04 1-6		(6-12-01/6-23-02 6-24-02/6-27-02 6-28-02/10-31-02)[10] 12-29-03/3-22-04
Jerome Durham 270393	12-4-00/6-26-03	12-18-00/6-4-01 (1-28-02/2-25-02 3-25-02/6-30-03) 11-12-07/7-19-10	12-4-00/6-26-03	12-4-00/6-26-03	12-4-00/5-29-01 1-15-02/2-19-02 3-27-02/6-26-03 10-31-07/present	st 12-4-00 st 1-15-02 st 3-27-02 sp 6-26-03 st 10-31-07	9-22-04 1-8		12-4-00/6-26-03 10-31-07/present
Paul Durham 219573	3-15-04/6-24-04	4-19-04/9-4-06	8-15-04/8-25-06	8-15-04/8-25-06	3-3-04/8-28-06	st 3-3-04	9-30-04 1-6, 8		3-3-04/8-28-06
Harlon Edgar 261866	10-13-00/12-16-03 6-7-04/6-24-04	10-23-00/12-29-03 6-14-04/8-3-09 8-2-10/present	6-7-04/present	6-7-04/present	10-13-00/11-8-03 11-10-03/12-16-03 6-3-04/9-22-04 9-24-04/present	st 10-13-00 sp 12-16-03 st 5-24-04	9-30-04 1-6, 8		10-23-00/12-29-03 6-7-04/present

Name	Exhibit A[1] Hired And Released Dates	Exhibit B[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Keith Eigner 299153	3-30-04/5-14-04	4-19-04/5-17-04	3-30-04/5-14-04	3-30-04/5-14-04	3-24-04/5-14-04 12-13-04/1-11-05	-	9-27-04 1-6, 8		3-24-04/5-14-04 12-13-04/1-11-05
Willie Elder 246208	1-9-02/6-24-04	4-8-02/5-16-05	1-9-02/5-4-05	1-9-02/5-4-05	1-9-02/7-16-02 7-26-02/5-4-05	st 1-9-02 st 7-26-02	9-22-04 1-8		1-9-02/5-4-05
Rodney Elliott 251337	11-4-99/2-1-00	11-8-99/1-31-00 10-8-01/10-8-01 9-17-07/11-12-07	-	11-3-00/5-5-02 12-4-02/12-17-02	11-3-99/2-27-00 11-3-00/5-5-02 12-4-02/12-17-02 8-31-07/12-4-07	st 11-3-99 st 8-31-07	5-20-07 1-6, 8		11-3-99/2-27-00 11-3-00/5-5-02 12-4-02/12-17-02 8-31-07/12-4-07
Anthony English 238474	9-19-03/1-20-03	7-31-00/5-19-03 11-3-03/1-26-04	-	1-14-04/1-17-04 11-24-04/11-24-04	6-29-00/5-15-03 9-19-03/12-16-03 1-14-04/1-17-04	st 6-29-00 sp 5-15-03 st 9-19-03 sp 12-16-03 st 1-8-04	9-22-04 1-8		6-29-00/5-15-03 (9-19-03/12-16-03 1-14-04/1-17-04)[10] 11-24-04/11-24-04
James Enriquez 215539	9-13-00/10-27-00	(7-31-00/8-14-00 9-25-00/11-6-00)	-	9-23-00/11-2-00	6-27-00/6-27-00 6-27-00/7-31-00 9-23-00/11-2-00	-	9-30-04 1-5		(6-27-00/7-31-00 9-13-00/10-27-00)[10]
Kerlan Etheredge 236635	3-15-02/7-29-02	7-31-00/12-31-01 3-25-02/7-29-02 5-2-05/6-27-05	-	3-19-02/7-27-02 4-27-05/6-14-05	6-19-00/6-14-01 6-15-01/12-25-01 3-19-02/7-27-02 4-26-05/6-14-05	-	9-22-04 1-8		(6-19-00/6-14-01 6-15-01/12-25-01)[10] 3-15-02/7-29-02 5-2-05/6-27-05
Keith Eugine unknown #	-	-	-	-	-	-	9-30-04 1-2, 4-5		-

Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
James Evans 267837	3-30-01/5-29-01	4-9-01/6-4-01 9-18-06/7-6-09	-	3-30-01/5-29-01	3-30-01/5-29-01 8-31-06/present	-	9-22-04 1-8		3-30-01/5-29-01 8-31-06/present
David Feggins 287157	3-1-04/6-24-04	3-8-04/7-26-04 8-23-04/5-30-05 6-27-05/7-10-06) 2-19-07/5-28-07	3-1-04/7-5-06 2-8-07/present	3-1-04/7-5-06 2-8-07/present	2-19-04/2-19-04 2-20-04/6-1-04 6-21-04/7-6-06 1-30-07/6-1-07	-	9-30-04 1-6, 8		3-1-04/7-5-06 2-8-07/present
Bernard Felder 122099	12-10-99/7-24-00	12-20-99/7-31-00	12-19-99/7-24-00	12-10-99/7-24-00	11-29-99/8-10-00	st 11-29-99 sp 7-24-00	9-22-04 1-5, 7		11-29-99/8-10-00
Terry Ferguson 299080	9-11-00/5-29-01	10-23-00/6-4-01	10-23-00/6-4-01	9-11-00/5-29-01	-	-	9-22-04 1-5, 7		9-11-00/5-29-01
Jose Flores 240563	1-15-03/5-2-03	1-27-03/5-19-03 8-20-07/9-3-07	-	1-15-03/5-2-03	1-28-03/12-5-07	st 1-27-03	9-30-04 1-6, 8		1-28-03/12-5-07
James Foye 211523	3-27-00/4-6-00	4-10-00/4-10-00	-	3-24-00/4-27-00	3-24-00/4-27-00 3-1-01/5-4-05	-	2-29-08 1-6		3-24-00/4-27-00 3-1-01/5-4-05
Ray Gadsden 187527	5-30-02/11-19-02 5-30-02/1-13-03	12-31-01/2-11-02 6-3-02/12-2-02	-	10-26-01/12-1-02	10-26-01/2-8-02 5-23-02/12-1-02 12-2-02/12-2-02	-	9-30-04 1-6		(10-26-01/12-1-02 to 12-2-02/12-2-02)

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Maxie Gamble 254413	1-6-00/12-12-02	1-17-00/12-30-02	-	1-6-00/12-12-02	3-3-99/5-3-01 5-4-01/3-11-04 4-16-04/3-29-06	at 3-3-99	9-22-04 1-8		(3-3-99/5-3-01 5-4-01/3-11-04 4-16-04/3-29-06)[10]
Robert Garrett 291096	3-10-04/6-24-04	7-14-03/8-11-03 3-22-04/8-22-05	-	2-10-04/8-8-05	7-2-03/7-25-03 3-30-04/8-7-05	-	9-30-04 1-6, 8		7-14-03/8-11-03 2-10-04/8-8-05
Jermaine Garriett 191274	12-3-03/12-27-03 6-11-04/6-24-04	7-28-03/8-11-03 12-15-03/3-8-04 6-14-04/12-13-04 2-6-06/7-24-06	12-3-03/12-27-03	12-3-03/12-27-03	7-19-03/7-25-03 1-14-04/2-27-04 6-3-04/12-10-04 2-2-06/7-10-06	-	9-30-04 1-6, 8		7-28-03/8-11-03 12-15-03/3-8-04 6-3-04/12-10-04 2-6-06/7-24-06
Jammie Gaymon 208922	3-15-02/12-12-02	1-1-01/12-31-01 (4-22-02/11-4-02 1-27-03/1-27-03)	3-15-02/12-12-02	3-15-02/12-12-02	10-20-00/12-25-01 4-11-02/10-31-02	-	9-22-04 1-7		10-20-00/12-25-01 3-15-02/12-12-02 1-27-03/1-27-03)[10]
Fred Gatewood 289775	-	10-18-04/9-1-08 3-2-09/4-13-09	9-28-04/present	9-28-04/present	9-27-04/4-20-05 4-21-05/8-31-05 9-1-05/present	at 9-23-04	10-16-04 1-2, 4-6, 8		9-28-04/present
Reginald Geddis 183851	3-15-00/6-26-03	3-27-00/6-30-03	-	3-15-00/6-26-03	3-15-00/6-26-03 7-5-05/present	-	9-22-04 1-8		3-15-00/6-26-03 7-5-05/present
Marvin Gilbert 273934	8-7-03/3-10-04	8-11-03/3-8-04	-	-	7-24-03/3-4-04 3-5-04/3-10-04	-	9-30-04 1-6		8-7-03/3-10-04

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Dennis Goff 177506	5-30-02/1-7-03 2-6-04/6-24-04	5-7-01/3-11-02 6-17-02/1-13-03 12-29-03/11-15-04	2-6-04/11-9-04	2-6-04/11-9-04	4-10-01/6-7-01 6-8-01/2-22-02 5-30-02/1-7-03 1-21-04/7-15-04 7-16-04/7-22-04 7-23-04/11-9-04 11-16-04/12-15-04 12-16-04/4-3-06	-	9-22-04 1-8		5-7-01/3-11-02 5-30-02/1-7-03 (12-29-03/11-15-04 11-16-04/12-15-04 12-16-04/4-3-06)[10]
Charles Graham 294453	2-25-04/6-24-04	3-22-04/7-6-09	-	2-6-04/present	2-6-04/5-24-06 5-25-06/4-4-07 4-5-07/present	st 2-5-04	9-30-04 1-6, 8		2-6-04/present
Richard Graham 228235	2-15-00/6-24-04	(2-28-00/6-30-03 7-28-03/8-11-03 10-6-03/10-20-03 11-17-03/8-9-04) 11-15-04/2-7-05	-	11-13-03/7-27-04 11-14-04/1-24-05	7-28-97/1-17-02 1-18-02/6-25-03 11-13-03/7-27-04 11-10-04/1-24-05	sp 6-19-03 st 11-13-03 sp 7-27-04 st 11-10-04 sp 1-24-05	9-22-04 1-8		2-15-00/6-24-04 11-15-04/2-7-05
Gregory Grant 109656	2-6-02/5-15-03	4-8-02/5-19-03	2-6-02/5-15-03	2-6-02/5-15-03	2-5-02/8-14-02 8-15-02/5-15-03	st 2-5-02	9-22-04 1-7		2-6-02/5-15-03
Howard Grant 255473	5-7-01/5-2-03 10-22-03/6-24-04	(1-17-00/6-5-00 7-3-00/10-23-00) 6-18-01/5-19-03 6-14-04/4-18-05	-	10-22-03/4-5-05	10-13-99/10-16-00 6-8-01/5-5-03	st 10-13-99 st 6-7-01 sp 5-5-03	9-22-04 1-8		10-13-99/10-16-00 5-7-01/5-2-03 10-22-03/4-5-05

Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	RWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Nehemiah Greene 243339	8-6-99/6-24-04	8-16-99/10-13-08	8-6-99/present	8-6-99/present	10-13-97/4-8-00 4-11-00/present	st 4-11-02	9-30-04 1-6, 8		8-6-99/present
Gary Grooms 283860	7-17-02/6-24-04	7-29-02/4-4-05	-	7-17-02/3-23-05	7-24-02/5-13-03 5-30-03/11-23-04 11-24-04/3-23-05 3-21-06/present	st 7-24-02 sp 5-5-03 st 5-19-03	9-30-04 1-6, 8		7-29-02/4-4-05 3-21-06/present
Nelson Hampton 286427 2378197	12-1-00/3-5-01 4-14-04/6-11-04	1-1-01/3-12-01 6-14-04/6-14-04	12-1-00/3-5-01	12-1-00/3-5-01	9-19-02/10-3-02 10-4-02/10-9-02 5-16-04/6-18-04	-	9-22-04 1-7		12-1-00/3-5-01 (9-19-02/10-3-02 10-4-02/10-9-02)[10] 4-14-04/6-11-04
Willie Hare 256641	8-6-99/6-26-03	(10-25-99/6-5-00 7-3-00/6-30-03) 1-24-05/5-30-05	7-30-99/6-26-03 1-21-05/5-24-05	7-30-99/6-26-03 1-21-05/5-24-05	7-30-99/6-26-03 1-18-05/5-24-05	st 7-30-99 sp 6-26-03 st 1-18-05	9-22-04 1-8		7-30-99/6-26-03 1-18-05/5-24-05
Wayne Harlen 245705	7-9-01/1-8-02	(12-20-99/6-5-00 7-3-00/9-25-00) 7-30-01/12-31-01	-	7-9-01/1-8-02	12-9-99/11-14-00 12-12-00/2-23-01 8-8-01/11-6-01 11-7-01/11-7-01 11-29-01/1-8-02 1-9-02/1-9-02 11-16-04/4-11-05 5-11-06/present	st 12-9-99 st 12-12-00 sp 2-23-01 st 7-9-01 sp 11-6-01 sp 1-8-02	9-22-04 1-8		(12-9-99/11-14-00 12-12-00/2-23-01)[10] 8-8-01/11-6-01 11-16-04/4-11-05 5-11-06/5-16-08

Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
David Harrell 260004	9-8-99/8-3-02	(9-27-99/6-5-00 7-3-00/9-9-02)	9-8-99/8-3-02	9-8-99/8-3-02	9-8-99/10-17-02 10-18-02/7-30-03 8-1-03/present	st 9-8-99	9-30-04 1-6, 8		(9-8-99/10-17-02 10-18-02/7-30-03 8-1-03/present)[10]
James Hartman 219770	3-15-99/6-24-04	2-1-99/2-1-99 (5-10-99/6-21-99 7-19-99/7-19-99 8-16-99/6-5-00 7-3-00/3-21-05 4-18-05/4-17-06 6-26-06/1-22-07)	3-15-99/1-8-07	3-15-99/1-8-07	8-17-95/4-4-06 ? 6-23-06/12-6-06 12-11-06/1-8-07	sp 4-4-06 st 6-16-06	9-30-04 1-6, 8		3-15-99/1-8-07
Gary Hayes 263985	3-8-00/2-6-04	(3-13-00/6-5-00 7-3-00/2-9-04)	3-8-00/2-6-04	3-8-00/2-6-04	2-22-00/2-22-00 2-28-00/10-24-02 10-25-02/2-5-04	st 2-22-00 sp 2-5-04	9-30-04 1-6		3-8-00/2-6-04
Johnny Hayes 267910	2-1-02/7-26-02	2-11-02/7-29-02 7-14-03/7-14-03	-	2-1-02/7-26-02	10-5-00/2-6-01 1-31-02/7-31-02 6-26-03/7-1-03 4-2-05/4-2-05 4-18-05/4-21-05 4-22-05/8-11-05	-	9-22-04 1-8		10-5-00/2-6-01 1-31-02/7-31-02 (6-26-03/7-1-03 7-14-03/7-14-03)[10] (4-2-05/4-2-05 4-18-05/4-21-05 4-22-05/8-11-05)[10]
Steven Hicken-bottom 196263	11-20-03/6-24-04	(9-27-99/6-5-00 7-3-00/9-8-03) 12-1-03/10-18-04 5-2-05/12-24-07	-	11-20-03/10-4-04 4-19-05/present	9-9-99/6-5-00 6-19-00/9-2-03 11-20-03/10-4-04 4-19-05/12-13-07	st 9-9-99 sp 6-5-00 st 6-19-00 sp 9-2-03 st 11-20-03 st 4-4-05	9-30-04 1-6, 8		(9-9-99/6-5-00 6-19-00/9-2-03)[10] 12-1-03/10-18-04 4-19-05/present

Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Johnny Holden 245199	9-9-99/6-24-04	(10-11-99/10-11-99 12-20-99/12-20-99 1-17-00/6-5-00 7-3-00/8-8-05)	9-9-99/8-15-05	9-9-99/8-15-05	9-8-99/7-22-04 7-23-04/5-23-05 5-24-05/8-15-05	st 9-2-99 sp 8-15-05	9-30-04 1-6, 8		9-2-99/8-15-05
Michael Hood 279897	11-28-01/6-24-04	1-28-02/9-9-02 7-28-03/4-4-05	11-28-01/3-31-05	11-28-01/3-31-05	12-10-01/1-31-02 2-13-02/6-4-03 10-15-03/9-7-04 9-8-04/12-26-05 7-14-06/present	st 12-10-01 st 1-2-02 st 2-13-02	9-30-04 1-6, 8		11-28-01/6-24-04 9-8-04/12-26-05 7-14-06/present
Willie House 257820	2-28-00/10-23-02	(3-13-00/6-5-00 7-3-00/11-4-02)	3-13-00/11-4-02 "interruption" 6-5-00/7-3-00	2-28-00/10-23-02	8-6-99/12-1-05	-	9-22-04 1-8		8-6-99/12-1-05
Don Hughes 256862	1-25-02/3-31-03	(12-6-99/6-5-00 7-3-00/7-3-00) 2-11-02/4-5-04	1-25-02/3-31-03	1-25-02/3-31-03	12-1-99/6-28-00 9-21-00/4-10-01 1-30-02/3-31-04	-	9-23-04 1-7		12-1-99/6-28-00 1-25-02/3-29-04
Timothy Inman 151123	-	9-6-04/10-2-06	-	8-25-04/10-3-06	7-16-04/10-6-06	-	9-30-04 1-6, 8		7-16-04/10-6-06
Chuck Jackson 266425	7-16-02/6-26-03	10-8-01/1-28-02 (9-9-02/5-5-03 6-2-03/6-30-03)	-	7-16-02/6-26-03	12-13-00/1-11-01 5-1-01/1-23-02 7-2-02/7-2-02 7-23-02/8-15-02 8-16-02/6-26-03 4-14-05/6-23-05	-	2-29-08 1-6		12-13-00/1-11-01 5-1-01/1-23-02 (7-2-02/7-2-02 7-16-02/6-26-03)[10] 4-14-05/6-23-05

Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
James Jackson 267718	2-8-02/6-24-04	9-24-01/1-14-02 2-25-02/9-5-03 7-10-06/8-7-06 9-4-06/2-19-07 2-18-08/10-27-08	2-8-02/2-5-05	2-8-02/2-5-07	9-7-01/1-10-02 2-8-02/2-14-06 5-22-06/2-5-07 12-19-07/present	st 9-7-01 sp 1-29-02 st 2-8-02 sp 2-14-06 st 5-22-06 sp 2-5-07 st 12-6-07	9-30-04 1-6, 8		(9-7-01/1-29-02 2-8-02/2-5-07)[10] 12-19-07/present
Peter Jenkins 257321	11-10-99/5-2-03	12-6-99/5-5-03	12-6-99/5-5-03	11-10-99/5-2-03	11-9-99/6-7-01 6-8-01/5-6-03	-	9-22-04 1-7		11-10-99/5-2-03
Wilbur Jordan 272264	10-7-02/6-24-04	11-4-02/11-1-04	10-7-02/11-3-04	10-7-02/11-3-04	10-7-02/1-9-03 1-10-03/5-13-03 5-30-03/12-31-04	-	9-22-04 1-8		10-7-02/11-3-04
Alfred Joyner 260442	12-17-01/6-26-03	10-25-99/6-5-00 7-3-00/11-20-00 12-18-00/10-8-01 1-14-02/6-30-03 5-30-05/4-3-06	-	12-13-01/6-26-03 5-16-05/3-22-06	10-20-99/9-28-01 12-13-01/6-26-03 5-12-05/3-23-06	st 10-20-99 sp 10-17-01 st 12-13-01 sp 6-26-03 st 4-20-05 sp 3-23-06	9-22-04 1-8		10-20-99/10-17-01 12-13-01/6-26-03 4-20-05/3-23-06
Keith Kelly 257556	2-15-00/6-24-04	2-28-00/6-5-00 7-3-00/5-30-05	-	2-15-00/5-18-05	10-28-99/12-3-01 1-1-02/1-13-05 1-14-05/5-18-05 5-19-05/present	sp 12-3-01	9-30-04 1-6, 8		(2-15-00/5-18-05 5-19-05/present)[10]

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Joseph Kelsey 217218	5-30-00/10-5-01 ? /3-29-04	(6-5-00/6-5-00 7-3-00/2-12-01) 9-24-01/10-8-01	-	5-30-00/10-5-01	9-4-98/1-9-03 1-16-03/9-22-03 4-1-04/present	-	9-30-04 1-6, 8		(9-4-98/1-9-03 1-16-03/9-22-03)[10] 4-1-04/present
Michael Key 266890	7-21-00/6-24-04	(10-9-00/5-30-05 6-27-05/6-11-07)	7-21-00/present	7-21-00/present	7-21-00/6-7-01 6-8-01/5-31-07 6-1-07/6-20-07	-	9-30-04 1-6, 8		7-21-00/present
Dennis Knight 286981	7-3-03/2-20-04	7-14-03/8-11-03 11-17-03/2-23-04 10-17-05/10-17-05 11-12-07/1-18-10	2-20-03/7-3-03	2-20-03/7-3-03 10-18-04/1-24-06	-	st 7-3-03 sp 7-25-03 st 11-12-03 sp 2-20-04 st 10-3-05 sp 1-24-06	9-30-04 1-6, 8		(2-20-03/7-3-03 7-3-03/2-20-04)[10] 10-18-04/1-24-06 11-12-07/1-18-10
Nicholas Lambrose 215080	8-6-99/3-8-02	(8-16-99/8-30-99 9-27-99/6-5-00 7-3-00/3-11-02) 8-6-07/9-3-07 5-11-09/5-11-09	-	8-6-99/3-8-02	12-31-98/8-26-99 9-8-99/4-1-04 7-20-06/present	-	10-29-04 1-6, 8		(12-31-98/8-26-99 9-8-99/4-1-04)[10] 7-20-06/present
Alain Lareau 128014	6-1-01/10-31-02 6-1-01/7-18-03	(6-18-01/11-19-01 1-14-02/11-4-02) 7-14-03/7-28-03	-	6-1-01/10-31-02	6-6-01/11-15-01 1-2-02/10-31-02 6-26-03/7-17-03	-	9-22-04 1-7		6-1-01/7-18-03

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Nikia Law 260855	4-12-00/2-8-02 12-18-03/6-24-04	10-25-99/11-8-99 (4-24-00/6-5-00 7-3-00/2-11-02) (12-29-03/5-30-05 6-27-05/8-20-07)	12-18-03/present	12-18-03/present	10-12-99/11-10-99 4-6-00/8-16-07	st 10-11-99 sp 11-10-99 st 3-29-00	9-30-04 1-6, 8		10-11-99/11-10-99 4-6-00/8-16-07
Stephen Lease 137016	8-6-99/6-24-04	(8-16-99/6-5-00 7-3-00/5-16-05)	8-6-99/5-4-05	8-6-99/5-4-05	3-10-99/5-4-05	-	9-30-04 1-6, 8		8-6-99/5-4-05
Archie Lee 226354	10-13-00/3-13-01	(11-6-00/1-1-01 2-26-01/3-12-01)	10-13-00/3-31-01	10-13-00/3-31-01	10-13-00/1-17-01 2-15-01/3-13-01	st 10-13-00	9-4-04 1-5, 7		10-13-00/3-31-01
Harry Leonard 249996	8-6-99/6-24-04	(8-16-99/6-5-00 7-3-00/2-2-09)	8-6-99/present	8-6-99/present	10-19-98/present	st 10-19-98	9-22-04 1-8		8-6-99/1-20-09
Ricky Libby 274681	3-11-02/8-5-02 3-11-02/11-12-03	3-25-02/8-12-02 11-3-03/11-17-03	3-11-02/11-12-05	3-11-02/11-12-05	3-13-02/8-5-02	-	9-22-04 1-7		3-25-02/8-12-02 11-3-03/11-17-03
Quintin Linen 238553	8-5-02/6-2-04	8-26-02/4-7-03 7-14-03/6-14-04 10-4-04/1-10-05	8-5-02/1-4-05	8-5-02/1-4-05	8-5-02/4-9-03 6-26-03/6-2-04	st 8-1-02 sp 4-03 st 6-26-03	9-22-04 1-8		8-5-02/1-4-05
Raymond Living-ston 277133	9-4-01/1-13-03	9-24-01/1-27-03 4-16-07/10-15-07	-	1-13-02/present	9-4-01/10-24-07	st 9-4-01	9-30-04 1-6, 8		9-4-01/10-24-07

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Name	Exhibit A[1] Hired And Released Dates	Exhibit P[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Donald Lyles 296135	? /3-17-04 5-18-04/6-24-04	5-31-04/1-9-06	-	5-18-04/1-5-06	5-24-04/1-5-06	-	9-30-04 1-8 9-4-04		5-18-04/1-5-06
Earl Mack 216237	3-14-00/6-26-03	(3-27-00/6-5-00 7-3-00/6-30-03)	3-14-00/6-23-03	3-14-00/6-23-03	3-15-00/6-26-03	sp 6-26-03	9-22-04 1-7		3-14-00/6-26-03
Lavanza Mack 189340	3-29-04/6-24-04	4-5-04/10-17-05	-	3-29-04/10-11-05	3-18-04/10-11-05	-	9-22-04 9-30-04 1-8		3-18-04/10-11-05
Percy Martin 270035	12-1-00/2-24-03 5-19-03/6-24-04	(12-18-00/11-4-02 12-2-02/3-10-03) 6-2-03/5-14-07	12-1-00/2-24-03 5-19-03/present	12-1-00/2-24-03 5-19-03/present	12-14-00/6-7-01 6-8-01/2-24-03 5-30-03/6-1-07	-	9-22-04 1-8		12-1-00/2-24-03 5-19-03/present
Cedric Martino 291396	6-30-03/7-22-03	7-14-03/8-11-03	-	6-30-03/7-22-03	6-30-03/7-25-03	st 6-30-03 sp 7-25-03	9-30-04 1-6, 8		7-14-03/8-11-03
Donald McAteer 292961	12-8-03/6-24-04	12-29-03/12-26-05	-	12-8-03/12-21-05	7-16-03/7-25-03 12-11-03/12-21-05	st 7-16-03	9-22-04 1-8		7-16-03/7-25-03 12-8-03/12-21-05
Larry McClum 282972	5-13-02/5-31-02	5-20-02/6-3-02 2-21-05/8-20-07	-	2-7-05/present	5-13-02/5-29-02 6-25-02/6-23-03 2-7-05/9-29-05 10-13-05/8-16-07	st 2-1-05 sp 9-29-05 st 10-13-05	9-30-04 1-6, 8		(5-13-02/5-31-02[10] 6-25-02/6-23-03) 2-7-05/present

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Herbert McFadden 184297	4-5-04/4-8-04 5-18-04/6-24-04	5-31-04/8-8-05	4-5-04/8-2-05	4-5-04/8-2-05	4-29-04/8-2-05	st 4-29-04	9-30-04 1-6, 8		4-5-04/8-2-05
James McFadden 235419	4-5-02/6-1-04	5-6-02/4-7-03 7-14-03/5-31-04 11-14-05/2-6-06 5-29-06/10-15-07	4-5-02/1-2-06	4-5-02/1-2-06 5-24-06/present	1-31-02/2-13-02 4-4-02/6-16-03 6-26-03/6-13-05 6-16-05/1-26-06 5-25-06/10-9-07	-	9-30-04 1-6, 8		1-31-02/2-13-02 4-5-02/1-2-06 5-24-06/present
Michael McFarland 266870	9-23-02/6-24-04	10-7-02/5-5-03 6-2-03/12-10-07)	9-23-02/present	9-23-02/present	9-24-02/4-8-03 5-30-03/1-8-04 2-20-04/12-4-07	-	9-22-04 9-30-04 1-8		9-23-02/present
Tony McNeil 235846	10-1-02/10-8-02	7-3-00/12-18-00 10-21-02/10-21-02	-	10-1-02/10-8-02	5-30-00/1-12-01 9-30-02/4-9-03	-	9-30-04 1-6		5-30-00/1-12-01 9-30-02/4-9-03
Edsel McNeill 219506	4-5-02/9-4-02	8-16-99/11-8-99 5-6-02/9-9-02	-	7-9-99/11-11-99 4-5-02/9-4-02	7-9-99/8-15-99 8-16-99/11-11-99 4-5-02/9-4-02	-	- 1-5		7-9-99/11-11-99 4-5-02/9-4-02
Thomas Miles 246763	6-7-01/1-29-02	6-18-01/1-14-02	6-7-01/1-29-02	6-7-01/1-29-02	6-6-01/2-13-02	st 6-6-01 sp 2-14-02	9-21-04 1-7		6-6-01/2-14-02
Darrin Miller 259593	4-10-02/6-24-04	9-27-99/6-5-00 7-3-00/2-12-01 3-12-01/3-25-02 4-22-02/5-30-05 6-27-05/6-21-10)	4-10-02/present	4-10-02/present	9-9-99/2-20-01 3-1-01/3-13-02 4-10-02/present	st 9-9-99 sp 2-20-01 st 3-1-01 st 4-10-02	9-22-04 1-8		(9-9-99/2-20-01 3-12-01/3-25-02 4-10-02/present)[10]

Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Ernest Miller 235474	3-21-00/6-26-03	(3-27-00/6-5-00 7-3-00/6-30-03) (1-24-05/6-25-07 8-6-07/8-20-07)	3-21-01/6-26-03 1-21-05/present	3-21-01/6-26-03 1-21-05/present	3-21-00/6-26-03 1-18-05/7-12-07	st 3-21-00 sp 6-26-03 st 1-18-05 sp 7-5-07	9-22-04 1-8		3-21-00/6-26-03 1-21-05/present
Wilbert Mills 244004	12-20-01/5-2-03 12-20-01/6-26-03	(1-29-02/5-19-03 6-30-03/6-30-03)	-	12-20-01/6-23-03	12-25-01/6-23-02 6-24-02/5-3-03 6-16-03/6-26-03	st 12-19-01 sp 5-5-03 st 6-16-03 sp 6-26-03	9-22-04 1-7		12-20-01/6-26-03
Roy Morris 288777	6-26-03/6-10-04	7-14-03/6-14-04 (8-6-07/11-26-07 11-24-08/2-16-09)	6-26-03/6-10-04	6-26-03/6-10-04	6-26-03/present	st 6-26-03	9-30-04 1-6, 8		6-26-03/6-10-04 8-6-07/11-26-07 11-08/2-11-09
John Moultrie 276527	10-29-01/6-24-04	(12-17-01/8-26-02 10-7-02/12-11-06)	10-29-01/11-30-06	10-29-01/11-30-06	10-29-01/11-30-06	st 10-29-01 sp 11-30-06	9-30-04 1-6, 8		10-29-01/11-30-06
Jatin Muntaqim 142282	11-30-01/6-26-03	12-31-01/6-30-03	11-30-01/6-26-03	11-30-01/6-26-03	10-24-01/6-26-03	st 10-24-01 sp 6-26-03	9-22-04 1-7		10-24-01/6-26-03
Anthony Murphy 95893	3-19-04/6-24-04	4-5-04/3-21-05	3-19-04/3-9-05	3-19-04/3-9-05	3-11-04/3-9-05	-	9-30-04 1-6, 8		3-11-04/3-9-05

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Anthony Murray 237867	6-26-03/6-26-04	7-14-03/5-2-05	6-6-03/4-18-05	6-26-03/4-18-05	6-28-03/4-16-05	at 6-26-03	9-30-04 1-6, 8		6-6-03/4-18-05
James Murray 165487	8-10-01/7-26-02	8-27-01/12-31-01 1-28-02/2-25-02 3-25-02/8-12-02	8-27-01/8-12-02 "interruptions" 12-31-01/1-28-02 2-25-02/3-25-02	8-10-01/7-26-02	8-10-01/7-26-02	-	9-22-04 1-7		8-10-01/7-26-02
Robert Norris 266101	6-13-00/6-26-03	7-31-00/6-30-03 3-21-05/9-19-05 7-24-06/10-2-06	6-15-00/6-20-03 3-2-05/9-19-05 6-13-06/9-22-06	6-15-00/6-20-03 3-2-05/9-19-05 7-13-06/9-22-06	6-15-00/6-26-03 3-2-05/9-8-05 6-28-06/9-22-06	at 6-13-00 ap 6-26-03 at 2-10-05	9-22-04 1-8		6-13-00/6-26-03 3-2-05/9-19-05 6-13-06/9-22-06
Chauncy Orr 177069	8-6-99/6-24-04	8-16-99/6-5-00 7-3-00/8-8-05) 5-12-08/10-27-08	9-6-99/8-4-05	9-6-99/8-4-05	7-15-99/8-3-05	at 7-15-99 ap 8-4-05	9-30-04 1-6, 8		7-15-99/8-3-05 4-22-08/12-11-08
Joe Pannell 89592	5-17-00/6-19-02	5-22-00/6-5-00 7-3-00/7-1-02)	-	-	5-16-00/6-19-02	-	9-22-04 1-7		5-16-00/6-19-02
Frank Patterson 283098	7-29-02/8-1-02	8-12-02/8-12-02	-	7-29-02/8-1-02	7-25-02/8-1-02 8-2-02/8-19-02 8-20-02/8-20-02	-	9-22-04 1-7		(7-25-02/8-1-02 8-2-02/8-19-02 8-20-02/8-20-02)[10]
Jose Perez 237727	10-1-02/5-2-03	10-7-02/5-19-03	-	10-1-02/10-18-05	10-1-02/1-18-05 1-19-05/8-18-05 8-19-05/10-18-05	-	- 1-5		10-1-02/10-18-05

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Name	Exhibit A[1] Hired And Released Dates	Exhibit B[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Tony Pitts 280579	1-27-02/6-24-04	4-8-02/8-8-05	3-27-02/7-28-05	3-27-02/7-28-05	3-29-02/12-20-04 12-29-04/1-13-05 1-14-05/7-28-05	st 3-26-02	9-22-04 9-30-04 1-8		3-27-02/7-28-05
Kevin Poston 266083	9-17-02/12-8-03	10-7-02/4-7-03 12-29-03/12-29-03	9-17-02/12-8-03	9-17-02/12-8-03	9-17-02/4-7-03 12-23-03/4-15-04 4-16-04/5-4-05	-	9-30-04 1-6, 8		(9-17-02/12-8-03 12-23-03/4-15-04 4-16-04/5-4-05)[10]
Rodney Pressley 177947	11-4-99/1-4-00	11-22-99/1-17-00	-	11-4-99/1-11-00	11-4-99/1-11-00	-	5-23-07 1-6		11-4-99/1-11-00
Jermaine Pringle 250390	4-11-02/6-24-04	4-22-02/4-7-03 7-14-03/11-29-04	4-11-02/11-30-04	4-11-02/11-30-04	4-17-02/7-30-02 7-31-02/11-30-04	st 6-26-03 sp 11-30-04	9-22-04 1-8		4-11-02/11-30-04
Francis Prioleau 268813	4-2-01/6-24-04	4-9-01/7-30-01 8-27-01/4-7-03 6-2-03/1-17-11	4-2-01/present	4-2-01/present	3-30-01/4-7-03 5-23-03/present	st 3-30-01 sp 8-19-02 sp 4-7-03 st 5-23-03	9-23-04 1-8		4-2-01/present
Larkland Richards 281768	4-19-02/6-26-03	5-6-02/6-30-03	4-19-02/6-26-03	4-19-02/6-26-03	5-3-02/5-15-03 5-16-03/6-26-03	st 4-10-02	9-22-04 1-7		4-19-02/6-26-03
Gene Richardson 93614	9-9-99/6-24-04	9-27-99/6-5-00 7-3-00/2-26-01 3-26-01/2-20-06	9-9-99/2-7-06	9-9-99/2-7-06	9-9-99/2-7-06	st 9-2-99 sp 2-7-06	9-30-04 1-6, 8		9-9-99/2-7-06

Name	Exhibit A[1] Hired And Released Dates	Exhibit B[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Isaac Richardson 232574	4-8-02/6-24-04	(10-11-99/6-5-00 7-3-00/7-31-00) 11-6-00/12-31-01 5-6-02/present	4-8-02/present	4-8-02/present	9-9-99/10-29-99 11-8-99/7-28-00 10-25-00/12-25-01 4-26-02/present	st 9-2-99 sp 7-28-00 sp 12-20-01 st 4-26-02	9-22-04 1-8		9-2-99/7-28-00 10-25-00/12-25-01 4-8-02/present
Laron Richardson 258786	6-5-00/8-16-00	(1-17-00/1-17-00 2-28-00/5-8-00) 7-3-00/8-28-00	-	6-5-00/8-16-00	11-9-99/8-22-00	st 11-9-99 sp 8-16-00	9-22-04 1-5, 7		11-9-99/8-22-00
Dennis Richey 233472	2-7-00/6-26-03	(2-14-00/6-5-00 7-3-00/6-30-03)	1-27-00/6-23-03	1-27-00/6-23-03	1-27-00/6-26-03	st 1-27-00 sp 6-26-03	9-22-04 1-7		1-27-00/6-26-03
Ignacio Rivera 300424	4-22-04/6-24-04	5-17-04/7-9-07	4-22-04/present	4-22-04/present	4-21-04/7-18-07	-	9-30-04 1-6, 8		4-22-04/5-7-07
Henry Rivers 219118	8-20-02/8-23-02	9-9-02/9-9-02 6-27-05/5-15-06	-	8-20-02/5-2-06	8-20-02/3-6-03 3-7-03/3-7-03 6-8-05/4-18-06 4-19-06/4-20-06 4-21-06/5-2-06	-	12-3-08 1-6		8-20-02/5-2-06
Harold Roberson 117001	11-9-99/6-19-02	12-20-99/9-25-00 6-4-01/7-1-02	-	11-9-99/6-19-02	11-9-99/10-6-00 10-20-00/4-17-01 4-18-01/5-3-01 5-4-01/4-18-02 4-19-02/5-23-02 5-24-02/6-19-02	-	9-22-04 1-7		11-9-99/6-19-02

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Donald Robinson 277520	9-27-01/1-13-03 6-26-03/7-17-03 3-15-04/6-24-04	12-3-01/1-27-03 7-14-03/7-28-03 4-19-04/3-19-07	9-27-01/1-13-03 6-26-03/7-13-03 3-15-04/3-7-07	9-27-01/1-13-03 6-26-03/7-13-03 3-15-04/3-7-07	10-8-01/1-14-03 6-26-03/9-8-03 3-9-04/3-7-07	-	9-30-04 1-6, 8		9-27-01/1-13-03 6-26-03/9-8-03 3-9-04/3-7-07
Darrell Rochester 146731	6-23-03/6-24-04	7-14-03/10-17-05	6-26-03/10-11-05	6-26-03/10-11-05	6-26-03/10-11-05	-	9-30-04 1-6, 8		6-26-03/10-11-05
Sandra Sanders 249871	2-15-00/2-6-04	(2-28-00/6-5-00 7-3-00/2-9-04) 8-20-07/9-3-07	-	2-15-00/2-6-04	9-30-98/2-10-00 2-11-00/8-1-02 8-2-02/present	st 9-30-98	9-22-04 1-8		(9-30-98/2-10-00 2-11-00/8-1-02 8-2-02/present)[10]
Vondell Sanders 241308	-	7-26-04/2-5-07	6-25-04/1-29-07	6-25-04/1-29-07	6-2-04/1-27-07	sp 1-29-07	9-30-04 1-6, 8		6-2-04/1-27-07
James Sattler 235043	2-8-02/6-18-02	2-25-02/7-1-02	2-8-02/6-18-02	2-8-02/6-18-02	7-14-03/7-22-03	-	9-22-04 1-7		2-8-02/6-18-02 7-14-03/7-22-03
Joseph Schmitz 173987	7-6-99/10-1-02 7-15-99/2-25-04	(8-16-99/6-5-00 7-3-00/9-23-02) 11-4-02/3-8-04 6-13-05/6-13-05	7-6-99/10-1-02	7-6-99/10-1-02	7-15-99/1-30-01 3-1-01/9-12-02 10-24-02/2-25-04 5-5-05/5-30-06	st 7-15-99 sp 1-30-01 st 3-1-01 sp 9-24-02 st 10-24-02 sp 2-25-04	9-30-04 1-6, 8		7-15-99/2-25-04 5-5-05/5-30-06

Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geachers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Arthur Scott 251957	7-31-01/12-10-01	9-24-01/12-17-01	7-31-01/12-10-02	7-31-01/12-10-02	8-2-01/10-17-01 10-18-01/12-11-01 12-21-04/1-4-05	st 7-31-01 sp 12-11-01	9-22-04 1-8		7-31-01/12-10-02 12-21-04/1-4-05
Isaiah Scott 228008	3-21-03/6-26-03	(8-16-99/11-8-99 12-6-99/6-5-00 7-3-00/12-17-01) (4-7-03/4-7-03 6-30-03/6-30-03)	3-21-03/6-26-03	3-21-03/6-26-03	2-10-99/11-2-99 11-24-99/12-8-01 3-21-03/4-7-03 6-17-03/6-26-03	st 11-24-99 st 3-21-03 sp 4-7-03 st 6-16-03 sp 6-26-03	9-30-04 1-6		(2-10-99/11-2-99 11-24-99/12-8-01)[10] 3-21-03/6-26-03
Jerome Scott 153381	7-10-01/8-22-02	7-16-01/8-26-02	7-10-01/8-22-02	7-10-01/8-22-02	7-10-01/8-22-02	st 7-10-01	9-22-04 1-7		7-10-01/8-22-02
Roosevelt Scott 275631	? /4-8-04	8-11-03/10-20-03	4-19-04/5-4-05	4-19-04/5-4-05	7-2-03/10-16-03 10-17-03/10-24-03 4-19-04/5-4-05	-	9-30-04 1-6, 8		(7-2-03/10-16-03 10-17-03/10-24-03)[10] 4-19-04/5-4-05
Ralph Sellers 164295	6-29-00/6-26-03	7-31-00/6-30-03	-	6-29-00/6-26-03 5-31-05/10-4-05	6-29-00/6-26-03 5-23-05/10-5-05	st? 5-5-05	9-22-04 1-8		6-29-00/6-26-03 5-23-05/10-5-05
George Shine 292391	3-1-04/6-24-04	3-22-04/7-11-05	-	3-1-04/7-7-05	1-26-04/7-7-05 7-19-05/present	st? 1-26-04	9-30-04 1-6, 8		(1-26-04/7-7-05 7-19-05/present)[10]

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Archie Simmons 161419	3-14-00/11-4-02	3-27-00/5-22-00 7-3-00/11-18-02	3-14-00/11-4-02	3-14-00/11-4-02	3-15-00/7-31-01 8-8-01/11-7-01 11-29-01/11-4-02	st 3-14-00 sp 7-19-01 st 8-7-01 sp 11-7-01 st 11-29-01 sp 11-4-02	9-22-04 1-7		3-14-00/11-4-02
Kenneth Simmons 278911	7-3-02/6-24-04	7-15-02/5-19-03 8-25-03/11-14-05	-	7-3-02/11-7-05	5-30-02/7-30-03 11-21-03/4-21-05 5-24-05/11-7-05 11-8-05/1-25-06 2-2-06/6-29-06 6-30-06/12-19-07	-	9-30-04 1-6, 8		(5-30-02/7-30-03 8-25-03/11-14-05 11-8-05/1-25-06 2-2-06/6-29-06 6-30-06/12-19-07)[10]
Ronald Simmons 267937	7-19-01/6-26-03	7-30-01/6-30-03 3-21-05/5-30-05	8-2-02/6-26-03 3-7-05/5-18-05	8-2-02/6-26-03 3-7-05/5-18-05	7-13-01/6-13-02 8-2-02/6-26-03 3-2-05/5-18-05	st 7-13-01 sp 6-26-03 st 2-10-05	9-22-04 1-8		7-19-01/6-26-03 3-7-05/5-18-05
Samuel Simmons 302393	-	9-6-04/7-25-05 10-31-05/11-12-07 7-21-08/9-28-09	7-22-04/7-27-05 10-14-05/present	7-22-04/7-27-05 10-14-05/present	7-22-04/7-27-05 10-13-05/11-19-07	-	9-30-04 1-6, 8		7-22-04/7-27-05 10-14-05/present
Stephon Simmons 300422	4-16-04/6-24-04	5-17-04/11-29-04 5-30-05/1-9-06	5-17-04/11-29-04 5-30-05/1-9-06	5-18-05/1-3-06	4-16-04/4-22-04 4-23-04/11-20-04 5-12-05/12-11-05 12-12-05/12-15-05 12-16-05/1-3-06	-	9-30-04 1-8 9-22-04		(4-16-04/4-22-04 4-23-04/11-20-04)[10] 5-18-05/1-3-06

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Edward Simpson 220017	8-11-99/9-3-02	8-16-99/6-5-00 7-3-00/9-9-02)	-	8-11-99/9-3-02	6-14-99/2-27-03	st 6-14-99	9-30-04 1-6		6-14-99/2-27-03
Virgil Simpson 281888	5-29-02/5-7-03 5-29-02/4-7-04	6-3-02/4-19-04 10-4-04/6-11-07	-	9-22-04/present	5-29-02/4-7-04 9-22-04/6-6-07	st 9-22-04	11-1-04 1-6, 8		6-3-02/4-19-04 9-22-04/present
David Sims 278067	6-19-02/1-20-04	7-15-02/3-24-03 7-14-03/7-14-03 2-7-05/4-4-05	-	7-21-04/8-26-04	5-23-02/4-7-03 7-23-04/1-10-05 1-11-05/3-29-05	st 5-7-02 sp 3-19-03 st 7-23-04 sp 3-29-05	9-30-04 1-6, 8		6-19-02/1-20-04 (7-23-04/1-10-05 1-11-05/3-29-05)[10]
Jonathan Singleton 287670	6-26-03/9-18-03	7-28-03/9-22-03 10-30-06/3-3-08	-	7-2-03/9-18-03 10-5-06/present	7-2-03/9-18-03 10-5-06/present	st 6-26-03 sp 9-18-03 st 10-5-06	9-22-04 1-8		6-26-03/9-18-03 10-5-06/present
Kevin Smith 272440	2-19-01/11-8-01 11-8-02/5-2-03	3-26-01/11-19-01 12-30-02/5-19-03 8-30-10/10-25-10	11-8-02/5-2-03	11-8-02/5-2-03	3-19-01/5-20-01 6-1-01/11-8-01 11-8-02/9-24-05	st 3-19-01 st 5-31-01 sp 11-8-01 st 11-8-02	9-22-04 1-8		2-19-01/11-8-01 11-8-02/5-15-03 8-30-10/10-25-10
Robert Smith 199324	1-21-03/6-27-03	3-27-00/6-5-00 7-3-00/6-3-02) 1-27-03/4-7-03 7-14-03/7-14-03	1-21-03/6-30-03	1-21-03/6-1-03	3-31-99/5-26-99 3-21-00/5-31-02 1-23-03/4-9-03	-	9-22-04 9-30-04 1-7		3-31-99/5-26-99 3-21-00/5-31-02 1-21-03/6-30-03

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Timothy Smith 296539	3-29-04/6-24-04	4-5-04/10-31-05	-	3-29-04/10-19-05	3-24-04/11-11-04 11-12-04/10-19-05	-	9-30-04 1-6, 8		4-5-04/10-31-05
Jeffrey Spears 281697	4-28-04/6-24-04	5-3-04/12-27-04	-	4-27-04/11-5-04 11-11-04/12-10-04	5-23-02/8-2-02 4-27-04/11-5-04 11-11-04/12-10-04 8-9-07/8-14-07	-	9-30-04 1-6, 8		5-23-02/8-2-02 5-3-04/12-27-04 8-9-07/8-14-07
Alvin Stewart 278595	10-24-01/6-24-04	11-19-01/5-14-07 10-1-07/1-7-08	10-24-01/present	10-24-01/present	11-1-01/6-7-02 8-13-02/5-31-07	st 10-24-01 sp 5-10-07	9-30-04 1-6, 8		10-24-01/present
Jeff Stinson 260047	9-21-99/6-24-04	(10-11-99/6-5-00 7-3-00/9-15-08)	9-21-99/present	9-21-99/present	8-31-99/present	st 8-26-99	9-30-04 1-6, 8		8-26-99/9-10-08
Jeffrey Tevis 216442	4-22-04/6-24-04	5-17-04/11-29-04	-	4-22-04/11-29-04	4-21-04/11-29-04	-	9-30-04 1-6, 8		4-21-04/11-29-04

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
William Thomas 272501	10-29-01/6-1-03 5-27-04/6-3-04	1-14-02/6-2-03 5-31-04/6-14-04 11-14-05/8-20-07	11-14-01/7-2-03 5-5-04/6-3-04 12-6-04/4-23-07	11-14-01/7-2-03 5-5-04/6-3-04 12-6-04/4-24-07	11-14-01/7-2-03 5-5-04/6-3-04 12-6-04/4-20-07 5-22-07/8-17-07	sp 4-23-07	9-22-04 1-8		11-14-01/7-2-03 5-5-04/6-3-04 (12-6-04/4-24-07 5-22-07/8-17-07)[10]
Curtis Thompson 266448	10-13-00/5-2-03 12-16-03/6-24-04	10-23-00/5-5-03 12-29-03/11-15-04	-	12-16-03/11-8-04	10-18-00/6-7-01 6-8-01/5-2-03 12-16-03/11-8-04	-	9-22-04 1-8		10-13-00/5-2-03 12-16-03/11-8-04
James Tino 145030	7-18-02/5-2-03	7-29-02/5-19-03	-	7-8-02/5-2-03	5-23-02/6-16-03	-	9-22-04 1-7		5-23-02/6-16-03
James Trumper 247429	4-16-02/6-26-03	5-20-02/6-30-03 2-7-05/5-25-09	-	1-26-05/present	4-19-02/11-4-02 11-8-02/6-26-03 1-6-04/5-10-04 1-26-05/present	-	9-30-04 1-6, 8		4-16-02/6-26-03 1-6-04/5-10-04 1-26-05/present
James Wells 180458	12-12-01/2-1-02	7-3-00/12-4-00 1-29-02/2-11-02	-	12-12-01/2-1-02	5-30-00/9-12-00 9-13-00/11-22-00 12-19-00/4-13-01 12-13-01/2-1-02	-	10-18-05 1-6		(5-30-00/9-12-00 9-13-00/11-22-00 12-19-00/4-13-01)[10] 12-12-01/2-1-02
Ray Wells 173651	6-1-01/6-6-01	6-18-01/6-18-01	-	6-1-01/6-6-01	5-30-01/6-7-01	st 5-30-01 sp 6-7-01	9-21-04 10-29-04 1-5, 7		5-30-01/6-7-01
Demetrius Wheeling 264976	5-14-04/6-24-04	5-17-04/10-18-04	-	5-14-04/10-18-04	-	-	9-30-04 1-6, 8		5-14-04/10-18-04

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Name	Exhibit A[1] Hired And Released Dates	Exhibit F[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Kenneth White 228409	11-10-99/6-26-03	(12-20-99/6-5-00 7-3-00/6-30-03) 6-27-05/12-26-05 8-6-07/9-3-07 5-11-09/5-11-09	-	11-9-99/3-14-00 5-10-02/6-23-03 8-9-05/12-28-05	11-9-99/3-14-00 5-10-02/6-26-03 6-8-05/12-30-05 5-9-07/present	-	9-22-04 1-8		11-10-99/6-26-03 6-8-05/12-30-05 5-9-07/present
Tony Witt 242918	6-29-00/12-20-01 5-17-04/5-18-04	7-31-00/6-4-01 8-13-01/12-17-01	-	6-29-00/5-31-01 9-12-01/1-1-02	6-29-00/5-31-01 9-12-01/1-1-02	-	4-28-08 1-6 2-10-06?		6-29-00/12-20-01 5-17-04/5-18-04
Bobby Williams 261486	-	(8-9-04/2-7-05 3-21-05/7-25-05)	-	7-15-04/1-25-05 3-9-05/7-11-05	7-15-04/1-25-05 3-8-05/7-11-05	-	9-30-04 1-6, 8		(7-15-04/1-25-05 3-21-05/7-25-05)[10]
Darrell Williams 219730	3-21-00/1-9-01	(4-24-00/6-5-00 7-3-00/9-25-00) 7-30-01/10-22-01	-	3-21-00/1-9-01	3-15-00/3-15-00 3-16-00/10-31-00 11-1-00/1-9-01 7-14-01/10-1-01	st 3-15-00 sp 1-10-01 st 7-10-01	9-22-04 1-5, 7		3-15-00/1-10-01 7-30-01/10-22-01
Derrick Williams 272958	8-17-01/1-22-02	8-27-01/1-28-02	-	8-17-01/1-22-02	-	-	9-22-04 1-7 8-30-04		8-17-01/1-22-02
James Williams 282929	5-28-02/5-7-03 5-28-02/6-24-04	6-3-02/present	5-28-02/present	5-28-02/present	5-24-02/6-20-02 7-18-02/present	st 5-13-02 st 7-18-02	9-30-04 1-6, 8		5-28-02/present

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Name	Exhibit A[1] Hired And Released Dates	Exhibit P[2] Pay Dates	Fin. Dec.[3] Start/Stop Dates	O. Geathers[4] Start/Stop Dates	EWC's[5] Start/Stop Dates	19-54's[6]	Step 1[7] File Date	Step 2[8] File Date	Suggested[9] Start/Stop Dates
Timothy Wilson 261971	11-15-99/3-13-03 2-20-04/3-31-04	12-6-99/6-5-00 7-3-00/3-24-03) 2-9-04/4-5-04	-	11-5-99/3-13-03 2-20-04/3-31-04	11-10-99/5-24-01 5-25-01/3-13-03 1-26-04/4-5-04	st 6-20-05 sp 8-8-05	10-18-05 1-6		11-5-99/3-13-03 1-26-04/4-5-04 6-20-05/8-8-05
Leon Wilson 155867	8-11-99/6-24-04	8-16-99/6-5-00 7-3-00/4-18-05)	-	8-11-99/4-11-05	8-10-99/10-12-00 10-13-00/4-11-05	-	9-22-04 1-8		8-11-99/4-11-05
John Wojcik 219463	2-14-00/8-1-02	2-28-00/6-5-00 7-3-00/8-12-02)	2-14-00/8-1-02	2-14-00/8-1-02	2-9-00/8-1-02	st 2-9-00 sp 8-2-02	9-22-04 1-7		2-9-00/8-2-02
Anthony Wright 199009	2-7-00/7-24-01	2-14-00/6-5-00 7-3-00/7-30-01) 10-31-05/11-14-05	-	2-7-00/7-24-01 10-14-05/11-11-05	1-27-00/6-7-01 6-8-01/7-24-01 10-13-05/11-11-05	st 1-27-00 at 10-13-05 sp 11-11-05	9-22-04 1-8		2-7-00/7-24-01 10-13-05/11-11-05
Robert Wydman 260331	6-19-00/11-7-00 4-8-01/9-25-01	1-17-00/5-8-00 7-31-00/11-20-00) 4-23-01/10-8-01	-	6-19-00/11-7-00	11-3-99/5-9-00 6-19-00/9-12-00 9-13-00/11-15-00 3-30-01/5-8-01 5-16-01/9-25-01 10-28-02/4-28-03	-	9-22-04 1-7 9-14-04		(11-3-99/5-9-00 6-19-00/9-12-00 9-13-00/11-15-00)[10] (3-30-01/5-8-01 5-16-01/9-25-01)[10] 10-28-02/4-28-03
Eric Youmous 281091	9-19-02/6-26-03	12-16-02/6-30-03 2-21-05/11-24-08	8-2-02/6-26-03	8-2-02/6-26-03	9-19-02/5-13-03 5-30-03/6-26-03 2-11-05/present	st 9-19-02 sp 5-5-03 st 5-19-03 sp 6-26-03	9-30-04 1-6, 8		9-11-02/6-26-03 2-18-05/11-13-08
Rogelio Zavala 245106	5-1-99/6-10-04	5-10-99/6-5-00 7-3-00/6-14-04)	5-1-99/6-10-04	5-1-99/6-10-04	1-2-98/12-6-00	-	9-22-04 1-7		(1-2-98/12-6-00 5-1-99/6-10-04)[10]

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1. Exhibit A is an SCDC Prison Industries list of employees for this work program as of June 24, 2004. Many inmates worked past this date. The list has "hired" and "released" work dates for each employee. It is appended to Darrell Williams' September 22, 2004 grievance. It is also incorporated by reference in many step 1's and is in part an exhibit to all Amendments to grievances. As to inclusion in the record, Exhibit A is found in the 1st Supplemental Record on Appeal at R, 335-358.

2. Exhibit F is an SCDC Prison Industries list of employees in the program through May 31, 2004, updated to March 28, 2011. Many inmates worked past this date. Exhibit F purports to contain all pay dates, pay rates, hours, and pay amounts for each worker from start to finish. It is appended to the Williams grievance and is incorporated by reference in many step 1's. It is also in part an exhibit to the Amendments. Parentheses enclosing multiple work periods means SCDC has combined them into one period in its March 28, 2011 update. Work dates on Exhibit F to March 28, 2011 are stated to "present" on Appendix 1. As time moves on, this could prove incorrect for some inmates. As to inclusion in the record, Exhib F is found at R, 31-312.

3. Final decision means SCDC's final step 2 decision. Many of these contain the inmate's start/stop work dates. Final decisions appear with each inmate's grievance papers in the record at R, 934-3911.

4. Officer Geathers' work start/stop dates are stated in SCDC's August 8, 2008 spreadsheet (SR Doc 8).* These dates are identical to the dates in the record spreadsheet's two columns designated "start/end date per SCDC grievance response(s)" (R, 1-30). Appendix 1 designates them "O. Geathers' start/stop dates" because they were designated in SCDC's August 8, 2008 spreadsheet as "PI start/end date Gethers". Where the August 8, 2008 and record spreadsheets use the term, "active", Appendix 1 uses "present" to indicate that work may well be continuing to the present time. This could prove incorrect in any given case.

5. EWC means SCDC's earned work credit assignment record. These have the inmate's job description, work start/stop dates, and termination reason. As to the record, inmates request supplementing the record with selected EWC's (those selected for column 9 on Appendix 1), consisting of 125 pages (SR Doc 9).

6. 19-54's are records supposedly generated with each new hire or termination. Abbreviations "st" and "sp" mean "start" and "stop". Inmates request supplementing the record with selected 19-54's (those selected for column 9 on Appendix 1), consisting of 87 pages (SR Doc 10).

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* SR means inmates request supplementing the record with the document numbered in Exhibit 2 to their May 23, 2011 motion to supplement record, herein incorporated by reference. All such documents are in Appendix 2 to this brief.

7. Most step 1's were filed in September 2004. Certificates of Service show 94 inmates filed on September 22, and 84 (plus 7 repeat filers) on September 30. See R, 877, 880. These dates are reflected on Appendix 1 in column 7. (Appendix 1 - "Exhibit 1" to the motion to supplement record - "9-22-04 or 9-30-04" dates were changed to "9-30-04" due to substitution of equitable estoppel for judicial estoppel in issue 5) An additional 20 inmates filed at other times. Under the file dates on Appendix 1 are the issue numbers in inmates' brief which discuss or support timeliness of the filing.**

8. Column 8 on Appendix 1 is left blank since step 2 file dates are not an issue for the Level Two brief.

9. Appendix 1 has start/stop dates and pay date information from the SCDC source documents in columns 1-6. Inmates contend these sources create ambiguity as to correct dates because they often disagree on work periods or dates within periods. For this reason, the suggested dates in this column 9 are the most complete dates stated in the preceding columns (45C Am Jur 2nd (2002), Job Discrim., §2607) (Ambiguity should be resolved against a discriminating employer and when it is impossible to reconstruct a claimant's work, back pay equal to the maximum amount which could have been earned but for the employer's discrimination is proper). Dates from preceding columns are underlined for easy reference. Work periods to "present" in column 9 may be ended in some cases as these are based on 2007-2008 records. Column 9 dates may have errors due to disagreement among source documents in columns 1-6.

10. Work periods overlapping or ending and resuming within a short time were combined, as it seems unlikely a rehiring or new term of employment was required. Inmates contend this conclusion is supported by the rule in note 9, and also SCDC's combining many previously stated multiple periods into one in its March 28, 2011 update of Exhibit F.

P' ISON INDUSTRIES
F UILDING 2

AS OF: 6/24/04

PAST EMPLOYEES
ALPHABETICAL
(Check these dates against hire-release dates on Jan 2004 Lists)

	NAME	SCDC	DORM	SHIFT	HIRED	RELEASED
	ABDALLAH, MUHAMMAD	249704	E B 24	1	6/29/01	7/12/01
	ABLE, ANTHONY	229930	A B 63	1	9/22/00	2/8/01
MI 3	ACKERMAN, FRANCIS	266928	C A 32	2	10/12/01	8/3/02
	ADAMS, DAVID	246977	C A 60	1	11/4/99	2/14/01
	ADAMS, ROBERT	262980	C 0	1	1/18/00	3/14/00
	ADDISON, JAMES	248725	A A 60	1	1/17/02	1/23/02
	ADKINSON, WADE	216744	M X 0	2	1/6/00	4/20/01
	AIKEN, ALLEN	253738	C A 6	1	11/10/99	1/30/01
MI 3	AIKEN, TYRONE	244428	C B 32	2	3/27/02	10/7/02
MI 3	AIKEN, TYRONE	244428	C B 29	1	1/15/03	6/26/03
MI 3	AIKEN, TYRONE	248367	C A 55	1	10/1/99	6/26/03
MI 3	ALJALIL, MALIK	219551	C A 1	1	8/1/02	6/24/04
	ALLAH, FOUNDATION	152845	C B 52	1	4/15/01	12/20/01
	ALLEN, DANIEL	192554	M 0	1	2/8/00	3/15/00
MI 3	ALLEN, LINSO	269378	C A 32	1	10/29/01	10/31/02
	ALLISON, JEFFERY	255624	C A 4	1	8/11/99	6/19/00
	ALLISON, STONEY	263717	E B 60	1	6/6/00	6/8/00
	ALSTON, JOSEPH	219252	C B 14	1	6/6/00	7/25/01
MI 3	ALVARADO, JOSE	273599	C B 36	1	6/27/03	6/24/04
MI 3	ALVARADO, LUIS	287920	C B 50	1	12/13/02	11/20/03
MI 3	AMADOR, CHRISTOPHER	250701	S A 29	1	6/30/03	7/9/03
MI 2	ANCRUM, TYRONE	238025	C A 18	2	4/11/02	9/5/02
MI 3	ANDERSON, ELVIS	258849	C A 0	0		12/17/99
MI 3	ANDERSON, FRANK	282800	C A 19	1	4/16/02	6/26/03
	ANDERSON, LAMAR	251314	A B 11	1	2/15/00	11/27/00
	ANDERSON, PATRICK=247718	209044	C B 53	1	10/16/00	5/30/01
	ANDERSON, WALTER	246089	C 0	1	8/5/99	2/26/00
MI 3	ARMSTRONG, TOBY	210917	WA218	1	5/27/04	6/18/04
	AUSTIN, DARIUS	259485	M X 0	2	1/4/00	12/14/01
MI 3	AUSTIN, SHERMAN K.	300028	C B 32	1	5/3/04	5/27/04
MI 3	AUSTIN, STEVE	251896	C A 22	1	12/21/99	7/14/00
MI 3	AUSTIN, W.	259961	C A 0	0		12/20/99
	AYERS, RANDY	277318	C A 25	1	9/5/01	1/25/02
MI 2	BAILEY, MCGILL	270801	C A 3	2	2/7/01	10/16/02
	BAILEY, RALPH	248086	S B 62	1	4/18/01	7/26/01
MI 3	BAKER JR, HENRY	263398	C A 22	1	10/12/01	6/26/03
	BAKER, DEMETRIS	232951	C A 23	1	8/6/99	6/30/00
MI 3	BAKER, QUENTIN	297868	C A 24	1	3/30/04	6/24/04
	BAKER, TONY	253490	C 0	1	1/21/00	2/22/00
	BAKER, WILLIE	238685	C 0	1	2/15/00	3/9/00
	BANNISTER, MARCUS	267885	C B 31	1	11/17/00	4/11/01
MI 2	BARBER, DONALD	283052	C B 15	2	6/19/02	8/26/02

PLAINTIFF'S EXHIBIT A

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Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
86928	FRANCIS	CHRISTOPHE	ACKERMAN		10/22/2001	0.50	36.65	18.32
86928	FRANCIS	CHRISTOPHE	ACKERMAN		11/5/2001	0.50	53.9	26.95
86928	FRANCIS	CHRISTOPHE	ACKERMAN		11/19/2001	0.50	52.5	26.25
86928	FRANCIS	CHRISTOPHE	ACKERMAN		1/14/2002	0.50	47.01	23.50
86928	FRANCIS	CHRISTOPHE	ACKERMAN		1/28/2002	0.50	90.37	45.18
86928	FRANCIS	CHRISTOPHE	ACKERMAN		2/11/2002	0.50	79.6	39.80
86928	FRANCIS	CHRISTOPHE	ACKERMAN		2/25/2002	0.50	101.17	50.58
86928	FRANCIS	CHRISTOPHE	ACKERMAN		3/11/2002	0.50	90.74	45.37
86928	FRANCIS	CHRISTOPHE	ACKERMAN		3/25/2002	0.50	87.88	43.94
86928	FRANCIS	CHRISTOPHE	ACKERMAN		4/8/2002	0.50	34.11	17.05
86928	FRANCIS	CHRISTOPHE	ACKERMAN		4/22/2002	0.50	83.2	41.60
86928	FRANCIS	CHRISTOPHE	ACKERMAN		5/6/2002	0.50	104.28	52.14
86928	FRANCIS	CHRISTOPHE	ACKERMAN		5/20/2002	0.50	29.23	14.61
86928	FRANCIS	CHRISTOPHE	ACKERMAN		6/3/2002	0.50	96.8	48.40
86928	FRANCIS	CHRISTOPHE	ACKERMAN		6/17/2002	0.50	101.81	50.90
86928	FRANCIS	CHRISTOPHE	ACKERMAN		7/1/2002	0.50	53.32	26.66
86928	FRANCIS	CHRISTOPHE	ACKERMAN		7/15/2002	0.50	86.45	43.22
86928	FRANCIS	CHRISTOPHE	ACKERMAN		7/29/2002	0.50	44.03	22.01
86928	FRANCIS	CHRISTOPHE	ACKERMAN		8/12/2002	0.50	82.2	41.10
86928	FRANCIS	CHRISTOPHE	ACKERMAN		8/26/2002	0.50	96.41	48.20
86928	FRANCIS	CHRISTOPHE	ACKERMAN		9/9/2002	0.50	31.95	15.97
244428	TYRONE		AIKEN		4/22/2002	0.50	52.5	26.25
244428	TYRONE		AIKEN		5/6/2002	0.50	52.5	26.25
244428	TYRONE		AIKEN		5/20/2002	0.50	56.92	28.46
244428	TYRONE		AIKEN		6/3/2002	0.50	61.9	30.95
244428	TYRONE		AIKEN		6/17/2002	0.50	65.52	32.76
244428	TYRONE		AIKEN		7/1/2002	0.50	69.65	34.82
244428	TYRONE		AIKEN		7/15/2002	0.50	72	36.00
244428	TYRONE		AIKEN		7/29/2002	0.50	79.48	39.74
244428	TYRONE		AIKEN		8/12/2002	0.50	73.9	36.95
244428	TYRONE		AIKEN		8/26/2002	0.50	90.47	45.23
244428	TYRONE		AIKEN		9/9/2002	0.50	68.48	34.24
244428	TYRONE		AIKEN		9/23/2002	0.50	63.48	31.74
244428	TYRONE		AIKEN		10/7/2002	0.50	97.02	48.51
244428	TYRONE		AIKEN		12/30/2002	0.50	17.5	8.75
244428	TYRONE		AIKEN		1/27/2003	0.50	31.5	15.75
244428	TYRONE		AIKEN		2/10/2003	0.50	50.21	25.10
244428	TYRONE		AIKEN		2/24/2003	0.50	61.48	30.74
244428	TYRONE		AIKEN		3/10/2003	0.50	44.24	22.12
244428	TYRONE		AIKEN		3/24/2003	0.50	76.05	38.02
244428	TYRONE		AIKEN		4/7/2003	0.50	51.62	25.81
244428	TYRONE		AIKEN		4/21/2003	0.50	67.03	33.51
244428	TYRONE		AIKEN		5/5/2003	0.50	47.34	23.67
244428	TYRONE		AIKEN		5/19/2003	0.50	9.14	4.57
244428	TYRONE		AIKEN		6/2/2003	0.50	65.12	32.56
244428	TYRONE		AIKEN		6/16/2003	0.50	83.42	41.71
244428	TYRONE		AIKEN		6/30/2003	0.50	44.16	22.08
244428	TYRONE		AIKEN		2/7/2005	0.50	37.43	18.71
244428	TYRONE		AIKEN		2/21/2005	0.50	43.24	21.62
244428	TYRONE		AIKEN		3/7/2005	0.50	34.91	17.45
244428	TYRONE		AIKEN		3/21/2005	0.50	36.9	18.45
244428	TYRONE		AIKEN		4/4/2005	0.50	46.75	23.37
244428	TYRONE		AIKEN		4/18/2005	0.50	61.07	30.53
244428	TYRONE		AIKEN		5/2/2005	0.50	51.43	25.71
244428	TYRONE		AIKEN		5/16/2005	0.50	66.98	33.49
244428	TYRONE		AIKEN		5/30/2005	0.50	13.53	6.76
248367	TYRONE		AIKEN		10/11/1999	0.35	45.5	15.92

Lieber PI Back Wage Grievances - ALC Tracking (Westbrook)

	CAT per DW	Name	SCDC #	DW ?	Grievance #	Step 1 Dated	Step 2 Dated	PI Start Date Gethers	PI Pay Start Date Exhibit F	PI End Date Gethers	PI Pay Last Date Exhibit F	SCDC Release Date	Date Appeal filed with ALC	ALJ Case #	Date ALC Briefs Due	Date of ALC Order
1		Ackerman, Francis	266928	Y	LCI-0589-04 + Amdmnt (2/17/06)	~~09/22/04~~	~~11/01/04~~	10/12/01	10/22/01	08/03/02	11/19/01		06/05/07	07-ALJ-04-00444-AP	08/06/07	
									01/14/02		09/09/02					
2	1A	Aiken, Tyrone	244428	Y	LCI-0599-04 + Amdmnt (6/23/06)	~~09/08/04~~	~~11/04/04~~	01/15/03	04/22/02	06/26/03	10/07/02					
									12/30/02		06/30/03					
									02/07/05		05/30/05					
3	1A	Aiken, Tyrone	248367	Y	LCI-0616-04 + Amdmnt undtd/unsgnd (4/19/07)	~~09/22/04~~	~~11/01/04~~	10/01/99	10/11/99	06/26/03	06/30/03					
4		Aljalil, Malik	219551	Y	LCI-0621-04 + Amdmnt undtd/unsgnd (4/19/07)	~~09/22/04~~	~~11/02/04~~	08/01/02	10/25/99	09/12/06	06/05/00	~~Back in SCDC as of 11/16/06~~	06/05/07	07-ALJ-04-00445-AP	08/06/07	
									07/03/00		08/14/00					
									09/11/00		11/05/01					
									08/26/02		09/18/06					
5		Allen, Linso	269378	Y	LCI-0615-04 + Amdnt (2/5/06)	~~09/22/04~~	~~11/02/04~~	01/14/03	10/23/00	06/24/03	12/04/00		06/05/07	07-ALJ-04-00446-AP	08/06/07	
								02/07/05	12/31/01	Active	04/08/02					
									05/06/02		11/04/02					
									02/21/05		10/01/07					
6	1A	Anderson, Frank	282800	Y	LCI-0637-04 + Amdmnt (2/3/06)	~~09/22/04~~	~~11/02/04~~	05/03/02	05/06/02	06/26/03	06/30/03					
								01/21/05	01/24/05	Active	10/01/07					
7		Austin, Sherman	300028	Y	LCI-0726-04 + Amdmnt undtd/unsgnd (4/19/07)	~~09/30/04~~	~~11/03/04~~	05/03/04	05/17/04	05/27/04	05/31/04	~~11/30/07~~	02/22/08			
8	1B	Baker, Henry	263398	Y	LCI-0608-04 *(Reply to Step 1 flowing)*	~~09/22/04~~	CLOSED DNF Step 2	***05/20/05***	10/22/01	01/09/06	06/30/03					
								07/28/06	06/13/05	10/02/06	01/23/06					
									08/07/06		10/16/06					

ALC, SCDC, and COUNSEL

ALC, SCDC, and COUNSEL

ALC, SCDC, and COUNSEL

EWCI100D SCDC OFFENDER MANAGEMENT SYSTEM 01/16/08
EWCI100M EARNED WORK CREDIT ASSIGNMENT
OMEWCA HISTORY OF EWC ASSIGNMENTS
SCDC #> 244428 CURR LOC.....: LIEBER
AIKEN,TYRONE - CURR CUST/SEC: ME3
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE RESTRICTION..: Y
ASSIGNMENT...: 0001 GENERAL DETAIL UNEMP

	JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL	EWC DYS	EWC F/P	TOT EWC
_	COOK	05/15/06	08/04/06	UNSAT JOB PERFO	3	5	F	19.523
_	COOK	09/30/05	02/10/06	UNSAT JOB PERFO	3	5	F	31.904
_	MECHANIC HELPER	01/26/05	05/31/05	UNSAT JOB PERFO	3	5	F	30.000
_	COOK	08/04/04	08/12/04	INMATE REQUEST	3	5	F	2.142
_	FOOD SERVICE AIDE	01/15/04	05/05/04	UNSAT JOB PERFO	3	5	F	26.666
_	FOOD SERVICE AIDE	10/06/03	01/13/04	INSTIT TRANSFER	3	5	F	23.809
_	MECHANIC HELPER	05/30/03	06/26/03	INMATE REQUEST	3	5	F	6.666
_	WARDKEEPER ASSISTANT	05/14/03	05/29/03	LATERAL TRANSFE	3	5	F	3.809
_	MECHANIC HELPER	01/24/03	05/13/03	REDUCTION IN FO	3	5	F	26.190
_	MECHANIC HELPER	04/05/02	10/03/02	PLACED IN ST/SP	3	5	F	43.333
_	WARDKEEPER ASSISTANT	02/20/02	04/04/02	LATERAL TRANSFE	3	5	F	10.476
_	FOOD SERVICE AIDE	09/11/01	11/14/01	UNSAT JOB PERFO	3	5	F	15.476

PAGE.> 0001

SELECT A RECORD AND PRESS <ENTER>...
PF3:ASSIGN EWC PF4:MODIFY EWC PF5:TERMINATE EWC PF6:HDQS ADD EWC
4-9 1 Sess-1 167.7.50.33 TNET1321 4/10

Liebe
8-31-01 –

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DOC #9

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Classification and Inmate Records

INMATE JOB/SCHOOL ASSIGNMENT

E-B-16

1. SCDC #:	2. Inmate's Name	3. Institution:
301270	Beach, Jacob R.	Lieber C.I.

4. Transferred From

Area.
Title.
Code.
☐ Full-Time ☐ Part-Time
_____ Hours Per Day _____ Days Per Week
Date Effective _____

5. Transferred To: P.I. #2

Area:
Title Mech. Helper
Code: 05180
☐ Full-Time ☒ Part-Time
2.5 Hours Per Day 5 Days Per Week
Date Effective 5-17-04

6 Reason for (Transfer) Termination (a reason **must** be indicated):

New Hired - Stand By

7 Comments:

8 Bonus Educational Credit:

☐ ADD ☐ DELETE Date Effective _____

☐ 4-7 Hrs/Wk ☐ 8-11 Hrs/Wk ☐ 12-14 Hrs/Wk ☐ 15 or MORE Hrs/Wk

9. Losing Supervisor: Date

10. Gaining Supervisor Date 5/15/04

Return This Form To Classification.

11. Classification Caseworker: T. Rodgers Date: 5/27/04

12 CRT Entry by: T. Rodgers Date: 5/27/04

13 CRT Entries EWC ✓ EEC _____ Assignment Location: ✓

DISTRIBUTION
White- Institutional Record
Yellow- Losing Supervisor
Pink Gaining Supervisor
Gold- Inmate Pay Designee

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~~158~~

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Classification and Inmate Records
INMATE JOB/SCHOOL ASSIGNMENT

CB 43

1 SCDC #	2 Inmate's Name	3. Institution
301270	BEACH, JACOB	Lieber C. I.

4 Transferred From:
Area: Prison Industries #2
Title: Mechanic Helper
Code: 5180
☒ Full-Time ☐ Part-Time
7 5 Hour Per Day 5 Days Per Week
Date Effective 1-23-05

5. Transferred To
Area:
Title:
Code:
☐ Full-Time ☐ Part-Time
____ Hour Per Day ____ Days Per Week
Date Effective January 20, 2005

6 Reason for Transfer (Termination) (a reason must be indicated).

PER MAJOR NETTLES

Major Disc Conviction

7 Comments

8 Bonus Educational Credits
☐ ADD ☐ DELETE Date Effective _____
☐ 4-7 Hrs/Wk ☐ 8-11 Hrs/Wk ☐ 12-14 Hrs/Wk ☐ 15 or MORE Hrs/Wk

9 Losing Supervisor [signature] Date 1-28-05

10. Gaining Supervisor
Date

11. Classification Caseworker:
Date

12. CRT Entry by: [signature] Date 2-7-05

Return This Form To Classification.

13 CRT Entries EWC ✓ EEC _____ Assignment Location ✓

DISTRIBUTION
White Institutional Record
Yellow Losing Supervisor
Pink: Gaining Supervisor
Gold: Inmate Pay Designee
SCDC 19-54 (Rev August 1997)

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~~159~~

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LANE H. SUMMERS

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^ADMITTED ONLY IN NC
*CERTIFIED SPECIALIST IN
LABOR & EMPLOYMENT LAW

LABOR & EMPLOYMENT LAW
EMPLOYEE BENEFITS
IMMIGRATION

OF COUNSEL
ROBERT E. ALLEN^

H. FRANK MALONE
1930-2002

June 7, 2005

VIA FACSIMILE

Mr. Doug Westbrook, Esquire
Attorney-at-Law
23 Broad Street
Charleston, South Carolina 29401

Re: SCDC's Position Regarding SCACR 225(a)'s Automatic Stay and Its Application to the Relief Provided the Plaintiffs in Judge Goodstein's April 19, 2005 Order in *Williams, et al., v. SCDC and Williams Technologies, Inc.*, 2002-CP-18-0134

Dear Doug:

Pursuant to the request you made of me during our telephone conversation yesterday, I write this letter to definitively advise you that SCDC will observe the automatic stay contemplated in South Carolina Appellate Court Rule 225(a) regarding the relief Judge Goodstein provided the plaintiffs in her April 19, 2005 order in the above captioned case.

I first expressed this position in my May 27 letter to Judge Goodstein. As I stated my letter to her, Rule 225(a) reads as follows:

> As a general rule, the service of a notice of appeal in a civil matter acts to **automatically stay matters decided in the order on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree.** This automatic stay continues in effect for the duration of the appeal unless lifted by order of the trial judge, appellate court, or judge or justice thereof. The lower court retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal. [emphasis added]

SCDC contends that you triggered this stay by filing your original and amended Notices of Appeal. In accordance with Rule 225(a), SCDC considers as stayed the following relief Judge Goodstein afforded the plaintiffs in her April 19, 2005 order:

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DOC #24

- SCDC's posting of the notice "flier" in all of SCDC's institutional libraries;
- SCDC's collection and transmittal to you of all available last known addresses of members of the former plaintiff class whom SCDC has released from its custody; and
- SCDC's June 20, 2005 resumption of its processing of grievances filed by the plaintiffs on and since September 22, 2004.

Furthermore, SCDC shall observe the stay as it applies to the above listed remedies unless and until you successfully move either Judge Goodstein or the Court of Appeals, under SCACR 225(c)(1) and (d)(1), to lift this automatic stay.

I trust this letter satisfies your request for a clear and distinct statement of SCDC's position regarding this matter. As always, I remain

Very respectfully yours,

[signature]

[illegible] E. Summers

Cc:
The Honorable Diane S. Goodstein (via facsimile)
Marcus A. Manos, Esquire, WTI's Counsel (via e-mail)
Jennifer Blythe, Esquire, WTI's Counsel (via e-mail)
Bob Petersen, Esquire, SCDC's Deputy General Counsel (via e-mail)
David Tatarsky, Esquire, SCDC's General Counsel (via e-mail)

DOUGLAS H. WESTBROOK
ATTORNEY AT LAW

23 BROAD STREET
CHARLESTON, SOUTH CAROLINA 29401
TELEPHONE: (843) 853-9600
FAX: (843) 577-2241

April 25, 2007

Lake Summers, Esquire
Malone, Thompson, Summers, & Ott, LLC
339 Heyward St.
Ste. 200
Columbia, SC 29201

Re: Grievance Amendments/Exhibits

Dear Lake:

Pursuant to our agreement on the record April 19, after hearing I hand-delivered to you as counsel for SCDC the following: (1) the original Amendments with Exhibits for those Lieber inmate-clients listed on Exhibit A, attached hereto; and (2) copies of Amendments, without Exhibits, for those non-Lieber inmate-clients listed on Exhibit B, also attached.

During our conversation April 20, you agreed it was appropriate for SCDC to consider the Exhibits for non-Lieber as well as Lieber inmate-clients, and I could submit to you the Exhibits to pair up with the Amendment copies hand-delivered on April 19. Therefore, I enclose herewith those Exhibits, and matching Amendments, for the non-Lieber inmate-clients listed on attached Exhibit B with this letter.

From our on the record agreement, SCDC now accepts for filing and consideration on the merits the Amendments/Exhibits for the Lieber and non-Lieber inmate-clients listed on attached Exhibits A and B.

A few of these are technically not clients, for grievance purposes, however, in view of the considerable work I have done for them I request they be deemed clients for grievance purposes. Also, a few are releasees. In view of the Supreme Court's affirmance on April 23 of SCDC v. Darrell Williams, I respectfully suggest that these grievances also be considered on the merits.

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~~DOC # 30~~

Finally, in the Exhibit A (Lieber inmate-clients) list, there are seven people whose original Amendments/Exhibits were not returned to me, and hence were not included in the group of original Amendments/Exhibits I gave to you on April 19. I would appreciate SCDC considering these Amendments/Exhibits, which I enclose herewith, along with the rest. These seven are: Henry Baker, #263398; Michael Benninger, #264212; Kerlan Etheredge, #236635; James Evans, Jr., #267837; Michael Hood, #279897; Laron Richardson, #258786; and Charles Wells, #254954.

Please advise if you disagree with any of the above, or you need to discuss. Thank you again for your time and attention to these matters.

Sincerely,

Douglas H. Westbrook

DHW/
Encl.

EXHIBIT A LIST OF ORIGINAL AMENDMENTS/EXHIBITS FOR LIEBER CLIENTS *

Francis Ackerman
Robert Agasto -
Tyrone Aiken, 244428
Linso Allen
Frank Anderson
Henry Baker
Quentin Baker
Michael Baylor
Jacob Beach
Michael Benninger
Lazarus Brannon
Ronald Brewer
Edward Brooks -
Frederick Brown
Keith Brown
Timothy Brown
Edward Bryant
Pete Bryant
Douglas Bude
Larry Burke
Thomas Butler
Derek Carter
Leroy Choice
Zawaski Cobb
Baron Cobbs
Kamathene Cooper
Gladstone Cummings
Quintin Daniels
Heyward Dempsey, III
Phillip Denney
Perry Deveaux
Daniel Dewey
Jerome Durham
Paul Durham
Harlon Edgar
Keith Eigner
Rodney Elliott
Anthony English
Kerlan Etheredge
James Evans, Jr.
Bernard Felder
Jermaine Garriett
Fred Gatewood
Charles Graham, Jr.
Nehemiah Greene
David Harrell
Charles Hartley -
Johnny Hayes
Steven Hickenbottom
Michael Hodge -
Roy Holmes -
Michael Hood
Don Hughes
Timothy Inman
James Jackson
Alfred Joyner
Joseph Kelsey
Michael Key
Dennis Knight
Nicholas Lambros
Nikia Law
Harry Leonard
Quinten Linen
Raymond Livingston
Earl Mack
Percy Martin
Cedric Martino
Larry McClam
James McFadden
Michael McFarland
Thomas Miles
Darrin Miller
Ernest Miller
Roy Morris, Jr.
John Moultrie
Robert Norris
Chauncy Orr
Frank Patterson
Rodney Pressley
Francis Prioleau
Gene Richardson
Isaac Richardson
Laron Richardson
Ignacio Rivera
Donald Robinson
Sandra Sanders -
Vondell Sanders
Arthur Scott
Isaiah Scott
Archie Simmons
Samuel Simmons
Virgil Simpson
David Sims
Jonathan Singleton
Kevin Smith
Robert Smith
Alvin Stewart
Jeff Stinson
William Thomas
James Tino
James Trumper
Charles Wells -
Ray Lee Wells
Allen White -
Kenneth White
Tony Whitt
Derrick Williams
James Williams
Anthony Wright
Eric Youmous
Rogello Zavala

*A few may be transferred out of Lieber.

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EXHIBIT B LIST OF AMENDMENTS/EXHIBITS FOR NON-LIEBER CLIENTS

Tyrone Aiken, 248367
Malik Aljalil
Sherman Austin
Darryel Beasley
James Bogan
Taurus Bowman
Gary Bryant
Terrell Buchanon
Christopher Bush
Michael Busques
Richard Butler
Kenneth Carter
Thomas Carter
Rudy Cassady
Sheldon Clark
Frank Corley
Patrick Curtis
Curtis Davis
Gary Davis
Calvin Drummond
Willie Elder
James Enriquez
David Feggins
Terry Ferguson
Jose Flores
James Foye
Ray Gadsden
Maxie Gamble
Robert Garrett
Jammie Gaymon
Reginald Geddis
Dennis Goff
Richard Graham
Gregory Grant
Howard Grant
Gary Grooms
Nelson Hampton
Willie Hare
Wayne Harlen
James Hartman
Gary Hayes
Johnny Holden
Willie House
Peter Jenkins
Wilbur Jordan
Keith Kelly
Alain Lareau
Stephen Lease
Archie Lee
Rick Libby
Donald Lyles
Lavanza Mack
Donald McAteer
Herbert McFadden
Tony McNeil
Edsell McNeill -
Matin Muntagim
Anthony Murphy
Anthony Murray
James Murray
Jose Perez -
Tony Pitts
Kevin Poston
Germaine Pringle
Larkland Richards
Dennis Richey
Henry Rivers
Darrell Rochester
James Sattler
Joseph Schmitz
Jerome Scott
Roosevelt Scott
Ralph Sellars
George Shine
Kenneth Simmons
Ronald Simmons
Stephone Simmons
Edward Simpson
Timothy Smith
Jeff Spears
Curtis Thompson
James Wells
Bobby Williams
Leon Wilson
Timothy Wilson
John Wojcik
Robert Wydman
Jose Alvarado
John Hunley -
Steven Husband -
Archie Johns -
Gilbert King -
Frank McDowell -
Terrence McLamore -
Henry Sharper -
Mervin Sumpter -

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DOUGLAS H. WESTBROOK
ATTORNEY AT LAW

23 BROAD STREET
CHARLESTON, SOUTH CAROLINA 29401
TELEPHONE: (843) 853-9600
FAX: (843) 577-2241

June 4, 2007

Lake Summers, Esquire
Malone, Thompson, Summers, & Ott, LLC
339 Heyward St. Ste. 200
Columbia, SC 29201

Re: Current Grievance Process

Dear Lake:

This will confirm our phone call on May 29, 2007 during which the following matters were covered:

1. You confirmed that SCDC in its "final decisions" currently being issued to inmates, has accepted for filing and considered inmates' Amendments/Exhibits which I hand-delivered to you on April 19th in Florence (Lieber Amendments and Exhibits, and non-Lieber Amendments); and mailed to you April 25 (non-Lieber Amendments/Exhibits). The latter mailing was acknowledged by you as having been received.

2. You also acknowledged that all these Amendments/ Exhibits will be included in the record on appeal when these grievance denials are appealed to the ALJ.

3. Further, you acknowledged that you do represent SCDC in these pending appeals to the ALJ, and that under Rule 54 you are counsel of record to receive service of the notices of appeal, without having to copy the General Counsel of SCDC.

This will also confirm that in our phone conference on June 4 with Judge Williams, you again confirmed SCDC is considering the Amendments/Exhibits in its final decisions to inmates, and that Amendments/Exhibits will be included in the record on appeal when these grievance denials are appealed to the ALJ. Judge Williams further suggested that you send me

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DAG #31

a short letter confirming these matters, and I believe you agreed to do that.

After Judge Williams hung up, we talked about notifying the ALJ regarding the Darrell Williams grievance outcome on appeal, and that SCDC would suggest that all releasee terminated grievances be processed. We also discussed trying to work out the mechanics of processing releasee grievances, etc.

Finally, we discussed possibly getting together at the ALJ in Columbia to try to consolidate the record on appeal as best we can.

Thank you for your time and attention to these matters, and I look forward to hearing from you.

Sincerely,

Douglas H. Westbrook

DHW/
cc: The Honorable James Williams, Jr.

LAW OFFICES
MALONE, THOMPSON, SUMMERS & OTT LLC
339 HEYWARD STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 254-3300
FACSIMILE (803) 254-0309
FIRM@MTSOLAWFIRM.COM

MICHAEL D. MALONE*
CHARLES P. THOMPSON JR.*
LAKE B. SUMMERS

SPECIAL COUNSEL
LAWRENCE J. NEEDLE*
IMMIGRATION

* ALSO ADMITTED IN TX
• ADMITTED ONLY IN NC
* CERTIFIED SPECIALIST IN LABOR & EMPLOYMENT LAW

LABOR & EMPLOYMENT LAW
EMPLOYEE BENEFITS
IMMIGRATION

OF COUNSEL
ROBERT E. ALLEN •

H. FRANK MALONE
1930-2002

FACSIMILE COVER SHEET

DATE: December 8, 2008

TO: Doug Westbrook

FROM: Lake Summers

FACSIMILE TELEPHONE NUMBER: 843-577-2241

NUMBER OF PAGES (INCLUDING COVER SHEET): 4

MESSAGE: Doug –

Accompanying this cover sheet is a hard copy of an email generated November 7, 2008 from Ann Hallman to our associate Katie Phillips regarding the posting of the "Notice Flier" at SCDC's various institutions. As you can see, all of SCDC's "major" institutions posted the notice on October 20.

Two (2) of SCDC's "pre-release" centers (Campbell and Catawba) did not get into compliance until October 21 for the reason articulated by the parenthetical Ann included in her email.

Three (3) other facilities (Watkins Pre-Release, McCormick CI, and Livesay CI) were in compliance no later than lunch time on October 21 for the reasons

MY FACSIMILE NUMBER: (803) 254-0309
MY TELEPHONE NUMBER: (803) 254-3300

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE ABOVE OFFICE IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO THE ABOVE OFFICE AT THE LETTERHEAD ADDRESS VIA THE U.S. POSTAL SERVICE. YOU WILL BE REIMBURSED FOR ANY EXPENSES INCURRED. THANK YOU.

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~~DOC #26~~

articulated by the parenthetical(s) Ann included in her email.

Pursuant to a directive issued by David Tatarsky, SCDC's General Counsel, on Wednesday, October 15, the "flier" was to remain posted through Saturday, December 6 in order to ensure that the agency complied with the terms of Judge Williams' October 7, 2008 order. I'm working with Ann this morning to confirm the precise status of the fliers at the various institutions as of today.

Finally, I'm also working with Ann this morning toward formulating a plan for processing the requests by approximately 125 of your clients for their 19-54s. It would be very helpful if you could provide us a listing of your clients who have prepared such requests and the facilities at which they are currently incarcerated. We could then begin the process of reaching out to the appropriate officials at those institutions in order to secure the information responsive to their requests.

Talk to you soon,

Lake

MY FACSIMILE NUMBER: (803) 254-0309
MY TELEPHONE NUMBER: (803) 254-3300

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE ABOVE OFFICE IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO THE ABOVE OFFICE AT THE LETTERHEAD ADDRESS VIA THE U.S. POSTAL SERVICE. YOU WILL BE REIMBURSED FOR ANY EXPENSES INCURRED. THANK YOU.

Lake Summers

From: Katie Phillips [phillips@mtsolawfirm.com]
Sent: Friday, November 07, 2008 10:41 AM
To: 'Lake Summers'
Subject: FW: POSTING NOTICE FOR LCI PI

Lake:
See below

Katie

Katie Phillips
Malone, Thompson, Summers & Ott
339 Heyward Street Suite 200
Columbia, SC 29201
Office: 803-254-3300
Office Fax: 803-254-0309
E-mail: phillips@mtsolawfirm.com

From: Ann Hallman [mailto:Hallman.Ann@doc.state.sc.us]
Sent: Friday, November 07, 2008 10:25 AM
To: phillips@mtsolawfirm.com
Subject: POSTING NOTICE FOR LCI PI

Ms. Phillips:

The following were posted on October 20, 2008
- Broad River Correctional Institution
- Lower Savannah Pre-Release Center
- Watkins Pre-Release Center
- Wateree Correctional Institution
- MacDougall Correctional Institution
- Trenton Correctional Institution
- Evans Correctional Institution
- Tyger River Correctional Institution
- Lieber Correctional Institution
- Kershaw Correctional Institution
- Coastal Pre-Release Center
- Perry Correctional Institution
- Manning Correctional Institution
- Lee Correctional Institution
- Turbeville Correctional Institution
- Kirkland Correctional Institution
- Palmer Pre-Release Center
- Allendale Correctional Institution
- Stevenson Correctional Institution
- Ridgeland Correctional Institution

The following posted on October 21, 2008 (due to employees being off and not getting the message).
- Campbell Pre-Release Center
- Catawba Pre-Release Center

The following were posted but I did not get confirmation until October 23, 2008:
- Watkins Pre-Release Center
- McCormick Correctional Institution
- Livesay Correctional Institution

(I was on the phone with these 3 on and off all day on October 21, 2008 and feel certain they were all posted by lunch time on October 21, 2008.

Ann

No virus found in this incoming message.
Checked by AVG.
Version: 7.5.549 / Virus Database: 270.9.0/1773 - Release Date: 11/7/2008 9:08 AM

No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.549 / Virus Database: 270.9.0/1773 - Release Date: 11/7/2008 9:08 AM

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: Darrell Williams
SCDC NUMBER: 219730
INSTITUTION: Lieber
HOUSING UNIT: CA45
WORK ASSIGNMENT: P.I.2

Office Use Only
Grievance No. LIEBER 0047-01
Code: General WS/MV
Policy
Disc. Hear.
Class.
Date Received JAN 11 2001
IGC Initials MLS

STATE GRIEVANCE (Include documentation, and date of incident; if SCDC Policy, indicate which policy) Both Mr. J. Robbins

Williams Tech employees have been forcing me to work and have been threatened with termination if I did not even though I have been working they insist on forcing me to do more than is necessary and when on 1/9/01 I finished they threatened to fire me if I did not stay and work when they allowed those on Allisson line to leave since we were finished and told me I was not leaving and must work

(See Attached Sheets)

ACTION REQUESTED: That minimum wages not Paid from date of employment be Paid to me and that No one who is not Getting Paid be working in P.I.2 and back wages under minimum wage be Paid for all days I worked without Pay and during time I was Getting Paid and Job Returned

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:
Wrote to Terry Ellis And Spoke to Mr. J. Robbins.
Wrote to Mr. Ellis 12/13/00 told me to speak with P.I.2 Supervisor on 1/4/01 and talk to Mr. Robbins on date of Grievance and told if I did not want to work I could Quit

Darrell Williams 1/10/01
Grievant Signature Date

ACTION TAKEN BY IGC:
INMATE WILLIAMS, DUE TO THE NATURE OF YOUR REQUEST SEE WARDEN'S RESPONSE.

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Michelle L Scott 1/22/01
IGC Signature Date

☐ I accept the action taken by the IGC and consider the matter closed.
☑ I do not accept the action taken and wish to appeal.

N/A

SCDC 10-5 (Rev. November 1997)

WARDEN'S DECISION AND REASON:

INMATE WILLIAMS, PRISON INDUSTRIES DOES NOT FALL UNDER THE MINIMUM WAGE FEDERAL GUIDELINES. YOUR INMATE WAGES ARE DETERMINED BY THE DIVISION OF BUDGET & FINANCE, THEREFORE YOUR REQUESTED ACTION CANNOT BE HONORED AT THIS TIME.

IF NOT SATISFIED WITH MY DECISION, YOU HAVE THE OPPORTUNITY TO APPEAL TO THE DEPUTY DIRECTOR. IF YOU WISH TO DO THIS, YOU SHOULD COMPLETE THE STEP 2 GRIEVANCE FORM PROVIDED AND SUBMIT IT ALONG WITH YOUR ORIGINAL STEP 1 GRIEVANCE FOR, TO THE INMATE GRIEVANCE COORDINATOR WITHIN FIVE (5) CALENDAR DAYS FROM THE DATE OF THIS DECISION.

Warden Signature — Date 5/24/01

☐ I accept the Warden's decision and consider the matter closed.
☑ I do not accept the Warden's decision and wish to appeal.

Grievant Signature — Date 6/13/01

IGC Signature — Date 5/29/01

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.

Inmate Darrell Williams
SCDC # 219730 Leber 0047-01
page 2 step 1

This is a Complaint, within which Mr. T. Robbins and Williams Technology employees have been violating the law as well as Policy.

Firstly accordingly to South Carolina Code Ann. Sec. 24-3-45 A 1.2.3.4.5 the conditions of employment implemented by above-named individuals is the equivalent of a Sweat Shop while the inmates may work they are nonetheless forcing and allowing inmates to work without Pay and accordingly to Policy and law by Permitting inmates to work without Pay is a violation of Policy and law because these conditions Permitted by Williams Tech + Mr. Robbins are violating law since to do so is outside conditions that individuals in society would be subjected too.

Furthermore, accordingly to Relevant law as it is applied the Rate of Pay likewise violates law due to fact that individuals in society were not Paid .35-.75 cents an hour and this is what I was Paid. Accordingly, doing so was a clear violation of applicable law. Where law mandates that my Pay be not below what society would be Paid. Further, the law does not Restrict me from getting minimum wage as law therefore Permits me to Pay taxes since this is a Private industry as well as to Pay Room and board and other deductions.

Moreover, South Carolina Code Ann. Sec. 24-3-430 (D) makes it vital to Pay me the minimum wage that Williams Technology is Paying and for S.C.D.C. to take the deductions in accordance with law.

Similarly, to have me working without Pay and knowing full well noone in Street would be subjected to this. also besides forth this conclusion that billing and Receiving money from Williams Tech. I do not feel is fraud and all this money by law is due to me.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Office Use Only
Grievance No. Lieber 0047-01
Code: General WS/MY
Policy
Disc. Hear.
Class.
Date Received JUN 26 2001
IGC Initials MLS

INMATE NAME: Darrell Williams
SCDC NUMBER: 219730
INSTITUTION: Lieber
HOUSING UNIT: CAHS
WORK ASSIGNMENT: Dorm Worker

JUL 05 2001
INMATE GRIEVANCE

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

The warden misreads the applicable law, and therefore his decision denying Grievance is wrong. Under the Justice Assistance Act and title 24 Inmates working in PIZ shall be Paid minimum wage and this law has been violated when State entered a contract Paying far below this (See Attached documents) and have failed to Protect the health and safety of its words

Darrell Williams 6/15/01
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Prison Industries does not fall under the minimum wage federal guidelines. However, the pay rate is proportionate to agreement between PI and Inmate Services.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

[signature] 8/03/01
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Darrell Williams 8/10/01
Grievant Signature Date

[signature] 8/8/01
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

SCDC 10-5A (November 1997)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

Lieber 0047-01

Darrell Williams # 219.
page 2 of 3 step 2

This Grievance is my second one concerning Prison Industries Two. however. this likewise concerns how medical is treating those who are affected by chemicals in the transmission Plant.

First, according to relevant law, it is clear the inmates in South Carolina Department Of Corrections, are legally wards of state, as such S.C.D.C. acquires role of Guardian, to Provide health, Safety and educational, food, housing and Suitable working conditions.

Therefore, under applicable federal/State law as it Relates to Private industry in correctional facilities, which Provides that all money must be Paid to South Carolina Department Of Corrections, for inmates Participating in this enhancement Program.

The department is currently violating these Provisions as well as Williams Technologies Inc., because Williams Tech is only Paying $4.00 an hour, and to compound this the department is not giving this money too inmates, in accordance with State law. On basis of law, which instructs department to deduct money, inter alia as our Guardian they are not abiding legally by this law which technically is a contract between inmates and department. Hence, while a legal Guardian under law may charge for living expenses i.e., Room, Board & department is not doing so and all money to be deducted is not and S.C.D.C. is making approximately $1.2 million dollars not including overtime and overwhelming [illegible] money goes to department, while we receive only a small Portion

treated. Furthermore, this institution and medical staff is not taking Precautionary measures to ensure Williams Tech is not Skimping on Providing Proper Protective clothing so as to avoid this.

Whereas, these infections stem Primarily from inadequate Protective clothing and none of Osha or any other Guidelines are being enforced to have inmates wear Protective devices for hearing, body, breathing.

THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III, Chief Administrative Law Judge

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Francis Ackerman, #266928, et al.,	Docket Nos. 07-ALJ-04-00444 through 00449-AP
	Docket Nos. 07-ALJ-04-00500 through 00548-AP
	0549-IJ, 0550 through 07-00559-AP
	Docket Nos. 07-ALJ-04-00623 through 00632-AP
Appellants,	Docket Nos. 07-ALJ-04-00671 through 00677-AP
	Docket Nos. 07-ALJ-04-00691, 0752, 0826, 0856
vs.	through 0867-AP
	Docket Nos. 07-ALJ-04-00869 through 00872-AP
	Docket Nos. 07-ALJ-04-00444, 0876, 0885
	Docket Nos. 07-ALJ-04-00141 through 00149-AP
South Carolina Department of Corrections,	Docket Nos. 07-ALJ-04-00169 through 00171-AP
	Docket Nos. 07-ALJ-04-00966 through 01021-IJ
	Docket Nos. 07-ALJ-04-01023 through 01045-IJ
Respondent.	Docket No. 09-ALJ-04-00304-IJ

ABBREVIATED RECORD ON APPEAL

Douglas H. Westbrook, Esquire
Attorney at Law
23 Broad Street
Charleston, South Carolina 29401
(843) 853-9600 – Office
(843) 577-2241 – Fax

FOR THE APPELLANTS

Lake E. Summers, Esquire
Malone, Thompson, Summers & Ott LLC
339 Heyward Street, Suite 200
Columbia, South Carolina 29201
(803) 254-3300 – Office
(803) 254-0309 – Fax

FOR THE DEPARTMENT

FILED

DEC 02 2010

SC ADMIN. LAW COURT

3/2

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Step 2 Appeal filed by Inmate Orr 13

The Department's Reply to Inmate Orr's Step 2 Appeal 15

Certificate of Service 18

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 1

INMATE NAME: Francis C. Ackerman
SCDC NUMBER: 266928
INSTITUTION: Leiber
HOUSING UNIT: EB 5
WORK ASSIGNMENT: None

Office Use Only
Grievance No. Lieber 0589-04
Code: General MV
Policy
Disc. Hear.
Class.
Date Received: SEP 22 2004
IGC Initials LC
11/1/04

STATE GRIEVANCE (Include documentation, and date of incident; if SCDC Policy, indicate which policy)

The department is asked to review and determine: Whether I. Am entitled to recieve back wages which are due to me from working at Leiber Prisien Industries Program when they only paid me ,35 an hour and not prevailing wage as under S.C Code Ann. Sec 24-3-430 (A-7) as well as fact they were Getting $4.00 an hour and still did not give me my money from 10/01 to 10/02

ACTION REQUESTED: That All money due to me be paid at Prevailing wage As well as overtime rate, moreover the prevailing wage be paid now

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:
Lawsuit was filed, ordered to file Grievance by Court
Wicker vs. SCDC ; Adkins vs SCDC

Francis C Ackerman
Grievant Signature Date

ACTION TAKEN BY IGC:

Inmate Ackerman : See Wardens Response:

L Carlton 10/27/04
IGC Signature Date

☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

N/A
Grievant Signature Date

SCDC 10-5 (Rev November 1997)

(CONTINUED ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

See Attachment.

Warden Signature Date

☐ I accept the Warden's decision and consider the matter closed.
☑ I do not accept the Warden's decision and wish to appeal.

Grievant Signature 10-29-04 Date

IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.

Inmate Francis Ackerman, #266928

LCI 0589-0

I find that SCDC does not owe you back wages for the labor you provided as part of your participation in the prison industries project located here at Lieber. I also find that none of the authorities you discuss in your grievance require SCDC to pay you a different hourly rate than the hourly rate SCDC currently pays you for your prison industries labor. Therefore, I deny your grievance.

In making these findings, I consulted with Lieber's Inmate Grievance Coordinator. The Inmate Grievance Coordinator, in turn, consulted with SCDC's General Counsel's Office and SCDC's attorney in the class action lawsuit that raises the same issues you raised in your grievance, Williams, et al. v. SCDC, etal.; Case No. 02-CP-180134. This attorney also represented SCDC in the South Carolina Supreme Court cases you reference in your grievance, Adkins, et al., v. SCDC and Wicker v. SCDC.

As a result of these efforts, I learned that a circuit court judge will soon consider motions filed by both SCDC and Williams Technologies, Inc. (WTI), the other defendant in the Williams lawsuit, to completely dismiss the case.

I also learned that former Inmate Darrell Williams, the named plaintiff in the class action lawsuit discussed above, also filed a grievance demanding SCDC take action similar if not identical to the action you demand in your grievance. I also learned that Mr. Williams' grievance claims to be a "class action" grievance on behalf of inmates like you. However, I learned that SCDC, in accordance with SCDC policy, terminated Mr. Williams' grievance when SCDC released him from its custody on October 1, 2004.

I conclude that neither the Adkins opinion nor the Wicker opinion ordered you or any other inmate in your position to file a grievance demanding the relief you demand in your grievance. These opinions merely allowed you and other inmates in your position to file such grievances.

I conclude that you are not an "employee" of WTI and that neither Adkins nor Wicker declare that you or inmates in your position are employees of WTI or any other private business. Therefore, to the extent you use the term "inmate/employee" to describe your position or status; I reject your use of that term. You and the other inmates in your position have been, are, and remain inmates lawfully confined within an SCDC facility, and you performed all of your labor in this prison industries project inside the walls of Lieber CI.

I conclude that while Adkins and Wicker discuss and interpret Section 24-3-430, they do not require that you or inmates in your position receive the "prevailing wage" at the rates set forth in Mr. Williams' now terminated grievance. Mr. Williams stated that the "prevailing wage" for work of a similar nature in the private sector was $8.40 to $10.97 per hour in 1999, $9.74 to $11.79 per hour in 2000, and $10.10 to $12.06 per hour in 2001. Mr. Williams based these wage ranges upon a one page memorandum from a College of Charleston Professor, Dr. Joseph Benich. Dr. Benich describes himself as an "Economic Loss Expert". Mr. Williams also stated in his now terminated grievance that, since July 2001, SCDC should have paid you and the other inmates in your position a "negotiated wage" of $4.00 per hour for your labor under other South Carolina statutes.

I conclude that neither Adkins nor Wicker required SCDC to pay you or other inmates in your position the hourly wage rates as stated by Mr. Williams in his now terminated grievance.

Also, to the extent that you demand overtime wages in your grievance, I conclude that neither Adkins nor Wicker require SCDC to pay you or any other inmate in your position overtime wages for your prison industries labor during the time period you discuss in your grievance.

To the extent that you want SCDC to recognize your grievance and the grievances filed by inmates in your position as a "class grievance", none of the authorities you discuss in your grievance require or even consider such recognition. Additionally, none of the authorities Mr. Williams discussed in his now terminated grievance require or even consider such recognition. Finally, none of the applicable SCDC policies or applicable rules of court require or even consider such recognition.

To the extent that you demand in your grievance the same "pre/post judgement interest, costs and attorney fees" Mr. Williams demanded in his now terminated grievance, SCDC's Inmate Grievance System Policy does not entitle you or any other inmate to any pre or post-judgement interest, costs or attorneys fees in connection with SCDC's review and processing of your grievance. Furthermore, SCDC's Inmate Grievance System Policy does not allow for your representation by an attorney at any phase of its review and processing of your grievance.

Therefore, I, again, deny your grievance.

If you desire you may appeal my response within five days of receipt via the Inmate Grievance Coordinator.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

INMATE NAME: Francis Ackerman
SCDC NUMBER: 266928
INSTITUTION: Lieber NOV 4 2004 P.P
HOUSING UNIT: E B5 INMATE GRIEVANCE
WORK ASSIGNMENT:

Office Use Only
Grievance No. LCI-0584-04
Code: General PW
Policy
Disc. Hear.
Class.
Date Received NOV 02 2004
IGC Initials LC

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

I Am not satified with the wardens decison and wish to take it out of his hands

Francis C. Ackerman 11-01-04
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

SEE ATTACHED

5-14-07
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Francis Ackerman 5/23/07
Grievant Signature Date

IGC Signature 5/23/07
Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

SCDC 10.5A (November 1997)

ACKERMAN LCI-0589-04

As directed by the order filed July 1, 2005 and signed June 23, 2005 by Circuit Court Judge Diane S. Goodstein in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., civil action number 02-CP-18-0134, I have reviewed your Step 2 appeal dated November 1, 2004. Along with reviewing your Step 2 appeal, I have also reviewed any and all documents you submitted in support of your Step 1 grievance form dated September 22, 2004.

Additionally, your prison industries participation and pay records were reviewed by the responsible officials at both Lieber and Division of Industries Headquarters in Columbia. These records reflect that you began participating in the prison industries project at Lieber on October 12, 2001 and that your participation in this project ended on August 3, 2002.

After carefully considering the arguments you made in both your Step 2 appeal and your Step 1 grievance, I deny your Step 2 appeal.

As I said at the very beginning of my response, I reviewed your Step 2 appeal and all of the other documents you submitted as directed by the order Judge Goodstein signed on June 23, 2005 order in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc. In the last section of the order she signed June 23, 2005, Judge Goodstein lifted a stay she first imposed on November 3, 2004 by which she halted SCDC's processing of all grievances filed by inmates, like yourself, in which the inmates demanded back wages or higher current wages for the labor they had provided or were currently providing to the prison industries project at Lieber in which Williams Technologies, Inc., acts as the private industry participant. Also within the last section of the order she signed June 23, 2005, Judge Goodstein restored both the grieving inmates and SCDC to the positions they held regarding their respective grievances and responses as of November 3, 2004, and she directed that her stay would be lifted approximately 60 days from the day she signed her order. However, as the attorney who represented the inmates in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., (Douglas Westbrook of Charleston) appealed other sections of the order Judge Goodstein signed on June 23, 2005, the section of Judge Goodstein's order by which she lifted the stay on grievance processing she first imposed on November 3, 2004 could not go into effect until the appellate courts of our state decided with finality the appeal of the other sections of her order.

On February 26, 2007, the South Carolina Supreme Court issued its opinion regarding the appeal filed by the inmates' attorney concerning the other sections of the order signed by Judge Goodstein on June 23, 2005, and the Court's opinion is cited as Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., 372 S.C. 255, 641 S.E.2d 885 (2007). In its opinion, the Supreme Court denied the appeal filed by the inmates' attorney and affirmed the decisions made by Judge Goodstein in the other sections of the order she signed June 23, 2005. Specifically, the Supreme Court affirmed Judge Goodstein's decision to dismiss the inmates' class action lawsuit in its entirety and the Supreme Court also affirmed Judge Goodstein's decision to dismiss the class of inmates she had recognized in earlier proceedings. The inmates' attorney filed a Petition for Rehearing with the Court, but, in an order issued March 21, 2007, the Court denied this Petition for Rehearing. On March 22, 2007, the Clerk of Court for Dorchester County received notice of the Supreme Court's denial of the Petition for Rehearing.

As a result of the Supreme Court's decision to deny the Petition for Rehearing filed by the inmates' attorney and the receipt of the Supreme Court's decision by the Clerk of Court for Dorchester County on March 22, 2007, the section of the order Judge Goodstein signed on June 23, 2005 order by which she lifted the stay on grievance processing she first imposed on November 3, 2004 finally went into effect. Therefore, SCDC had 60 days from the date the Dorchester County Clerk of Court received notice of the Supreme Court's denial of the Petition for Rehearing or May 22, 2007 to resume its processing of grievances including your Step 2 appeal.

The South Carolina Supreme Court, in two opinions it issued on August 23, 2004, first determined that you could file a grievance by which to protest any provision of the "prevailing wage" statutes that applied to the prison industries project in which you participated. These opinions are Adkins, et al., v. SCDC and

ACKERMAN LCI-0589-04

Wicker v. SCDC. Both of these cases discussed S.C. Code Section 24-3-40, 24-3-310, et seq., and, specifically, 24-3-430. Under Wicker, the grievances must be filed, processed, and determined in accordance with the provisions of SCDC's Inmate Grievance System Policy.

SCDC Policy Number GA-01.12 is the policy that establishes SCDC's inmate grievance system. Paragraph 13.1 of SCDC's inmate grievance policy establishes a deadline by which inmates must file grievances for alleged incidents. Specifically, Paragraph 13.1 requires that an inmate must file a grievance "within 15 days of the alleged incident." Exceptions to this deadline appear in paragraph 13.9 of SCDC's policy.

I conclude, after again reviewing your Step 1 grievance and your Step 2 appeal in light of Adkins, Wicker, the deadline established by paragraph 13.1, and the exceptions to this deadline recognized by paragraph 13.9, that you did not submit your Step 1 grievance by the deadline set forth in SCDC's inmate grievance policy. You simply did not submit your grievance within 15 days of when SCDC first paid you an hourly wage that allegedly violated the applicable prison industries statutes and, specifically, Section 24-3-430. The 15 day deadline established in this policy applies to nearly every aspect of inmate activity, and no special exception applies to prison industries pay disputes. Consequentially, the 15 day deadline applies to your grievance.

Moreover, you filed your Step 1 grievance nearly three (3) years after SCDC first paid you for your participation in the project located at Lieber, over two (2) years after your participation in the project at Lieber ended, and over 30 days after the South Carolina Supreme Court issued Adkins and Wicker. Clearly, you exceeded the time frame associated with filing a grievance under SCDC's applicable policy.

In making this decision, I also rely upon the orders issued by the Administrative Law Court in James Wright, #200123, v. SCDC, ALC Docket No. 06-ALJ-04-00114-AP and Henry Williams, #187203, vs. SCDC, Docket No. 06-ALJ-04-00622-AP.

Also, even if you had met the time frames established in paragraphs 13.1 and 13.9, I find that you are not entitled to any of the relief you demand in your grievance.

Contrary to the claims you made in your appeal and grievance, however, I conclude that neither the South Carolina Supreme Court's opinion in Adkins nor its opinion in Wicker ordered you or any other inmate in your position to file a grievance demanding the relief you demand in your Step 1 grievance. These opinions simply acknowledged for the first time that you and other inmates in your position could file such grievances if you desired.

Also, contrary to the claims you made your appeal and grievance, I conclude that you have never been and are not currently an "employee" of either SCDC or Williams Technologies, and I also conclude that neither Adkins nor Wicker declared that you or inmates in your position are employees of SCDC, Williams Technologies, or, for that matter, or any other agency or company. I make this conclusion in reliance of the South Carolina Supreme Court's opinion in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., in which the Court recognized both that inmates are not "employees" of the State of South Carolina and that inmates are not the "employees" of prison industry sponsors like Williams Technologies.

Therefore, to the extent you use the term "employee" within your supporting documents to describe your position; I reject your use of that term. You and the other inmates in your position have been, are, and remain inmates lawfully confined within an SCDC facility, and you performed all of your labor in this prison industries project inside the walls of Lieber CI.

I further conclude that while Adkins, Wicker, and, to some extent, Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., discuss and interpret Section 24-3-430, they do not require that you or inmates in your position receive the "prevailing wage" at the rates set forth in Mr. Williams' September 22, 2004 Step 1 grievance. Mr. Williams stated that the "prevailing wage" for work

ACKERMAN LCI-0589-04

of a similar nature in the private sector was $8.40 to $10.97 per hour in 1999, $9.74 to $11.79 per hour in 2000, and $10.10 to $12.06 per hour in 2001. Mr. Williams based these wage ranges upon a one page memorandum from a College of Charleston professor, Dr. Joseph Benich. Dr. Benich describes himself as an "Economic Loss Expert." Mr. Williams also claimed in his September 22, 2004 Step 1 grievance that, since July 2001, SCDC should have paid you and the other inmates in your position a "negotiated wage" of $4.00 per hour for your labor under other South Carolina statutes. Again, I conclude that no part of the South Carolina Supreme Court's opinions in Adkins, Wicker, or Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., required SCDC to pay you or other inmates in your position the hourly wage rates stated by Mr. Williams in his September 22, 2004 grievance.

Moreover, the hourly rate at which SCDC pays inmates for the labor they provide to any prison industries project may be different than the hourly rate at which SCDC leases the inmates' labor to the private company sponsor under the contract between SCDC and the private company sponsor.

Also, to the extent that you demand overtime wages in your appeal and grievance, I conclude that neither Adkins nor Wicker nor, for that matter, Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., require SCDC to pay you or any other inmate in your position overtime wages for your prison industries labor during the time period you discuss in your Step 1 grievance.

To the extent that you want SCDC to recognize your grievance and the grievances filed by inmates in your position as a "class grievance," none of the authorities you discuss in your Step 1 grievance requires or even considers such recognition. Additionally, none of the authorities Mr. Williams discussed in his September 22, 2004 Step 1 grievance requires or even considers such recognition. Finally, none of the applicable SCDC policies or applicable rules of court requires or even considers such recognition. Again, the South Carolina Supreme Court affirmed Judge Goodstein's decision to dismiss the class of inmates she had earlier recognized in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc.

Finally, to the extent that you demand in your appeal and grievance the same "pre/post judgment interest, costs, and attorney fees" Mr. Williams demanded in his Step 1 grievance, no decision of the South Carolina Supreme Court nor any provision of SCDC's Inmate Grievance System Policy entitles you or any other inmate to any pre or post-judgment interest, costs or attorneys fees in connection with SCDC's review and processing of your grievance.

Therefore, I, again, deny your Step 2 appeal in its entirety.

09/28/2818 14:55 8435772241 QUALEY LAW FIRM PAGE 11/14

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

CHAUNCYE ORR INMATE GRIEVANCE FORM STEP 1

individually, and on behalf of all inmate employees (IE's)

INMATE NAME: listed on attached Exh. A *

SCDC NUMBER: 177069

INSTITUTION: Lieber

HOUSING UNIT: Cooper Unit, Room #A-13

WORK ASSIGNMENT: P.I. #2

Office Use Only
Grievance No. Lrbe-0924-04
Code: General MAY
Policy
Disc. Hear.
Class.
Date Received SEP 30 2004
IGC Initials CC

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) From 1999 to present, IE's were/are employed in the Williams Tech/Lieber service work program. From 1999 to July 2001, WTI/Lieber were required by S.C. Code 24-3-430 to pay IE's the "prevailing wage" for work of a similar nature in the private sector. This prevailing wage was $8.40 to $10.97 for 1999, $9.74 to $11.59 f 2000, and $10.10 to $12.06 for 2001 (Exh. G, H). Since July 2001, WTI/Lieber were required to pay IE's the negotiated wage of $4.00 per hour (Statutes at Large, No. 66. 837.31. eff. July 1, 2001; Exh. B, C). In fact, WTI/Lieber's policy was to pay IE's, in most cases, under $1.00 per hour. Exhibits docume a $.35 per hour base pay rate, maximum pay of $1.00 per hour, the September 3 1998 WTI/Lieber contract specifying a wage of $4 per hour, the names and empl ment periods of all 1000 plus class members, and the pay dates, rates, hours, and pay for all class members from 1999 to June 2004. (Exh. D, E, C, A, and F

* "Exh." denotes exhibits attached to Darrell Williams' Grievance, which are incorporated by reference herein.

ACTION REQUESTED: That IE's be paid back wages at the prevailing wage rate f 1999 to July 2001; and at $4 per hour for July 2001 to present, and in the fu ture; all as determined from Exhibits A-H; and the time cards, pay stubs, an other records for class members shown to IE's counsel July 20, 2004 at Lieber in Jack Staudt's custody. IE's also request pre/post judgment interest, cost ~~and attorney fees~~.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT: IE's hav verbally requested WTI/Lieber to pay them prevailing wages. Darrell Williams in 2001 formally protested the improper wages, and filed a grievance which wa dismissed for want of jurisdiction. In 2002, Williams filed a lawsuit (Willi et al. v. SCDC, et al., Case No. 02-CP-18-134, now pending) which was certifi a class action representing the class identified in Exh. A. On August 23, 20 the S.C. Supreme Court held in the Adkins and Wicker cases that 24-3-430's prevailing wage provision was mandatory, and IE's could file a grievance for Back wages.

Chauncye R. Orr 09/27/04
Grievant Signature Date

ACTION TAKEN BY IGC:

See Warden's response

D Carlton 10/28/04
IGC Signature Date

☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

N/A
Grievant Signature Date

SCDC 10-5 (Rev. November 1997)

(CONTINUED ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

See Attachment

Warden Signature Date

☐ I accept the Warden's decision and consider the matter closed.
☐ I do not accept the Warden's decision and wish to appeal.

Grievant Signature 11/03/04 Date

IGC Signature 11/3/04 Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1.
2. Complete each section in its entirety, writing only in the space provided for inmate use.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form to the Institutional Grievance Coordinator within fifteen (15) days of an alleged incident; policy grievances at any time. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via the Institutional Grievance Coordinator.

09/28/2018 14:55 8435772241 DUALEY LAW FIRM PAGE 12/14

Dick C. Orr, #177069 LCI 0724-04

I find that SCDC does not owe you back wages for the labor you provided as part of your participation in the prison industries project located here at Lieber. I also find that none of the authorities you discuss in your grievance require SCDC to pay you a different hourly rate than the hourly rate SCDC currently pays you for your prison industries labor. Therefore, I deny your grievance.

In making these findings, I consulted with Lieber's Inmate Grievance Coordinator. The Inmate Grievance Coordinator, in turn, consulted with SCDC's General Counsel's Office and SCDC's attorney in the class action lawsuit that raises the same issues you raised in your grievance, Williams, et. al., v. SCDC, eral.; Case No. 02-CP-180134. This attorney also represented SCDC in the South Carolina Supreme Court cases you reference in your grievance, Adkins, et al., v. SCDC and Wicker v. SCDC.

As a result of these efforts, I learned that a circuit court judge will soon consider motions filed by both SCDC and Williams Technologies, Inc. (WTI), the other defendant in the Williams lawsuit, to completely dismiss the case.

I also learned that former Inmate Darrell Williams, the named plaintiff in the class action lawsuit discussed above, also filed a grievance demanding SCDC take action similar if not identical to the action you demand in your grievance. I also learned that Mr. Williams' grievance claims to be a "class action" grievance on behalf of inmates like you. However, I learned that SCDC, in accordance with SCDC policy, terminated Mr. Williams' grievance when SCDC released him from its custody on October 1, 2004.

I conclude that neither the Adkins opinion nor the Wicker opinion ordered you or any other inmate in your position to file a grievance demanding the relief you demand in your grievance. These opinions merely allowed you and other inmates in your position to file such grievances.

I conclude that you are not an "employee" of WTI and that neither Adkins nor Wicker declare that you or inmates in your position are employees of WTI or any other private business. Therefore, to the extent you use the term "inmate/employee" to describe your position or status, I reject your use of that term. You and the other inmates in your position have been, are, and remain inmates lawfully confined within an SCDC facility, and you performed all of your labor in this prison industries project inside the walls of Lieber CI.

I conclude that while Adkins and Wicker discuss and interpret Section 24-3-430, they do not require that you or inmates in your position receive the "prevailing wage" at the rates set forth in Mr. Williams' now terminated grievance. Mr. Williams stated that the "prevailing wage" for work of a similar nature in the private sector was $8.40 to $10.97 per hour in 1999, $9.74 to $11.79 per hour in 2000, and $10.10 to $12.05 per hour in 2001. Mr. Williams based these wage ranges upon a one page memorandum from a College of Charleston Professor, Dr. Joseph Benich. Dr. Benich describes himself as an "Economic Loss Expert". Mr. Williams also stated in his now terminated grievance that, since July 2001, SCDC should have paid you and the other inmates in your position a "negotiated wage" of $4.00 per hour for your labor under other South Carolina statutes.

I conclude that neither Adkins nor Wicker required SCDC to pay you or other inmates in your position the hourly wage rates as stated by Mr. Williams in his now terminated grievance.

Also, to the extent that you demand overtime wages in your grievance, I conclude that neither Adkins nor Wicker require SCDC to pay you or any other inmate in your position overtime wages for your prison industries labor during the time period you discuss in your grievance.

To the extent that you want SCDC to recognize your grievance and the grievances filed by inmates in your position as a "class grievance", none of the authorities you discuss in your grievance require or even consider such recognition. Additionally, none of the authorities Mr. Williams discussed in his now terminated grievance require or even consider such recognition. Finally, none of the applicable SCDC policies or applicable rules of court require or even consider such recognition.

To the extent that you demand in your grievance the same "pre/post judgement interest, costs and attorney fees" Mr. Williams demanded in his now terminated grievance, SCDC's Inmate Grievance System Policy does not entitle you or any other inmate to any pre or post-judgement interest, costs or attorneys fees in connection with SCDC's review and processing of your grievance. Furthermore, SCDC's Inmate Grievance System Policy does not allow for your representation by an attorney at any phase of its review and processing of your grievance.

Therefore, I, again, deny your grievance.

If you desire you may appeal my response within five days of receipt via the Inmate Grievance Coordinator.

11-8-04

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

INMATE NAME: CHAUNCEY E. ORR
SCDC NUMBER: 177069
INSTITUTION: LIEBER CORRECTIONAL INSTITUTION
HOUSING UNIT: COOPER, ROOM #A-13
WORK ASSIGNMENT: P.I. #2

NOV 04 2004

Office Use Only
Grievance No. LCI-0464-04
Code: General CM
Policy
Disc. Hear
Class
Date Received NOV 08 2004
IGC Initials

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

1) ADKINS + WICKER require payment of prevailing wages.
2) INMATES WERE EMPLOYED BY WTI. AND SCDC WAS WTI AGENTS IN PAYING O WAGES.
3) ADKINS + WICKER FURTHER ALLOWS THIS ISSUE OF PAYMENT'S OF WAGES UNDER 24- TO BE GRIEVED PURSUANT TO SCDC PROCEDURES.
4) GRIEVENT INCORPORATES BY REFERENCE ALL EXHIBITS ATTACHED TO GRIEV FILED BY DARRELL WILLIAMS AND ATTORNEY DOUGLAS H. WESTBROOK ON 09-2

Chauncey E. Orr 11/03/04
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

SEE ATTACHED

5-14-05
Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Chauncey E. Orr 05/22/05
Grievant Signature Date

IGC Signature Date 5/23/05

(SEE REVERSE SIDE FOR INSTRUCTIONS)

SCDC 10-5A (Revised July 1997)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review.
3. Submit this completed form with your original Step 1 attached, to the Institutional Grievance Coordinator within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

09/28/2010 14:55 8435772241 DUNLEY LAW FIRM PAGE 06/14

ORR LCI-0724-04

As directed by the order filed July 1, 2005 and signed June 23, 2005 by Circuit Court Judge Diane S. Goodstein in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., civil action number 02-CP-18-0134, I have reviewed your Step 2 appeal dated November 3, 2004. Along with reviewing your Step 2 appeal, I have also reviewed any and all documents you submitted in support of your Step 1 grievance form dated September 27, 2004.

Additionally, your prison industries participation and pay records were reviewed by the responsible officials at both Lieber and Division of Industries Headquarters in Columbia. These records reflect that you began participating in the prison industries project at Lieber on September 6, 1999 and that your participation in this project ended on August 4, 2005.

After carefully considering the arguments you made in both your Step 2 appeal and your Step 1 grievance, I deny your Step 2 appeal.

As I said at the very beginning of my response, I reviewed your Step 2 appeal and all of the other documents you submitted as directed by the order Judge Goodstein signed on June 23, 2005 order in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc. In the last section of the order she signed June 23, 2005, Judge Goodstein lifted a stay she first imposed on November 3, 2004, by which she halted SCDC's processing of all grievances filed by inmates, like yourself, in which the inmates demanded back wages or higher current wages for the labor they had provided or were currently providing to the prison industries project at Lieber in which Williams Technologies, Inc., acts as the private industry participant. Also within the last section of the order she signed June 23, 2005, Judge Goodstein restored both the grieving inmates and SCDC to the positions they held regarding their respective grievances and responses as of November 3, 2004, and she directed that her stay would be lifted approximately 60 days from the day she signed her order. However, as the attorney who represented the inmates in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., (Douglas Westbrook of Charleston) appealed other sections of the order Judge Goodstein signed on June 23, 2005, the section of Judge Goodstein's order by which she lifted the stay on grievance processing she first imposed on November 3, 2004 could not go into effect until the appellate courts of our state decided with finality the appeal of the other sections of her order.

On February 26, 2007, the South Carolina Supreme Court issued its opinion regarding the appeal filed by the inmates' attorney concerning the other sections of the order signed by Judge Goodstein on June 23, 2005, and the Court's opinion is cited as Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., 372 S.C. 255, 641 S.E.2d 885 (2007). In its opinion, the Supreme Court denied the appeal filed by the inmates' attorney and affirmed the decisions made by Judge Goodstein in the other sections of the order she signed June 23, 2005. Specifically, the Supreme Court affirmed Judge Goodstein's decision to dismiss the inmates' class action lawsuit in its entirety and the Supreme Court also affirmed Judge Goodstein's decision to dismiss the class of inmates she had recognized in earlier proceedings. The inmates' attorney filed a Petition for Rehearing with the Court, but, in an order dated March 21, 2007, the Court denied this Petition for Rehearing. On March 22, 2007, the Clerk of Court for Dorchester County received notice of the Supreme Court's denial of the Petition for Rehearing.

As a result of the Supreme Court's decision to deny the Petition for Rehearing filed by the inmates' attorney and the receipt of the Supreme Court's decision by the Clerk of Court for Dorchester County on March 22, 2007, the section of the order Judge Goodstein signed on June 23, 2005 order by which she lifted the stay on grievance processing she first imposed on November 3, 2004 finally went into effect. Therefore, SCDC had 60 days from the date the Dorchester County Clerk of Court received notice of the Supreme Court's denial of the Petition for Rehearing or May 22, 2007 to resume its processing of grievances including your Step 2 appeal.

The South Carolina Supreme Court, in two opinions it issued on August 23, 2004, first determined that you could file a grievance by which to protest any provision of the "prevailing wage" statutes that applied to the prison industries project in which you participated. These opinions are Adkins, et al., v. SCDC and

ORR LCI-0724-04.

Wicker v. SCDC. Both of these cases discussed S.C. Code Section 24-3-40, 24-3-310, et seq., and, specifically, 24-3-430. Under Wicker, the grievances must be filed, processed, and determined in accordance with the provisions of SCDC's Inmate Grievance System Policy.

SCDC Policy Number GA-01.12 is the policy that establishes SCDC's inmate grievance system. Paragraph 13.1 of SCDC's inmate grievance policy establishes a deadline by which inmates must file grievances for alleged incidents. Specifically, Paragraph 13.1 requires that an inmate must file a grievance "within 15 days of the alleged incident." Exceptions to this deadline appear in paragraph 13.9 of SCDC's policy.

I conclude, after again reviewing your Step 1 grievance and your Step 2 appeal in light of Adkins, Wicker, the deadline established by paragraph 13.1, and the exceptions to this deadline recognized by paragraph 13.9, that you did not submit your Step 1 grievance by the deadline set forth in SCDC's inmate grievance policy. You simply did not submit your grievance within 15 days of when SCDC first paid you an hourly wage that allegedly violated the applicable prison industries statutes and, specifically, Section 24-3-430. The 15 day deadline established in this policy applies to nearly every aspect of inmate activity, and no special exception applies to prison industries pay disputes. Consequentially, the 15 day deadline applies to your grievance.

Moreover, you filed your Step 1 grievance over five (5) years after SCDC first paid you for your participation in the project located at Lieber and over 30 days after the South Carolina Supreme Court issued Adkins and Wicker. Clearly, you exceeded the time frame associated with filing a grievance under SCDC's applicable policy.

In making this decision, I also rely upon the orders issued by the Administrative Law Court in James Wrighy, #200123, v. SCDC, ALC Docket No. 06-ALJ-04-00114-AP and Henry Williams, #187203, vs. SCDC, Docket No. 06-ALJ-04-00622-AP.
Also, even if you had met the time frames established in paragraphs 13.1 and 13.9, I find that you are not entitled to any of the relief you demand in your Step 1 grievance or your Step 2 appeal.

Contrary to the claims you made in your appeal and grievance, however, I conclude that neither the South Carolina Supreme Court's opinion in Adkins nor its opinion in Wicker ordered you or any other inmate in your position to file a grievance demanding the relief you demand in your Step 1 grievance. These opinions simply acknowledged for the first time that you and other inmates in your position could file such grievances if you desired.

Also, contrary to the claims you made in your appeal and grievance, I conclude that you have never been and are not currently an "employee" of either SCDC or Williams Technologies, and I also conclude that neither Adkins nor Wicker declared that you or inmates in your position are employees of SCDC, Williams Technologies, or, for that matter, or any other agency or company. I make this conclusion in reliance of the South Carolina Supreme Court's opinion in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., in which the Court recognized both that inmates are not "employees" of the State of South Carolina and that inmates are not the "employees" of prison industry sponsors like Williams Technologies.

Therefore, to the extent you use the term "inmate/employee" within your appeal and grievance to describe your position; I reject your use of that term. You and the other inmates in your position have been, are, and remain inmates lawfully confined within an SCDC facility, and you performed all of your labor in this prison industries project inside the walls of Lieber CI. .

I further conclude that while Adkins, Wicker, and, to some extent, Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., discuss and interpret Section 24-3-430, they do not require that you or inmates in your position receive the "prevailing wage" at the rates set forth in Mr. Williams' September 22, 2004 Step 1 grievance. Mr. Williams stated that the "prevailing wage" for work

ORR-LCI-0724-04

of a similar nature in the private sector was $8.40 to $10.97 per hour in 1999, $9.74 to $11.79 per hour in 2000, and $10.10 to $12.05 per hour in 2001. Mr. Williams based these wage ranges upon a one page memorandum from a College of Charleston professor, Dr. Joseph Benich. Dr. Benich describes himself as an "Economic Loss Expert." Mr. Williams also claimed in his September 22, 2004 Step 1 grievance that, since July 2001, SCDC should have paid you and the other inmates in your position a "negotiated wage" of $4.00 per hour for your labor under other South Carolina statutes. Again, I conclude that no part of the South Carolina Supreme Court's opinions in Adkins, Wicker, or Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., required SCDC to pay you or other inmates in your position the hourly wage rates stated by Mr. Williams in his September 22, 2004 grievance.

Again, I conclude that no part of the South Carolina Supreme Court's opinions in Adkins, Wicker, or Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., required SCDC to pay you or other inmates in your position the hourly wage rates stated by Mr. Williams in his September 22, 2004 grievance.

Moreover, the hourly rate at which SCDC pays inmates for the labor they provide to any prison industries project may be different than the hourly rate at which SCDC leases the inmates' labor to the private company sponsor under the contract between SCDC and the private company sponsor.

To the extent that you demand overtime wages in your appeal or grievance, I conclude that neither Adkins nor Wicker nor, for that matter, Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc., require SCDC to pay you or any other inmate in your position overtime wages for your prison industries labor during the time period you discuss in your Step 1 grievance.

To the extent that you want SCDC to recognize your grievance and the grievances filed by inmates in your position as a "class grievance," none of the authorities you discuss in your appeal and grievance require or even consider such recognition. Additionally, none of the authorities Mr. Williams discussed in his September 22, 2004 Step 1 grievance requires or even considers such recognition. Finally, none of the applicable SCDC policies or applicable rules of court requires or even considers such recognition. Again, the South Carolina Supreme Court affirmed Judge Goodstein's decision to dismiss the class of inmates she had earlier recognized in Darrell Williams, Class Representative, et al., v. SCDC and Williams Technologies, Inc.

Finally, to the extent that you demand in your appeal or grievance the same "pre/post judgment interest, costs, and attorney fees" Mr. Williams demanded in his Step 1 grievance, no decision of the South Carolina Supreme Court nor any provision of SCDC's Inmate Grievance System Policy entitles you or any other inmate to any pre or post-judgment interest, costs or attorneys fees in connection with SCDC's review and processing of your grievance.

Therefore, I, again, deny your Step 2 appeal in its entirety.

THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III, Chief Administrative Law Judge

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Francis Ackerman, #266928, et al.,	)	Docket Nos. 07-ALJ-04-00444 through 00449-AP
	)	Docket Nos. 07-ALJ-04-00500 through 00548-AP
	)	0549-IJ, 0550 through 07-00559-AP
	)	Docket Nos. 07-ALJ-04-00623 through 00632-AP
Appellants,	)	Docket Nos. 07-ALJ-04-00671 through 00677-AP
	)	Docket Nos. 07-ALJ-04-00691, 0752, 0826, 0856
vs.	)	through 0867-AP
	)	Docket Nos. 07-ALJ-04-00869 through 00872-AP
	)	Docket Nos. 07-ALJ-04-00444, 0876, 0885
	)	Docket Nos. 07-ALJ-04-00141 through 00149-AP
South Carolina Department of	)	Docket Nos. 07-ALJ-04-00169 through 00171-AP
Corrections,	)	Docket Nos. 07-ALJ-04-00966 through 01021-IJ
	)	Docket Nos. 07-ALJ-04-01023 through 01045-IJ
Respondent.	)	Docket No. 09-ALJ-04-00304-IJ
	)	

CERTIFICATE OF SERVICE

I certify that I have served a copy of the **Abbreviated Record on Appeal** in the above captioned matter on the Appellants by mailing a copy of it to their counsel, first class postage pre-paid, at the following address:

Douglas H. Westbrook, Esquire
Attorney at Law
23 Broad Street
Charleston, South Carolina 29401

December 2, 2010

Lake E. Summers

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SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	Dock. Nos. 07-ALJ-04-00444 through 00449-AP Dock. Nos. 07-ALJ-04-00500 through 00548-AP 0549-IJ, 0550 through 07-00559-AP Dock. Nos. 07-ALJ-04-00623 through 00632-AP Dock. Nos. 07-ALJ-04-00671 through 00677-AP Dock. Nos. 07-ALJ-04-00691, 0752, 0826, 0856 through 0868-AP Dock. Nos. 07-ALJ-04-00869 through 00872-AP Dock. Nos. 07-ALJ-04-00444, 0876, 0885 Dock. Nos. 08-ALJ-04-00141 through 00149-AP Dock. Nos. 08-ALJ-04-00169 through 00171-AP, 0192-AP Dock. Nos. 08-ALJ-04-00966 through 01022-IJ Dock. Nos. 08-ALJ-04-01023 through 01045-IJ Dock. No. 09-ALJ-04-00304-IJ*
Appellants,	
vs.	
South Carolina Department of Corrections,	
Respondent.	
	BRIEF OF APPELLANTS

Appellants Francis Ackerman, et al. (inmates) respectfully submit their principal brief for the Level One stage of this appeal.**

* The caption includes docket numbers for appellants Douglas Bude, 0868-AP, Keith Eugine, 01022-IJ, and Larry McClam, 0192-AP. The first two were inadvertently omitted from previous captions. Appellants McClam, 0192-AP and 01017-IJ, and perhaps Anthony Murray, 0752 and 0826?, have two docket numbers each. This is apparently due to duplicate filings by counsel and client.

** In its order of April 14, 2010, the Court instructed the parties to brief this appeal in three levels. Level One shall consist of only the two issues stated in the Statement of Issues on Appeal. The Court also ordered filing of an abbreviated Record on Appeal sufficient to cover the issues in Level One. Upon resolution of Level One, the Court will give instructions as to further briefing and supplementation to the record.

STATEMENT OF ISSUES ON APPEAL

1. Did the Adkins and Wicker decisions create a new remedy and/or substantive right?

2. Do Adkins and Wicker apply prospectively or retrospectively?

STATEMENT OF THE CASE*

This case involves some 200 inmate grievances for prevailing wages under S.C. Code §24-3-430(D). Appellants are inmates and former inmates who worked in the Lieber/Williams Technologies (WTI) work program at various times between 1998 and the present.

Section 24-3-430(D) required the Department of Corrections (SCDC) to pay inmates at least "the prevailing wage for work of similar nature in the private sector". As of July 2001, Statutes at Large, No. 66, §37.31 amended §24-3-430(D) to allow SCDC to pay inmates a "negotiated wage".

On August 23, 2004, the Supreme Court issued decisions in Adkins, et al. v. SCDC 360 S.C. 413, 602 S.E. 2nd 51 (S.C., 2004) and Wicker v. SCDC 360 S.C. 421, 602 S.E. 2nd 56 (S.C., 2004). For the first time, the Court held in these cases that inmates could grieve SCDC's failure to pay prevailing wages and appeal to the Administrative Law Court (ALC).

In September 2004, 200 inmates retained undersigned counsel and many

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* The Statement of the Case contains a concise, uncontested history of the proceedings necessary to an understanding of this Level One brief (ALC Rule 60 B(2). For Levels Two and Three, additional history will be stated.

proceeded to file step 1 grievances. All grievances were denied by SCDC. On November 3, 2004, the grievance process was stayed by order of Judge Diane Goodstein. Also in early November, many inmates filed step 2 appeals.

On or about May 21, 2007, the grievance stay was lifted and SCDC resumed grievance processing. From May 2007 to January 2008, SCDC issued final decisions to 116 step 2 appeals. Again, all grievances were denied. SCDC invoked the 15 day rule for "incident" grievances in §13.1 of SCDC Grievance Policy GA-01.12, contending inmates filed more than 15 days after initial employment and the decisions in Adkins and Wicker.

From June 5, 2007 to February 22, 2008, inmates' counsel filed 116 appeals in the ALC. For reasons to be discussed in Level Two or Three, on November 7, 2008 and April 10, 2009 counsel filed 81 automatic appeals in the ALC pursuant to §13.5 of the grievance policy.*

ARGUMENT

1. The Adkins and Wicker decisions created no new substantive right or liability, but they did create new grievance and appeal remedies for inmates' pre-existing right to prevailing wages.

Before Adkins and Wicker, SCDC contended that prevailing wage disputes were not grievable (Bennie Wicker, #122304 v. SCDC Dock. No. 00-ALJ-04-

* Of the original 200 inmates, 197 are now on appeal. Two inmates may not have filed a grievance, and one decided against appeal. Appellant Larry McClam's appeal is the subject of a pending Consent Order to reassign his docket number 0192-AP to Judge Anderson along with the others.

00781-AP, August 13, 2001, Op. 1-2).* Moreover, the ALC lacked jurisdiction to hear these appeals (Wicker v. SCDC 360 S.C. 421, 424-425, 602 S.E. 2nd 56, 58, note 1). In sum, before Adkins and Wicker inmates had no right to grieve prevailing wage disputes or enforce their right to prevailing wages in court.

Inmates contend the Adkins and Wicker decisions corrected this situation by creating new grievance and appeal remedies to vindicate inmates' right to prevailing wages under §24-3-430(D). In Adkins, the Court considered the issue of whether §24-3-430(D) created a private right of action in inmates. The Court held at 360 S.C. 413, 419, 602 S.E. 2nd 51, 55:

> However, notwithstanding our holding that Inmates have no private civil cause of action, they are **not without a remedy.** In accordance with the companion case of Wicker v. South Carolina Dept. of Corrections 360 S.C. 421, 602 S.E. 2nd 56, 2004 WL 1877947 (2004), we hold Inmates **may file an inmate grievance** to protest DOC's failure to pay wages in accordance with the mandatory statutory provisions.

In Wicker, the issue was whether the Circuit Court erred in holding Wicker was entitled to a $5.25 per hour training wage pursuant to his prevailing wage grievance. The Court held that although Wicker had no claim for civil damages, he properly filed a grievance with SCDC (360 S.C. 421,

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* Inmates respectfully request the Court to take judicial notice of this and other ALC appeals cited herein and on file in the Clerk's Office (See Freeman v. McBee 280 S.C. 490, 494, 313 S.E. 2nd 325, 327 (S.C. App., 1984); S.C.D.S.S. v. Janice 383 S.C. 221, 227, 678 S.E. 2nd 463, 467 (S.C. App., 2009); ALC Rule 25 & S.C. Rule of Evidence 201). See also the Consent Order signed by the Court on November 23, 2010, pp. 3-4.

424, 602 S.E. 2nd 56, 57). The second part of the Court's holding is stated at 360 S.C. 421, 424-425, 602 S.E. 2nd 56, 58, note 1:

> Accordingly, in this very limited circumstance,[1] we hold the DOC's failure to pay in accordance with the statutes is **reviewable by the ALJ.**
>
> [1]We note that our holding today is extremely limited and is not to be viewed as **expanding the jurisdiction of the ALJD** in any other circumstance.

Upon review of Adkins and Wicker, inmates contend these decisions did not create a new substantive right or liability. In Wicker, the Court very clearly stated the origin of inmates' substantive right to prevailing wages. At 360 S.C. 421, 424, 602 S.E. 2nd 56, 57-58, the Court stated:

> We find that where, as here, **the state has created a statutory right** to the payment of a prevailing wage, it cannot thereafter deny that right without affording due process of law. Cf, Piatt v. MacDougall 773 F 2nd 1032, 1036 (9th Cir., 1985)
>
> ..
>
> We find **the state's statutory mandate** that inmates be paid the prevailing wage **creates such an interest**, which may not be denied without due process. Piatt v. McDougall, supra.

Thus, it seems apparent that §24-3-430(D), not the Court, created inmates' substantive right upon its enactment in 1995. Wicker recognized this fact.

The Court did, however, create new remedies to enforce the substantive right to prevailing wages. The Adkins Court acknowledged as much when it stated just before its holding that inmates "are not without a remedy" (360 S.C. 413, 419, 602 S.E. 2nd 51, 55). And in Wicker, the Court was careful to note that it was "expanding" the ALC's jurisdiction in these cases (360

S.C. 421, 424, 602 S.E. 2nd 56, 58, note 1). Therefore, but for Adkins and Wicker inmates would be without grievance and appeal remedies.

SCDC apparently agrees that the Court created a new remedy, since it states in its final decisions:

> The South Carolina Supreme Court, in two opinions it issued on August 23, 2004, first determined that you could file a grievance by which to protest any provision of the "prevailing wage" statutes that applied to the prison industries project in which you participated. These opinions are Adkins, et al. v. SCDC and Wicker v. SCDC.

(R, 6-7, 15-16)*

The view that Adkins and Wicker created new remedies also appears consistent with a prior ruling from this Court in Darrell Williams, #219730 v. SCDC Dock. No. 04-ALJ-04-00613-AP, August 10, 2005 (Order of Remand), which stated:

> On August 23, 2004, the South Carolina Supreme Court issued its decision in Wicker v. S.C. Department of Corrections, 360 S.C. 421, 602 S.E. 2nd 56 (2004), which held that inmates may file an inmate grievance to protest the Department's failure to pay wages in accordance with the mandatory statutory provisions. Wicker further held that the ALC shall hear those appeals. Id. at 58. The holding in Wicker granting inmates the right to file a grievance for back wages is founded upon the premise that the right to prevailing wages under S.C. Code Ann. §24-3-430 (Supp. 2003) is a protected property interest for which an inmate in (sic) entitled to due process.

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* "R" denotes the abbreviated Record on Appeal filed for this Level One appeal on December 2, 2010. For brevity, the step 1 and 2 grievances and responses for two inmates, Francis Ackerman and Chauncy Orr, were placed in the record to illustrate the few grievance specific points raised in this Level One brief. The contents of the record were established in the Consent Order signed by the Court on November 23, 2010, at pp. 2-3.

Inmates further contend that the remedies created in Adkins and Wicker were intended to vindicate their existing right to prevailing wages under §24-3-430(D). This statute states that "(N)o inmate participating in the program may earn less than the prevailing wage for work of similar nature in the private sector". It was held to be "mandatory" in Adkins (360 S.C. 413, 419, 602 S.E. 2nd 51, 55). In Wicker, the Court found that in §24-3-430(D), the state "has created a statutory right to the payment of a prevailing wage" (360 S.C. 421, 424, 602 S.E. 2nd 56, 57).

This statutory right to prevailing wages is the right violated by SCDC's underpayment of wages. Together with Adkins and Wicker, it is also the legal basis for inmates' grievances (R, 1, 9).* Finally, it was the reason for the Court's decisions, as evidenced by the holding in Adkins that inmates could file a grievance to protest SCDC's failure to pay wages "in accordance with the mandatory statutory provisions" (360 S.C. 413, 419, 602 S.E. 2nd 51, 55). In sum, inmates' rights and SCDC's liability are based on §24-3-430(D) which pre-existed Adkins and Wicker by nine (9) years.

Inmates submit that Adkins and Wicker created no new substantive right or liability where none existed before. Rather, these decisions created new grievance and appeal remedies to enforce inmates' pre-existing right to prevailing wages under §24-3-430(D).

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* The example grievances referenced are similar if not identical to the others in their reliance on §24-3-430.

2. **Adkins and Wicker apply retrospectively to cover all inmates' work in the past, present and future.**

Inmates contend that Adkins and Wicker apply retrospectively. As a rule, court decisions are applied retroactively to all civil matters that have not reached final judgment (20 Am Jur 2nd (2005), Courts, §152). Decisions are said to be presumptively retrospective (Id, §150). Decisions applied prospectively govern operative facts occurring after the decision, while retroactive decisions apply to all past, present and future cases (Id, §§150-151).

In South Carolina, decisions creating new substantive rights have only prospective effect. Decisions creating new remedies to vindicate existing rights are applied retrospectively. And, prospective application is required when liability is created where none formerly existed (J. Toal, Appellate Practice in South Carolina, 2nd Ed., p. 291, citing Davenport v. Cotton Hope Plantation 333 S.C. 71, 87, 508 S.E. 2nd 565, 574 (S.C., 1998), and other cases). In applying the general rule, South Carolina appellate courts have made decisions fully prospective, selectively prospective, and fully retroactive (Id, p. 291, citing Steinke v. S.C. Department of Labor 336 S.C. 373, 399-400, 520 S.E. 2nd 142, 155-156 (S.C., 1999).

Adkins and Wicker cannot be fully prospective because each decision was applied to the litigants before the Court (Adkins, 360 S.C. 413, 419, 602 S.E. 2nd 51, 55; Wicker, 360 S.C. 421, 424-425, 602 S.E. 2nd 56, 57-58;

Steinke, 336 S.C. 373, 400, 520 S.E. 2nd 142, 156, n. 7 & 8 ("A court uses selective or modified prospectivity when it applies a rule to the case at bar and to all future cases").

Adkins and Wicker could be selectively prospective, but the opinions were silent on this issue. Generally, a selectively prospective decision expressly states that it applies to the present and future cases only (See, Davenport v. Cotton Hope Plantation 333 S.C. 71, 87-88, 508 S.E. 2nd 565, 574 (S.C., 1998); McCall v. Batson 285 S.C. 243, 246, 329 S.E. 2nd 741, 742-743 (S.C., 1985); Ludwick v. This Minute of Carolina, Inc. 287 S.C. 219, 225-226, 337 S.E. 2nd 213, 216 (S.C., 1985); Brown v. Anderson County Hospital 268 S.C. 479, 488, 234 S.E. 2nd 873, 877 (S.C., 1977); McCormick v. England 328 S.C. 627, 644, 494 S.E. 2nd 431, 439 (S.C. App., 1997).

That leaves fully retrospective application as the only possibility. This accords with the general rule that decisions are presumptively retrospective and apply to all civil matters which have not reached final judgment. It is also consistent with the Adkins and Wicker decisions' silence on this issue, and the analysis in issue 1 above.

For the above reasons, inmates submit that Adkins and Wicker should be applied retrospectively to all inmates' work in the past, present and future.

CONCLUSION

In conclusion, inmates respectfully request the following rulings from the Court:

For issue 1, Adkins and Wicker created new remedies for pre-existing rights to prevailing wages;

For issue 2, Adkins and Wicker apply retrospectively to cover all of inmates' work in the past, present and future;

Finally, inmates request that briefing proceed to Levels Two and Three of this appeal, with appropriate supplementation to the record.

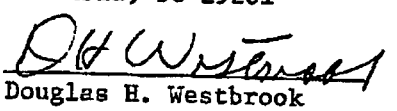
Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 8th day of December 2010, I mailed by first class mail a copy of the Brief of Appellants to counsel for the Respondent South Carolina Department of Corrections as follows:

Lake Summers, Esquire
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Columbia, SC 29201



Douglas H. Westbrook

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

Francis Ackerman, #266928, et al.,	)	Dock. Nos. 07-ALJ-04-00444 through 00449-AP
	)	Dock. Nos. 07-ALJ-04-00500 through 00548-AP
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Appellants,	)	Dock. Nos. 07-ALJ-04-00691, 0752, 0826, 0856
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vs.	)	Dock. Nos. 07-ALJ-04-00869 through 00872-AP
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South Carolina Department of Corrections,	)	Dock. Nos. 08-ALJ-04-00141 through 00149-AP
	)	Dock. Nos. 08-ALJ-04-00169 through 00171-AP,
	)	0192-AP
	)	Dock. Nos. 08-ALJ-04-00966 through 01022-IJ
	)	Dock. Nos. 08-ALJ-04-01023 through 01045-IJ
Respondent.	)	Dock. No. 09-ALJ-04-00304-IJ
	)	
	)	
	)	
_____	)	REPLY BRIEF OF APPELLANTS

Appellants Francis Ackerman, et al. (inmates) respectfully submit their reply brief for the Level One stage of this appeal.

RESPONDENT'S INTRODUCTION

SCDC states it has no record of appellant Keith Eugine being in its custody (SCDC Brief, p. 1, n. 1). However, undersigned counsel has a certificate of service documenting Mr. Eugine's step 1 filing which will be offered for inclusion in the record at the appropriate time.

RESPONDENT'S STATEMENT OF THE CASE

SCDC states that inmates contend they are entitled to a negotiated wage

of more than $4 per hour after July 1, 2001 (SCDC Brief, 3). The correct amount is exactly $4 per hour (R, 8-9).

SCDC states the work projects in Adkins and Wicker differed from the project in question and the July 1, 2001 budget proviso does not apply to the project here (SCDC Brief, p. 3, n. 5). This observation is not relevant to the two issues now on appeal. It is also not mentioned in SCDC's final decisions (R, 6-8, 15-17). Finally, it is an assertion of counsel without support in the record. Ordinarily, the appellate court will not consider a point not based in the record (ALC Rules 65, 68; SCACR 210(h), 220(b)(c)).

SCDC states inmates' grievances were filed under SCDC's grievance policy and preceding and successive editions (SCDC Brief, 4). As stated in many step 1's, these grievances were filed pursuant to Adkins and Wicker's rule that §24-3-430(D) is mandatory and inmates could file a grievance (R, 9).

SCDC cites earlier versions of its grievance policy in support of some of its contentions (SCDC Brief, p. 4, n. 7; p. 8, n. 15; p. 18, n. 30; pp. 22-23). These also are mere assertions of counsel without record support.

ARGUMENT

1. **The Adkins and Wicker decisions created no new substantive right or liability, but they did create new grievance and appeal remedies for inmates' pre-existing right to prevailing wages.**

SCDC contends that before Adkins and Wicker several grievance provisions allowed filing wage grievances and appeal to the ALC: a 1996 provision

allowing grievances on questionable issues (SCDC Brief, p. 8, n. 15); a 2000 provision allowing ALC appeal of final decisions of a judicial or quasi-judicial nature (SCDC Brief, 22-23); and a 2001 provision allowing appeal for allegations of constitutional violations (SCDC Brief, 23).

Inmates contend the pre-Adkins and Wicker situation was otherwise. As discussed in inmates' principal brief, pp. 3-4, SCDC took the position that wage grievances were non-grievable (Bennie Wicker, #122304 v. SCDC Dock. No. 00-ALJ-04-00781-AP, Aug. 13, 2001, Op. 1). Furthermore, the ALC did not have jurisdiction to review these cases (Wicker v. SCDC 360 S.C. 421, 424, n. 1, 425, 602 S.E. 2nd 56, 58, n. 1; James E. McNeil, #147700 v. SCDC Dock. No. 00-ALJ-04-00336-AP, Sept. 5, 2001, en banc Op. 4-5)(limiting ALC appeal jurisdiction to sentence/credits/custody matters and liberty interests).* McNeil also stated the administrative process should include SCDC quasi-judicial decisions to forfeit inmate earned credit (McNeil, 3). Inmates contend prevailing wage grievances do not fall within any of these jurisdictional bases required in McNeil.

Soon after McNeil was decided, the ALC cited it in dismissing an inmate's wage appeal for lack of jurisdiction (Willie Ingram, #83204 v. SCDC Dock. No. 01-ALJ-04-00190-AP, Oct. 23, 2001).

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* Judicial notice is respectfully requested of this and other ALC cases which are cited herein.

And in Wicker, SCDC itself argued to the Supreme Court, citing McNeil, that the ALC lacked subject matter jurisdiction to review Wicker's wage appeal (Wicker v. SCDC 360 S.C. 421, 424, 602 S.E. 2nd 56, 57).

Finally, concerning the 2001 provision allowing appeal of constitutional violations, inmates contend these were also not a basis to appeal wage grievances until Wicker held that §24-3-430(D) created a property interest encompassed by the 14th Amendment's protection of property, and thus due process guarantees through the grievance procedure and appeal to the ALC. See Wicker, 360 S.C. 421, 423-424, 602 S.E. 2nd 56, 57-58.

SCDC contends there is no record of inmates filing wage grievances before Adkins and Wicker, or SCDC returning such grievances unprocessed or rejected (SCDC Brief, p. 8, n. 15; p. 18, n. 30). This is not correct. Many step 1's on file state appellant Darrell Williams in 2001 filed a step 1 which was dismissed for want of jurisdiction (R, 9).

SCDC argues inmates never appealed to the ALC SCDC's denial of wage grievances before Adkins and Wicker (SCDC brief, p. 18, n. 30). Obviously, most inmates did not appeal because they did not file. Most did not file because wage grievances were not enforceable in court.

SCDC states it has never determined if the ALC has jurisdiction to review wage claims (SCDC Brief, p. 18, n. 30). This determination was not necessary as McNeil answered the question with finality until Wicker was decided.

SCDC contends inmates should have relied on the ALC opinion in Wicker and proceeded to file grievances without waiting on the Supreme Court to rule in Wicker (SCDC Brief, p. 12, n. 25). However, less than a month after the ALC ruling the McNeil en banc decision came down effectively nullifying the Wicker ALC opinion by excluding wage grievance disputes from judicial review. Thus, had inmates filed as SCDC suggests, their grievances would have gone nowhere without judicial review.

SCDC contends Adkins and Wicker merely recognized or acknowledged inmates had a pre-existing constitutionally protected property interest in prevailing wages under §24-3-430(D) (SCDC Brief, 7, 14, 16). SCDC states that Wicker and Al Shabazz, when read together, mean that SCDC's grievance policy was a pre-existing forum to air inmates' due process rights and assert their protected property interest (SCDC Brief, 16).

If SCDC is correct, it may reasonably be asked why SCDC treated Bennie Wicker's grievance as "non-grievable" and argued to the Supreme Court that the ALC was without jurisdiction to hear his claim. In fact, before Wicker the right to prevailing wages, although a statutory right, was not **constitutionally** protected by due process until the court in Wicker said it was. Thus, the court did not, and could not, recognize an interest before it came into existence.

SCDC contends Adkins and Wicker merely acknowledged its grievance policy

as the existing and proper mechanism for Wicker to contest his pay (SCDC Brief, 10-12). Before Adkins and Wicker, inmates could have filed wage grievances, as any inmate can file any claim in any court at any time. However, until Adkins and Wicker such wage grievances probably would have been dismissed as non-grievable and/or non-reviewable by the ALC and thus of no practical effect.

SCDC contends there is no language in Wicker suggesting that the court created a new grievance remedy (SCDC Brief, 17). Inmates respectfully disagree. The court stated at 360 S.C. 421, 423-424, 602 S.E. 2nd 56, 57:

> However, simply because Wicker may not file a civil claim for damages in circuit court does not mean he is **without any remedy.** There are numerous issues relating to inmates which, although not giving rise to a private, civil cause of action, are nonetheless grievable through DOC's internal grievance processes. For example, although inmates may not sue for civil damages on matters relating to parole, work release, or work credits, they may enforce such rights via DOC grievance procedures. We find no reason **such procedures should not apply** when an inmate challenges the wages he or she is being paid, particularly where there is a statute mandating payment of the prevailing wage. Accordingly, we hold that although Wicker has no claim for civil damages, he properly filed a grievance with the DOC.

This language demonstrates the court's concern to provide an enforcement mechanism, a remedy, for a statutory right that is currently "without any remedy". The court settles on SCDC's grievance procedure to provide that remedy. Obviously, inmates would not be "without any remedy" if the grievance procedure already applied to these claims.

SCDC contends the phrase, "he properly filed a grievance" in the above quote supports its position (SCDC Brief, 11). However, SCDC's current position is contrary to the position it took before the ALC in Wicker. It is also inconsistent with the court's language, in Adkins and Wicker, that inmates were then "without any remedy" (Adkins, 360 S.C. 413, 419, 602 S.E. 2nd 51, 55; Wicker, 360 S.C. 421, 423-424, 602 S.E. 2nd 56, 57). Inmates contend that the phrase, "he properly filed a grievance", indicates the court is applying its decision retroactively to the litigants before the court. The phrase should not be taken to mean that the remedy fashioned by the court pre-existed the decision for wage grievance claims.

SCDC contends Wicker did not contain language that the decision shall apply to all administrative matters in which SCDC renders a final decision after the date of the opinion (SCDC Brief, 17). The simple reason for this omission is Adkins and Wicker were not intended to be prospectively applied. See principal brief, issue 2.

SCDC contends its final decisions statement that Adkins and Wicker "first determined that you could file a grievance" simply meant that these cases were the first which "discussed" prevailing wages (SCDC Brief, p. 9, n. 19). However, SCDC's statement is more than mere discussion, and comes close to answering the first question presented by this appeal.

SCDC contends a quote from Torrence v. SCDC 373 S.C. 586, 593, 646 S.E.

2nd 866, 869 (S.C., 2007)("Wicker had appropriately utilized the internal grievance procedure to adjudicate his rights") also supports its position (SCDC Brief, 13). This quote omitted an important statement and the adverb "thus":

> Significantly, we held that a state-created right cannot thereafter be denied without affording due process of law. Wicker, 360 S.C. at 424, 602 S.E. 2nd at 57. Thus, Wicker had appropriately utilized..

The omitted statement was "significant" because without the holding of a state-created right which could not be denied without due process, the court might have issued a different ruling. Because Wicker did find a state-created right protected by due process, "thus" Wicker appropriately utilized the grievance process.

In discussing Adkins, the Torrence Court stated at 373 S.C. 586, 593, 646 S.E. 2nd 866, 869:

> Nonetheless, the Adkins Court stated the inmates were not **without a remedy** because Wicker **allowed** them an avenue of **relief** through the inmate grievance system.

If the Adkins inmates were not "without a remedy" because Wicker "allowed" them "relief" through the grievance system, it follows that they would be without a remedy in the absence of Wicker.

SCDC contends Wicker did not expand ALC jurisdiction to review wage grievance appeals as the ALC already had jurisdiction (SCDC Brief, 19). Other than the discussion on pages 3-4 herein, inmates simply point to the

language in Wicker at 360 S.C. 421, 424, n. 1, 602 S.E. 2nd 56, 58, n.1:

> We note that our holding today is extremely limited and is not to be viewed as expanding the jurisdiction of the ALJD in any other circumstance.

This language seems to leave no doubt that the court was adding a basis for jurisdiction which did not exist before.

SCDC contends that Al Shabazz v. State 527 S.E. 2nd 742 (S.C., 2000) established that protected property interests were reviewable by the ALC, and inmates' pay constitutes such an interest that existed before Wicker (SCDC Brief, 21-22). However, as discussed at pages 4-5 above, the right to prevailing wages was not deemed an interest protected by the 14th Amendment until Wicker so ruled.

2. **Adkins and Wicker apply retrospectively to cover all inmates' work in the past, present and future.**

SCDC contends there is no need to decide the retroactivity issue because Adkins and Wicker cannot be applied retroactively to authorize an action already available. For the reasons stated in inmates' briefs, inmates had no enforceable grievance and appeal remedies before Adkins and Wicker, and these remedies were fashioned, or created, in Adkins and Wicker as a matter of due process to enforce inmates' pre-existing right to prevailing wages under §24-3-430(D). Thus, before Adkins and Wicker inmates had no remedy in any sense of the word.

Finally, SCDC states that if the court finds Adkins and Wicker created

new grievance and appeal remedies, SCDC agrees with inmates that these decisions should be applied retroactively.

CONCLUSION

In conclusion, inmates respectfully request the following rulings from the court:

For issue 1, Adkins and Wicker created new remedies for pre-existing rights to prevailing wages;

For issue 2, Adkins and Wicker apply retrospectively to cover all of inmates' work in the past, present and future;

Finally, inmates request that briefing proceed to Levels Two and Three of this appeal, with appropriate supplementation to the record.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 11th day of February 2011, I mailed by first class mail a copy of the Reply Brief of Appellants to counsel for the Respondent South Carolina Department of Corrections as follows:

Lake Summers, Esquire
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D H Westbrook

Douglas H. Westbrook

THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III, Chief Administrative Law Judge

---

Francis Ackerman, #266928, et al.,	)	Docket Nos. 07-ALJ-04-00444 through 00449-AP
	)	Docket Nos. 07-ALJ-04-00500 through 00548-AP
	)	0549-IJ, 0550 through 07-00559-AP
	)	Docket Nos. 07-ALJ-04-00623 through 00632-AP
Appellants,	)	Docket Nos. 07-ALJ-04-00671 through 00677-AP
	)	Docket Nos. 07-ALJ-04-00691, 0752, 0826, 0856
vs.	)	through 0867-AP
	)	Docket Nos. 07-ALJ-04-00869 through 00872-AP
	)	Docket Nos. 07-ALJ-04-00444, 0876, 0885
	)	Docket Nos. 07-ALJ-04-00141 through 00149-AP
South Carolina Department of	)	Docket Nos. 07-ALJ-04-00169 through 00171-AP
Corrections,	)	Docket Nos. 07-ALJ-04-00966 through 01021-IJ
	)	Docket Nos. 07-ALJ-04-01023 through 01045-IJ
Respondent.	)	Docket No. 09-ALJ-04-00304-IJ
	)	

1st SUPPLEMENTAL RECORD ON APPEAL

VOLUME 1

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FOR THE DEPARTMENT

THE STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III, Chief Administrative Law Judge

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	)	0549-IJ, 0550 through 07-00559-AP
	)	Docket Nos. 07-ALJ-04-00623 through 00632-AP
Appellants,	)	Docket Nos. 07-ALJ-04-00671 through 00677-AP
	)	Docket Nos. 07-ALJ-04-00691, 0752, 0826, 0856
vs.	)	through 0867-AP
	)	Docket Nos. 07-ALJ-04-00869 through 00872-AP
	)	Docket Nos. 07-ALJ-04-00444, 0876, 0885
	)	Docket Nos. 07-ALJ-04-00141 through 00149-AP
South Carolina Department of	)	Docket Nos. 07-ALJ-04-00169 through 00171-AP
Corrections,	)	Docket Nos. 07-ALJ-04-00966 through 01021-IJ
	)	Docket Nos. 07-ALJ-04-01023 through 01045-IJ
Respondent.	)	Docket No. 09-ALJ-04-00304-IJ
	)	

CERTIFICATE OF SERVICE

I certify that I have served a copy of the 1st **Supplemental Record on Appeal** in the above captioned matter on the Appellants by mailing a copy of it to their counsel, first class postage pre-paid, at the following address:

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Charleston, South Carolina 29401

May 6, 2011

Lake E. Summers

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1	Ackerman, Francis	266928	07-ALJ-04-0444-AP	LCI-0589-04 + Amdmnt (2/17/06)	09/22/04 1	1 - 7	10/12/01	08/03/02	10/22/01	09/09/02		N/A
2	Aiken, Tyrone	244428	08-ALJ-04-00966-IJ	LCI-0599-04 + Amdmnt (6/23/06)	09/22/04 2	1 - 8	01/15/03	06/26/03	04/22/02	06/30/03		N/A
									02/07/05	05/30/05		
3	Aiken, Tyrone	248367	08-ALJ-00967-IJ	LCI-0616-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 3	1 - 7	10/01/99	06/26/03	10/11/99	06/30/03		N/A
4	Aljalil, Malik	219551	07-ALJ-04-0445-AP	LCI-0621-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 4	1 - 8	08/01/02	09/12/06	10/25/99	11/05/01		N/A (Returned to SCDC)
									08/26/02	09/18/06		
5	Allen, Linso	269378	07-ALJ-04-0446-AP	LCI-0615-04 + Amdnt (2/5/06)	09/22/04 5	1 - 8	01/14/03	06/24/03	10/23/00	12/04/00		N/A
							02/07/05	Active	12/31/01	11/04/02		
									02/21/05	07/21/08		
									08/17/09	09/28/09		
6	Anderson, Frank	282800	08-ALJ-04-00968-IJ	LCI-0637-04 + Amdmnt (2/3/06)	09/22/04 6	1 - 8	05/03/02	06/26/03	05/06/02	06/30/03		N/A
							01/21/05	Active	01/24/05	06/23/08		
7	Austin, Sherman	300028	08-ALJ-04-00141-AP	LCI-0726-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 7	05/03/04	05/27/04	05/17/04	05/31/04		11/30/07

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	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
8	Baker, Henry	263398	08-ALJ-04-00988-IJ	LCI-0608-04	09/22/04 7	1 - 8	05/20/05	01/09/06	10/22/01	06/30/03		N/A
							07/28/06	10/02/06	06/13/05	01/23/06		
									08/07/06	10/16/06		
									07/19/10	08/02/10		
9	Baker, Quentin	297868	07-ALJ-04-00625-AP	LCI-0711-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	03/30/04	01/29/07	04/19/04	02/05/07		N/A
10	Baylor, Michael	265682	08-ALJ-04-00142-AP	LCI-0755-04 + Amdmnt (2/9/06)	09/30/04	1 - 8	10/28/04	01/08/04	06/04/01	12/17/01		08/3 1/07
11	Beach, Jacob	301270	07-ALJ-04-00872-AP	LCI-0730-04 + Amdmnt (2/7/06)	09/30/04	1 - 8	05/24/04	01/24/05	06/14/04	01/24/05		N/A
							04/04/06	Active	04/17/06	06/09/08		
12	Beasley, Darryel	222388	08-ALJ-04-01030-IJ	LCI-0961-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	~~12/04/03~~ 5-6-03 10-6-03	~~07/07/05~~ 4-7-03 7-11-05	05/06/02	04/07/03		09/29/05
									10/06/03	07/11/05		
13	Benninger, Michael	264212	07-ALJ-04-0447-AP	LCI-0600-04	09/22/04 8	1 - 7	06/19/02	08/22/02	07/15/02	08/12/02		N/A
14	Bogan, James	288111	07-ALJ-04-0555-AP	LCI-0675-04 + Amdmnt undtd/unsgnd (4/19/07) (11/30/05)	09/22/04 9	1 - 8	06/26/03	11/02/05	07/14/03	05/02/05		N/A
									08/22/05	11/14/05		

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	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
15	Bowman, Taurus	252745	08-ALJ-04-00143-AP	LCI-0683-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 10	1 - 7	09/27/01	06/26/03	12/03/01	06/30/03		02/01/07
16	Brannon, Lazarus	227847	08-ALJ-04-01040-IJ	LCI-0795-04 + Amdmnt (2/9/06)	09/30/04	1 - 8	06/22/04	07/30/04	04/24/00	12/31/01		N/A
							11/10/04	12/02/04	04/22/02	12/30/02		
							06/18/05	01/06/06	10/17/05	01/09/06		
17	Brewer, Ronald	285756	08-ALJ-04-00969	LCI-0686-04	09/22/04 11	1 - 87	06/27/03	07/18/03	07/14/03	07/28/03		N/A
18	Brown, Frederick	289602	07-ALJ-04-0448-AP	LCI-0746-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	03/29/04	Active	04/05/04	03/15/10		N/A
19	Brown, Keith	295762	08-ALJ-04-00970-IJ	LCI-0718-04 + Amdmnt (2/20/06)	09/30/04	1 - 8	12/02/04	01/24/05	04/05/04	02/07/05		N/A
							10/26/06	10/31/06				
20	Brown, Timothy	238461	07-ALJ-04-0449-AP	LCI-0633-04 + Amdmnt (2/3/06)	09/22/04 12	1 - 8	03/29/00	Active	04/10/00	10/15/07		N/A
21	Bryant, Edward	255998	07-ALJ-04-00885-AP	LCI-0648-04 + Amdmnt (2/4/06)	09/22/04 13	1 - 8	02/27/04	Active	09/23/02	02/24/03		N/A
									12/29/03	03/28/11		

	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
22	Bryant, Gary	258972	07-ALJ-04-0546-AP	LCI-0737-04 + Amdmnt undtd/unsgnd (4/19/07) (LCI-8015-08 10/23/08 unprocessed)	09/30/04	1 - 8	09/09/99	01/05/01	09/27/99	10/08/01		N/A
							03/11/02	08/16/02	03/25/02	08/26/02		
23	Bryant, Pete	242370	08-ALJ-04-00971-IJ	LCI-0632-04 + Amdmnt (2/6/06)	09/22/04 14	1 - 8	12/22/03	08/16/05	07/03/00	12/18/00		N/A
									01/28/02	10/07/02		
									11/17/03	08/08/05		
24	Buchanon, Terrell	277262	07-ALJ-04-0500-AP	LCI-0639-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 15	1 - 7	12/01/03	04/23/04	04/22/02	12/16/02		N/A
									07/14/03	05/03/04		
25	Bude, Douglas	263537	07-ALJ-04-00826-AP	LCI-0728-04 + Amdmnt (2/19/06)	09/30/04	1 - 8	06/12/01	10/31/02	06/18/01	11/04/02		N/A
26	Burke, Larry	281911	07-ALJ-04-0556-AP	LCI-0764-04 + Amdmnt (2/14/06)	09/30/04	1 - 8	10/01/02	08/26/05	10/07/02	04/07/03		N/A
									07/14/03	09/05/05		
27	Bush (Busch), Christopher	300690	07-ALJ-04-0501-AP	LCI-0791-04 + Amdmnt undtd/unsgnd (4/19/07) (2/3/06)	09/30/04	1 - 8	06/09/04	05/23/06	06/28/04	05/29/06		N/A

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	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
				3-14-06								
28	Busques, Michael	191961	08-ALJ-04-00972-IJ	LCI-0745-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	08/03/04	05/05/05	08/09/04	05/16/05		N/A
29	Butler, Richard	162467	08-ALJ-04-00973-IJ	LCI-0722-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 7	06/27/00	06/23/03	07/03/00	06/30/03		N/A
30	Butler, Thomas	257552	08-ALJ-04-00990-IJ	LCI-0812-04 + Amdmnt (2/9/06)	10/04/04	1 - 6 & 8	04/20/04	05/14/04	02/28/00	11/04/02	*Appellant filed duplicate grievances*	N/A
							03/01/07	03/27/07	03/10/03	03/24/03		
				LCI-0891-07	06/08/07		02/20/07	Active	07/14/03	08/25/03		
									12/29/03	12/29/03		
									05/03/04	05/17/04		
									03/19/07	03/28/11		
31	Carter, Derek	275938	07-ALJ-04-00671-AP	LCI-0706-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	07/10/01	07/01/05	07/16/01	07/11/05		N/A
							03/02/07	Active	03/19/07	02/04/08		
32	Carter, Kenneth	243538	08-ALJ-04-00144-AP	LCI-0670-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04	1 - 8	04/26/00	03/25/02	05/22/00	03/25/02		N/A (*Returned to SCDC*)
									03/31/08	01/19/09		
33	Carter, Thomas	249362	08-ALJ-04-00989-IJ	LCI-1897-05 + Amdmnt undtd/unsgnd (4/19/07)	12/29/05	1 - 6	03/15/04	10/11/05	04/19/04	10/17/05		08/29/08

	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
34	Cassidy, Rudy	238732	07-ALJ-04-0502-AP	LCI-0672-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 17	1 - 8	04/19/02	10/04/05	05/06/02	10/17/05		N/A
35	Choice, Leroy	113990	07-ALJ-04-00859-AP	LCI-0645-04 + Amdmnt (2/3/06)	09/22/04 18	1 - 8	11/10/99	Active	11/22/99	03/24/03		N/A
									06/02/03	03/28/11		
36	Clark, Sheldon	264772	07-ALJ-04-0503-AP	LCI-0635-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 19	1 - 7	03/29/00	06/26/03	04/24/00	06/30/03		N/A
363												
37	Cobb, Zawaski	187136	07-ALJ-04-0504-AP	LCI-0681-04 + Amdmnt (2/5/06)	09/22/04 20	1 - 8	11/27/00	02/27/01	12/04/00	02/26/01		N/A
							01/10/03	06/26/03	09/24/01	06/30/03		
							01/20/05	Active	01/24/05	02/04/08		
									05/11/09	05/11/09		
38	Cobbs, Baron	280479	08-ALJ-04-01032-IJ	LCI-0598-04 + Amdmnt (2/5/06)	09/22/04 21	1 - 8	01/16/02	09/06/05	03/11/02	01/27/03		08/01/07
							06/09/06	Active	07/28/03	09/19/05		
									07/10/06	08/20/07		
39	Cooper, Kamathene	145333	07-ALJ-04-0505-AP	LCI-0788-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	08/10/01	Active	08/27/01	06/07/10		N/A

	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
40	Corley, Frank	292975	07-ALJ-04-00626-AP	LCI-0723-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	12/08/03	04/04/05	07/14/03 12/15/03	07/28/03 04/18/05		N/A
41	Cummings, Gladstone	267450	07-ALJ-04-0506-AP	LCI-0751-04 + Amdmnt (2/4/06)	09/30/04	1 - 7	07/17/00	06/16/03	10/09/00	01/12/04		N/A
42	Curtis, Patrick	175139	07-ALJ-04-0507-AP	LCI-0662-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 22	1 - 8	10/04/01	03/22/02	11/05/01	03/25/02		N/A
43	Daniels, Quintin	196284	07-ALJ-04-00508-AP	LCI-0652-04 + Amdmnt (2/4/06)	09/22/04 23	1 - 7	03/23/02	Active	12/17/01	03/28/11		N/A
44	Davis, Curtis	238776	07-ALJ-04-0509-AP	LCI-0685-04 + Amdmnt undtd/unsgnd (4/19/07) (2/13/06)	09/22/04 24	1 - 7	10/17/00	06/19/02	10/23/00	07/01/02		N/A
45	Davis, Garry	106144	08-ALJ-04-00974-IJ	LCI-0829-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 25	1 - 5 & 7	08/02/01	11/16/01	09/10/01	11/19/01		N/A
46	Dempsey, Heyward	134171	07-ALJ-04-0510-AP	LCI-0657-04 + Amdmnt (2/3/06)	09/22/04 26	1 - 7	07/11/00	06/26/03	10/23/00	06/30/03		N/A

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	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues In Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
47	Denney, Phillip	240678	07-ALJ-04-0511-AP	LCI-0716-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	03/30/04	03/07/07	04/05/04	03/19/07		N/A
48	Deveaux, Perry	109601	08-ALJ-04-00997-IJ	LCI-0645-07 (Reply to Step 1 flowing)	05/17/05 5-17-07	1 - 6	11/03/00	08/12/04	11/20/00	06/17/02		N/A
49	Dewey, Daniel	276678	07-ALJ-04-00857-AP	LCI-0771-04 + Amdmnt (2/5/06)	09/30/04	1 - 8	08/10/01	12/10/02	08/27/01	12/30/02		N/A
50	Drummond, Calvin	236322	08-ALJ-04-00145-AP	LCI-0757-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 7	02/06/04	03/23/04	07/30/01 12/29/03	11/04/02 03/22/04		06/06/06
51	Durham, Jerome	270393	07-ALJ-04-0513-AP	LCI-0688-04 + Amdmnt (2/3/06)	09/22/04 27	1 - 8	12/04/00	06/26/03	12/18/00 01/28/02 11/12/07	06/04/01 06/30/03 07/19/10		N/A
52	Durham, Paul	219573	07-ALJ-04-0512-AP	LCI-0727-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	08/15/04	08/25/06	04/19/04	09/04/06		N/A
53	Edger, Harlon	261866	07-ALJ-04-0547-AP	LCI-0712-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	06/07/04	Active	10/23/00 06/14/04 08/02/10	12/29/03 08/03/09 03/28/11		N/A

	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
54	Eigner, Keith	299153	07-ALJ-04-0514-AP	LCI-0792-04 + Amdmnt (2/8/06)	9-27-04 09/30/04	1 - 6 & 8	03/30/04	05/14/04	04/19/04	05/17/04		N/A
55	Elder, Willie	246208	07-ALJ-04-00869-AP	LCI-0642-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 28	1 - 8	01/09/02	05/04/05	04/08/02	05/16/05		N/A
56	Elliott, Rodney	251337	08-ALJ-04-01045-IJ	LCI-1242-07 + Amdmnt (2/8/06)	1-20-07 05/21/07	1 - 6 & 8	11/03/00	05/05/02	11/08/99	01/31/00		N/A
							12/04/02	12/17/02	10/08/01	10/08/01		
									09/17/07	11/12/07		
57	English, Anthony	238474	08-ALJ-04-975-IJ	LCI-0605-04 + Amdmnt (2/5/06)	09/22/04 29	1 - 8	01/14/04	01/17/04	07/31/00	05/19/03		N/A
							11/24/04	11/24/04	11/03/03	01/26/04		
58	Enriquez, James	215539	08-ALJ-04-00996-IJ	LCI-0750-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 5 & 7	09/23/00	11/02/00	07/31/00	11/06/00		N/A
59	~~Eugine, Keith~~	~~N/A~~	~~08-ALJ-04-01019-IJ~~	~~NONE~~	~~NONE~~	~~N/A~~	~~N/A~~	~~N/A~~	~~N/A~~	~~N/A~~	~~No record of incarceration w/SCDC~~	~~N/A~~
60	Etheredge, Kerlan	236635	08-ALJ-04-00976-IJ	LCI-0692-04	09/22/04 30	1 - 8	03/19/02	07/27/02	07/31/00	12/31/01		N/A
							04/27/05	06/14/05	03/25/02	07/29/02		
									05/02/05	06/27/05		
61	Evans, James	267837	08-ALJ-04-00977-IJ	LCI-0651-04	09/22/04 31	1 - 8	03/30/01	05/29/01	04/09/01	06/04/01		N/A
									09/18/06	07/06/09		

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	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
62	Feggins, David	287157	08-ALJ-04-00146-AP	LCI-0741-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	03/01/04	07/05/06	03/08/04	07/10/06		06/01/07
							02/08/07	Active	02/19/07	05/28/07		
63	Felder, Bernard	122099	07-ALJ-04-0515-AP	LCI-0594-04 + Amdmnt (2/9/06)	09/22/04 32	1 - 5 & 7	12/10/99	07/24/00	12/20/99	07/31/00		N/A
64	Ferguson, Terry	299080 211141	08-ALJ-04-00147-AP	LCI-0644-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 33	1 - 5 & 7	09/11/00	05/29/01	10/23/00	06/04/01		04/07/06
65	Flores, Jose	240563	08-ALJ-04-00978-IJ	LCI-0715-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	01/15/03	05/02/03	01/27/03	05/19/03		N/A
									08/20/07	09/03/07		
66	Foye, James	211523	08-ALJ-04-01024-IJ	LCI-XXXX-XX + Amdmnt undtd/unsgnd (4/19/07)	2-29-08 02/28/08	1 - 6	03/24/00	04/27/00	04/10/00	04/10/00		06/30/06
67	Gadsden, Ray	187527	08-ALJ-04-01035-IJ	LCI-0811-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 7	10/26/01	12/01/02	12/31/01	02/11/02		N/A
									06/03/02	12/02/02		
68	Gamble, Maxie	254413	08-ALJ-04-00995-IJ	LCI-0655-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 34	1 - 8	01/06/00	12/12/02	01/17/00	12/30/02		N/A

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	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
69	Garrett, Robert	291096	08-ALJ-04-00979-IJ	LCI-0753-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	02/10/04	08/08/05	07/14/03	08/11/03		N/A
									03/22/04	08/22/05		
70	Garriett, Jermaine	191274	07-ALJ-04-0516-AP	LCI-0782-04 + Amdmnt (2/13/06)	09/30/04	1 - 8	12/03/03	12/27/03	07/28/03	08/11/03		N/A
									12/15/03	03/08/04		
									06/14/04	12/13/04		
									02/06/06	07/24/06		
71	Gatewood, Fred	289775	07-ALJ-04-0517-AP	LCI-0871-04 + Amdmnt (2/3/06)	10-18-04 10/18/04	1 - 2; 4 - 6 & 8	09/28/04	Active	10/18/04	09/01/08		N/A
									03/02/09	04/13/09		
72	Gaymon, Jammie	208922	07-ALJ-04-0557-AP	LCI-0601-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 35	1 - 7	03/15/02	12/12/02	01/01/01	12/31/01		N/A
									04/22/02	01/27/03		
73	Geddis, Reginald	183851	08-ALJ-04-00980-IJ	LCI-0676-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 36	1 - 8	03/15/00	06/26/03	03/27/00	06/30/03		N/A
74	Gilbert, Marvin	273934	08-ALJ-04-01026-IJ	LCI-0732-04	09/30/04	1 - 3 & 5 - 7			08/11/03	03/08/04		11/05/04

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75	Goff, Dennis	177506	07-ALJ-04-0518-AP	LCI-0671-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 37	1 - 8	02/06/04	11/09/04	05/07/01	03/11/02		N/A
									06/17/02	01/13/03		
									12/29/03	11/15/04		
76	Graham, Charles P.	294453	08-ALJ-04-01039-IJ	LCI-0762-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	02/06/04	Active	03/22/04	7-1-09 ~~07/03/09~~		N/A
				LCI-0385-08	03/21/08							
77 369	Graham, Richard	228235	08-ALJ-04-00981-IJ	LCI-0626-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 38	1 - 8	11/13/03	07/27/04	02/28/00	08/09/04		N/A
							11/14/04	01/24/05	11/15/04	02/07/05		
78	Grant, Gregory	109656	07-ALJ-04-0519-AP	LCI-0695-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 39	1 - 7	02/06/02	05/15/03	04/08/02	05/19/03		N/A
79	Grant, Howard	255473	08-ALJ-04-01043-IJ	LCI-0647-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 40	1 - 8	10/22/03	04/05/05	01/17/00	10/23/00		05/01/07
									06/18/01	05/19/03		
									06/14/04	04/18/05		
80	Greene, Nehemiah	243339	07-ALJ-04-00858-AP	LCI-0703-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	08/06/99	Active	08/16/99	10/13/08		N/A

	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
81	Grooms, Gary	283860	08-ALJ-04-00982-IJ	LCI-0766-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	07/17/02	03/23/05	07/29/02	04/04/05		N/A
82	Hampton, Nelson	286427	07-ALJ-04-0520-AP	LCI-0631-04 + Amdmnt undtd/unsgnd (4/19/07) (10/12/05)	09/22/04 41	1 - 7	12/01/00	03/05/01	1-1-01 06/14/04	3-12-01 (#23751-9) 06/14/04		N/A
83	Hare, Willie	256641	07-ALJ-04-00672-AP	LCI-0669-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 42	1 - 8	07/30/99	06/26/03	10/25/99	06/30/03		N/A
							01/21/05	05/24/05	01/24/05	05/30/05		
84	Harlen, Wayne	245705	08-ALJ-04-00983-IJ	LCI-0653-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 43	1 - 8	07/09/01	01/08/02	12/20/99	09/25/00		N/A
									07/30/01	12/31/01		
85	Harrell, David	260004	07-ALJ-04-0558-AP	LCI-0759-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	09/08/99	08/03/02	09/27/99	09/09/02		N/A
86	Hartman, James	219770	07-ALJ-04-0521-AP	LCI-0763-04 + Amdmnt undtd/unsgnd (4/19/07) (2/4/06)	09/30/04	1 - 8	03/15/99	01/08/07	02/01/99	02/01/99		N/A
									05/10/99	01/22/07		

	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
87	Hayes, Gary	263985	07-ALJ-04-0522-AP	LCI-0769-04 + Amdmnt undtd/unsgnd (4/19/07) (2/3/06)	09/30/04	1 - 7	03/08/00	02/06/04	03/13/00	02/09/04		N/A
88	Hayes, Johnny	267910	08-ALJ-04-0984-IJ	LCI-0609-04 + Amdmnt (2/10/06)	09/22/04 44	1 - 8	02/01/02	07/26/02	02/11/02	07/29/02		N/A
									07/14/03	07/14/03		
89	Hickenbottom, Steve	196263	08-ALJ-04-00985-IJ	LCI-0744-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	11/20/03	10/04/04	09/27/99	09/08/03		N/A
							04/19/05	Active	12/01/03	10/18/04		
									05/02/05	12/24/07		
90	Holden, Johnny	245199	07-ALJ-04-0548-AP	LCI-0705-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	09/09/99	08/15/05	10/11/99	08/08/05		N/A
91	Hood, Michael	279897	07-ALJ-04-0523-AP	LCI-0714-04	09/30/04	1 - 8	11/28/01	03/31/05	01/28/02	09/09/02		N/A
									07/28/03	04/04/05		
92	House, Willie	257820	08-ALJ-04-00148-AP	LCI-0650-04 + Amdmnt undtd/unsgnd (4/19/07) (11/23/05)	09/22/04 45	1 - 8	02/28/00	10/23/02	03/13/00	11/04/02		12/01/05
93	Hughes, Don	256862	07-ALJ-04-0549-IJ	LCI-0606-04 + Amdmnt (2/10/06)	9-23-04 09/22/04 46	1 - 7	01/25/02	03/31/03	12/06/99	07/03/00		N/A
									02/11/02	04/05/04		

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	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
94	Inman, Timothy	151123	08-ALJ-04-01025-IJ	LCI-0777-04 + Amdmnt (2/5/06)	09/30/04	1 - 8	08/25/04	10/03/06	09/06/04	10/02/06	*Deceased*	N/A
95	Jackson, Chuck	266425	08-ALJ-04-01023-IJ	LCI-XXXX-08	1-29 02/28/08	1 - 3 & 5 - 6	07/16/02	06/26/03	10/08/01	01/28/02		06/23/05
									09/09/02	06/30/03		
96	Jackson, James	267718	07-ALJ-04-00627-AP	LCI-0736-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	02/08/02	02/05/07	09/24/01	09/05/05		N/A
									07/10/06	10/27/08		
97 372	Jenkins, Peter	257321	08-ALJ-04-00149-AP	LCI-0620-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 47	1 - 7	11/10/99	05/02/03	12/06/99	05/05/03		10/19/05
98	Jordan, Wilbur	272264	07-ALJ-04-00863-AP	LCI-0654-04 + Amdmnt undtd/unsgnd (4/19/07) (10/11/05)	09/22/04 48	1 - 8	10/07/02	11/03/04	11/04/02	11/01/04		10/01/07
99	Joyner, Alfred	260442	08-ALJ-04-00986-IJ	LCI-0636-04 + Amdmnt (2/1/06)	09/22/04 49	1 - 8	12/13/01	06/26/03	10/25/99	10/08/01		N/A
							05/16/05	03/22/06	01/14/02	06/30/03		
									05/30/05	04/03/06		
100	Kelly, Keith	257556	08-ALJ-04-00994-IJ	LCI-0773-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	02/15/00	05/18/05	02/28/00	05/30/05		N/A

	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appella. Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
101	Kelsey, Joseph	217218	08-ALJ-04-01021-IJ	LCI-0733-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	05/30/00	10/05/01	06/05/00	02/12/01		N/A
									09/24/01	10/08/01		
102	Key, Michael	266890	07-ALJ-04-0550-AP	LCI-0767-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	07/21/00	Active	10/09/00	06/11/07		10/01/07
103	Knight, Dennis	286981	07-ALJ-04-00871-AP	LCI-0707-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	02/20/03	07/03/03	07/14/03	08/11/03		N/A
									11/17/03	02/23/04		
							10/18/04	01/24/06	10/17/05	10/17/05		
									11/12/07	01/18/10		
104	Lambros, Nick	215080	08-ALJ-04-01020-IJ	LCI-0957-04 + Amdmnt (2/13/06)	10-25-04 11/04/04	1 - 6 & 8	08/06/99	03/08/02	08/16/99	03/11/02		N/A
									08/06/07	09/03/07		
									05/11/09	05/11/09		
105	Lareau, Alain	128014	07-ALJ-04-00624-AP	LCI-0643-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 50	1 - 7	06/01/01	10/31/02	06/18/01	11/04/02		N/A
									07/14/03	07/28/03		
106	Law, Nikia	260855	07-ALJ-04-0524-AP	LCI-0761-04 + Amdmnt (2/5/06)	09/30/04	1 - 8	12/18/03	Active	10/25/99	11/08/99		N/A
									04/24/00	02/11/02		
									12/29/03	08/20/07		

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	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
107	Lease, Stephen	137016	07-ALJ-04-0525-AP	LCI-0778-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	08/06/99	05/04/05	08/16/99	05/16/05		N/A
108	Lee, Archie	226354	07-ALJ-04-0551-AP	LCI-0694-04 + Amdmnt undtd/unsgnd (4/19/07) (3/14/06)	9-4-04 09/22/04 51	1 - 5 & 7	10/13/00	03/31/01	11/06/00	03/12/01		N/A
109	Leonard, Harry	249996	07-ALJ-04-0526-AP	LCI-0677-04 + Amdmnt (2/3/06)	09/22/04 52	1 - 8	08/06/99	Active	08/16/99	02/02/09		N/A
110	Libby, Ricky	274681	07-ALJ-04-00623-AP	LCI-0612-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 53	1 - 7	03/11/02	11/12/05	03/25/02 11/03/03	08/12/02 11/17/03		10/01/07
111	Linen, Quinton	238553	07-ALJ-04-00628-AP	LCI-0597-04 + Amdmnt (2/12/06)	09/22/04 54	1 - 8	08/05/02	01/04/05	08/26/02 07/14/03 10/04/04	04/07/03 06/14/04 01/10/05		N/A
112	Livingston, Raymond	277133	08-ALJ-04-01019-IJ	LCI-0717-04 + Amdmnt (2/6/06)	09/30/04	1 - 8	01/13/02	Active	09/24/01 04/16/07	01/27/03 10/15/07		N/A
113	Lyles, Donald	296135	08-ALJ-04-00987-IJ	LCI-0735-04 + Amdmnt undtd/unsgnd (4/19/07)	9-4-04 09/30/04	1 - 8	05/18/04	01/05/06	05/31/04	01/09/06		N/A (*Returned to SCDC*)

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114	Mack, Earl	216237	07-ALJ-04-0529-AP	LCI-0667-04 + Amdmnt (2/3/06)	09/22/04 55	1 - 7	03/14/00	06/23/03	03/27/00	06/30/03		N/A
115	Mack, Lavanza	189340	08-ALJ-04-01018-IJ	LCI-0590-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 56	1 - 8	03/29/04	10/11/05	04/05/04	10/17/05		N/A
116	Martin, Percy	270035	08-ALJ-04-00169-AP	LCI-0611-04 + Amdmnt (2/3/06)	09/22/04 57	1 - 8	12/01/00	02/24/03	12/18/00	03/10/03		06/01/07
							05/19/03	Active	06/02/03	05/14/07		
117	Martino, Cedric	291396	08-ALJ-04-00999-IJ	LCI-0775-04 + Amdmnt (2/6/06)	09/30/04	1 - 8	06/30/03	07/22/03	07/14/03	08/11/03		N/A
118	McAteer, Donald	292961	08-ALJ-04-01000-IJ	LCI-0673-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 58	1 - 8	12/08/03	12/21/05	12/29/03	12/26/05		N/A
119	McClam, Larry	282972	08-ALJ-04-01017-IJ	LCI-0734-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	02/07/05	Active	05/20/02	06/03/02		N/A
									02/21/05	08/20/07		
120	McFadden, Herbert	184297	07-ALJ-04-0527-AP	LCI-0776-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	04/05/04	08/02/05	05/31/04	08/08/05		N/A

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121	McFadden, James	235419	07-ALJ-04-00860-AP	LCI-0708-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	04/05/02	01/02/06	05/06/02	04/07/03		N/A
							05/24/06	Active	07/14/03	05/31/04		
									11/14/05	02/06/06		
									05/29/06	10/15/07		
122	McFarland, Michael	266870	07-ALJ-04-0528-AP	LCI-0624-04 + Amdmnt (2/4/06)	09/22/04 5-9	1 - 8	09/23/02	Active	10/07/02	12/10/07		N/A
123	McNeil, Tony	235846	08-ALJ-04-01016-IJ	LCI-0794-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 7	10/01/02	10/08/02	07/03/00	12/18/00		N/A
									10/21/02	10/21/02		
124	McNeill, Edsell	219506	NONE	NONE	N/A	N/A	~~07/09/99~~	~~11/11/99~~	~~08/16/99~~	~~11/08/99~~	*Per Appellants' counsel, no grievance or appeal filed*	N/A
							~~04/05/02~~	~~09/04/02~~	~~05/06/02~~	~~09/09/02~~		
125	Miles, Thomas	246763	07-ALJ-04-00629-AP	LCI-0697-04 + Amdmnt (2/23/06)	4-21-04 09/23/04 60	1 - 7	06/07/01	01/29/02	06/18/01	01/14/02		N/A
126	Miller, Darrin	259593	07-ALJ-04-00876-AP	LCI-0630-04 + Amdmnt (2/6/06)	09/22/04 6-1	1 - 8	04/10/02	Active	09/27/99	06/21/10		N/A
127	Miller, Ernest	235474	07-ALJ-04-00673-AP	LCI-0682-04 + Amdmnt (2/3/06)	09/22/04 6-2	1 - 8	03/21/01	06/26/03	03/27/00	06/30/03		N/A
							01/21/05	Active	01/24/05	08/20/07		

	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues In Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
128	Mills, Wilbert	244004	08-ALJ-04-01042-IJ	LCI-0894-04	09/22/04 63	1 - 7	12/20/01	06/23/03	01/29/02	06/30/03		08/01/05
129	Morris, Roy	288777	07-ALJ-04-00856-AP	LCI-0768-04 + Amdmnt (2/13/06)	09/30/04	1 - 8	06/26/03	06/10/04	07/14/03 08/06/07	06/14/04 02/16/09		N/A
130	Moultrie, John	276527	07-ALJ-04-0530-AP	LCI-0760-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	10/29/01	11/30/06	12/17/01	12/11/06		N/A
131	Muntaqin, Matin	142282	07-ALJ-04-0531-AP	LCI-0649-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 64	1 - 7	11/30/01	06/26/03	12/31/01	06/30/03		N/A
132	Murphy, Anthony	295893	07-ALJ-04-00691-AP	LCI-0740-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	03/19/04	03/09/05	04/05/04	03/21/05		N/A
133	Murray, Anthony	237867	07-ALJ-04-00752-AP	LCI-0709-04 + Amdmnt undtd/unsgnd (4/19/07) (2/12/06)	09/30/04	1 - 8	06/26/03	04/18/05	07/14/03	05/02/05		N/A
134	Murray, James	165487	08-ALJ-04-00170-AP	LCI-0610-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 65	1 - 7	08/10/01	07/26/02	08/27/01	08/12/02		02/01/06

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135	Norris, Robert	266101	07-ALJ-04-00674-AP	LCI-0618-04 + Amdmnt (2/5/06)	09/22/04 66	1 - 8	06/15/00	06/20/03	07/31/00	06/30/03		N/A
							03/02/05	09/19/05	03/21/05	09/19/05		
							07/13/06	09/22/06	07/24/06	10/02/06		
136	Orr, Chauncy	177069	07-ALJ-04-00630-AP	LCI-0724-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	09/06/99	08/04/05	08/16/99	08/08/05		N/A
									05/12/08	10/27/08		
137	Panell, Joe	89592	08-ALJ-04-01038-IJ	LCI-0592-04	09/22/04 67	1 - 3 & 5 - 7			05/22/00	07/01/02		N/A
138	Patterson, Frank	283098	08-ALJ-04-01015-IJ	LCI-0661-04 + Amdmnt (2/8/06)	09/22/04 68	1 - 7	07/29/02	08/01/02	08/12/02	08/12/02		N/A
139	Perez, Jose	237727	NONE	NONE	N/A	N/A	~~10/01/02~~	~~10/18/05~~	~~10/07/02~~	~~05/19/03~~	Per Appellants' counsel, no grievance or appeal filed	N/A
140	Pitts, Tony	280579	07-ALJ-04-0532-AP	LCI-0664-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 69	1 - 8	03/27/02	07/28/05	04/08/02	08/08/05		N/A
141	Poston, Kevin	266083	07-ALJ-04-00865-AP	LCI-0754-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	09/17/02	12/08/03	10/07/02	04/07/03		N/A
									12/29/03	12/29/03		
142	Pressley, Rodney	177947	08-ALJ-04-00993-IJ	LCI-0733-07	06/04/07	1 - 6	11/04/99	01/11/00	11/22/99	01/17/00		N/A

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143	Pringle, Germaine	250390	07-ALJ-04-0533-AP	LCI-0634-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 70	1 - 8	04/11/02	11/30/04	04/22/02	04/07/03		N/A
									07/14/03	11/29/04		
144	Priuleau, Francis	268813	07-ALJ-04-00861-AP	LCI-1004-04 + Amdmnt (undtd)	9-23-04 Q, 3063 11/12/04 71	1 - 8	04/02/01	Active	04/09/01	04/07/03		N/A
									06/02/03	01/17/11		
145	Richards, Larkland	281768	07-ALJ-04-0553-AP	LCI-0660-04 + Amdmnt undtd/unsgnd (4/19/07) (1/19/06)	09/22/04 72	1 - 7	04/19/02	06/26/03	05/06/02	06/30/03		N/A
146	Richardson, Gene	93614	07-ALJ-04-0534-AP	LCI-0779-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	09/09/99	02/07/06	09/27/99	02/20/06		N/A
147	Richardson, Isaac	232574	07-ALJ-04-0552-AP	LCI-0684-04 + Amdmnt (2/4/06)	09/22/04 73	1 - 8	04/08/02	Active	10/11/99	07/31/00		N/A
									11/06/00	12/31/01		
									05/06/02	03/28/11		
148	Richardson, Laron	258786	08-ALJ-04-01014-IJ	LCI-0646-04	09/22/04 74	1 - 5 & 7	06/05/00	08/16/00	01/17/00	05/08/00		N/A
									07/03/00	08/28/00		
149	Richey, Dennis	233472	07-ALJ-04-0535-AP	LCI-0617-04 + Amdmnt undtd/unsgnd (4/19/07) (2/3/06)	09/22/04 75	1 - 7	01/27/00	06/23/03	02/14/00	06/30/03		N/A

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150	Rivera, Ignacio	300424	07-ALJ-04-0536-AP	LCI-0738-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	04/22/04	Active	05/17/04	07/09/07		N/A
151	Rivers, Henry	219118	09C0304-IJ	LCI-XXXX-XX + Amdmnt undtd/unsgnd (4/19/07)	12/02/08	1 - 6	08/20/02	05/02/06	09/09/02	09/09/02		N/A
									06/27/05	05/15/06		
152	Roberson, Harold	117001	08-ALJ-04-01034-IJ	LCI-0674-04	09/22/04	1 - 7	11/09/99	06/19/02	12/20/99	09/25/00	*Deceased per Appellants' counsel*	07/01/05
									06/04/01	07/01/02		
153	Robinson, Don	277520	07-ALJ-04-00867-AP	LCI-0784-04 + Amdmnt (2/15/06)	09/30/04	1 - 8	09/27/01	01/13/03	12/03/01	01/27/03		N/A
							06/26/03	07/13/03	07/14/03	07/28/03		
							03/15/04	03/07/07	04/19/04	03/19/07		
154	Rochester, Darrell	146731	07-ALJ-04-00862-AP	LCI-0785-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	06/26/03	10/11/05	07/14/03	10/17/05		N/A
155	Sanders, Sonora	249871	NONE	LCI-0666-04 + Amdmnt (2/4/06)	~~09/22/04~~	N/A	~~02/15/00~~	~~02/06/04~~	~~02/28/00~~	~~02/09/04~~	*Did not file appeal per Appellants' counsel*	N/A
									~~08/20/07~~	~~09/03/07~~		

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156	Sanders, Vondell	241308	07-ALJ-04-00537-AP	LCI-0790-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	06/25/04	01/29/07	07/26/04	02/05/07		N/A
157	Sattler, James	235043	07-ALJ-04-0538-AP	LCI-0693-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 77	1 - 7	02/08/02	06/18/02	02/25/02	07/01/02		N/A
158	Schmitz, Joseph	173987	07-ALJ-04-0539-AP	LCI-0704-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	07/06/99	10/01/02	08/16/99 11/04/02 06/13/05	09/23/02 03/08/04 06/13/05		N/A
159	Scott, Arthur	251957	07-ALJ-04-0540-AP	LCI-0659-04 + Amdmnt (2/8/06)	09/22/04 78	1 - 8	07/31/01	12/10/02	09/24/01	12/17/01		N/A
160	Scott, Isaiah	228008	07-ALJ-04-00631-AP	LCI-0721-04 + Amdmnt (3/19/06)	09/30/04	1 - 7	03/21/03	06/26/03	08/16/99 04/07/03	12/17/01 06/30/03		N/A
161	Scott, Jerome	153381	07-ALJ-04-0541-AP	LCI-0629-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 79	1 - 7	07/10/01	08/22/02	07/16/01	08/26/02		N/A
162	Scott, Roosevelt	275631	07-ALJ-04-0542-AP	LCI-0748-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	04/19/04	05/04/05	08/11/03	10/20/03		N/A

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163	Sellers, Ralph	164295	08-ALJ-04-01013-IJ	LCI-0614-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 80	1 - 8	06/29/00	06/26/03	07/31/00	06/30/03		N/A
							05/31/05	10/04/05				
164	Shine, George	292391	08-ALJ-04-01012-IJ	LCI-0725-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	03/01/04	07/07/05	03/22/04	07/11/05		N/A
165	Simmons, Archie	161419	07-ALJ-04-0543-AP	LCI-0593-04 + Amdmnt (2/13/06)	09/22/04 81	1-7	03/14/00	11/04/02	03/27/00	05/22/00		N/A
									07/03/00	11/18/02		
166	Simmons, Kenneth	278911	08-ALJ-04-01011-IJ	LCI-0756-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	07/03/02	11/07/05	07/15/02	05/19/03		N/A
									08/25/03	11/14/05		
167	Simmons, Ronald	267937	07-ALJ-04-00675-AP	LCI-0656-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 82	1 - 8	08/02/02	06/26/03	07/30/01	06/30/03		N/A
							03/07/05	05/18/05	03/21/05	05/30/05		
168	Simmons, Samuel	302393	07-ALJ-04-00676-AP	LCI-0739-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	07/22/04	07/27/05	09/06/04	07/25/05		N/A
							10/14/05	Active	10/31/05	11/12/07		
									07/21/08	09/28/09		

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169	Simmons, Stephone	300422	08-ALJ-04-00171-AP	LCI-0781-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	05/18/05	01/03/06	05/17/04	11/29/04		05/01/06
									05/30/05	01/09/06		
170	Simpson, Edward	220017	08-ALJ-04-01010-IJ	LCI-0752-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 7	08/11/99	09/03/02	08/16/99	09/09/02		N/A
171	Simpson, Virgil	281888	08-ALJ-04-01009-IJ	LCI-0954-04 + Amdnt (2/7/06)	11/04/04	1 - 6 & 8	09/22/04	Active	06/03/02	04/19/04		N/A
									10/04/04	06/11/07		
172	Sims, David	278067	08-ALJ-04-01008-IJ	LCI-0702-04 + Amdmnt (2/17/06)	09/30/04	1 - 8	07/21/04	08/26/04	07/15/02	03/24/03		N/A
									07/14/03	07/14/03		
									02/07/05	04/04/05		
173	Singleton, Jonathan	287670	08-ALJ-04-01037-IJ	LCI-0622-04 + Amdmnt (2/7/06)	09/22/04	1 - 8	07/02/03	09/18/03	07/28/03	09/22/03		N/A
							10/05/06	Active	10/30/06	03/03/08		
174	Smith, Kevin	272440	07-ALJ-04-00866-AP	LCI-0619-04 + Amdmnt (2/13/06)	09/22/04	1 - 8	11/08/02	05/02/03	03/26/01	11/19/01		N/A
									12/30/02	05/19/03		
									08/30/10	10/25/10		

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175	Smith, Robert	199324	07-ALJ-04-0544-AP	LCI-0665-04 + Amdmnt (2/9/06)	09/22/04	1 - 7	01/21/03	06/01/03	03/27/00	06/03/02		N/A
									01/27/03	04/07/03		
									07/14/03	07/14/03		
176	Smith, Timothy	296539	08-ALJ-04-01007-IJ	LCI-0720-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	03/29/04	10/19/05	04/05/04	10/31/05		N/A
177	Spears, Jeffrey	281697	08-ALJ-04-01006-IJ	LCI-0743-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	04/27/04	11/05/04	05/03/04	12/27/04		N/A
							11/11/04	12/10/04				
178	Stewart, Alvin	278595	07-ALJ-04-00864-AP	LCI-0787-04 + Amdmnt (2/23/06)	09/30/04	1 - 8	10/24/01	Active	11/19/01	05/14/07		N/A
									10/01/07	01/07/08		
179	Stinson, Jeff	260047	07-ALJ-04-0559-AP	LCI-0786-04 + Amdmnt (2/6/06)	09/30/04	1 - 8	09/21/99	Active	10/11/99	09/15/08		N/A
180	Tevis, Jeffrey	216442	08-ALJ-04-01029-IJ	LCI-0719-04	09/30/04	1 - 8	04/22/04	11/29/04	05/17/04	11/29/04		03/01/05
181	Thomas, William	272501	07-ALJ-04-00677-AP	LCI-0678-04 + Amdmnt (2/6/06)	09/22/04	1 - 8	11/14/01	07/02/03	01/14/02	06/02/03		N/A
							05/05/04	06/03/04	05/31/04	06/14/04		
							12/06/04	04/24/07	11/14/05	08/20/07		

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182	Thompson, Curtis	266448	08-ALJ-04-01031-IJ	LCI-0680-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 87	1 - 8	12/16/03	11/08/04	10/23/00 12/29/03	05/05/03 11/15/04		06/29/07
183	Tino, James	145030	08-ALJ-04-01033-IJ	LCI-0679-04 + Amdmnt (2/3/06)	09/22/04 88	1 - 7	07/08/02	05/02/03	07/29/02	05/19/03	Deceased	N/A
184	Trumper, James	247429	08-ALJ-04-01005-IJ	LCI-0758-04 + Amdmnt (2/4/06)	09/30/04	1 - 8	01/26/05	Active	05/20/02 02/07/05	06/30/03 05/25/09		N/A
185	Wells, James	180458	08-ALJ-04-00998-IJ	LCI-1726-05 + Amdmnt undtd/unsgnd (4/19/07)	10-18 10/25/05	1 - 6	12/12/01	02/01/02	07/03/00 01/29/02	12/04/00 02/11/02		N/A
186	Wells, Ray Lee	173651	08-ALJ-04-00992-IJ	LCI-XXXX LCI-0938-04 + Amdmnt (2/16/06)	89 09/22/04 11/01/04 10-24	4-1 1 - 5 & 7	06/01/01	06/06/01	06/18/01	06/18/01		N/A
187	Wheeling, Demetris	264976	08-ALJ-04-01027-IJ	LCI-0747-04	09/30/04	1 - 8	05/14/04	10/18/04	05/17/04	10/18/04		11/01/04
188	White, Kenneth	228409	08-ALJ-04-01004-IJ	LCI-0613-04 + Amdmnt (2/3/06)	09/22/04 90	1 - 8	11/09/99 05/10/02 08/09/05	03/14/00 06/23/03 12/28/05	12/20/99 06/27/05 08/06/07 05/11/09	06/30/03 12/26/05 09/03/07 05/11/09		N/A

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	Name	SCDC #	ALC Docket #	Grievance #	Step 1 Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
189	Wiggins, Jarvis	268616	NONE	NONE	N/A	N/A	N/A	N/A	~~04/05/04~~	~~05/31/04~~	*No grievance or appeal filed (not a client of Appellants' counsel)*	N/A
190	Williams, Bobby	261486	08-ALJ-04-00991-IJ	LCI-0774-04 + Amdmnt undtd/unsgnd (4/19/07)	09/30/04	1 - 8	07/15/04 03/09/05	01/25/05 07/11/05	08/09/04	07/25/05		N/A
191	*Williams, Darrell*	*219730*	*08-ALJ-04-01041-IJ*	*LCI-0588-04*	91 09/22/04	*1 - 5 & 7*	*03/21/00*	*01/09/01*	*04/24/00* *07/30/01*	*09/25/00* *10/22/01*		*10/01/04*
192	Williams, Derrick	272958	08-ALJ-04-01003-IJ	LCI-0641-04 + Amdmnt (2/13/06)	92 09/22/04	1 - 7	08/17/01	01/22/02	08/27/01	01/28/02		N/A
193	Williams, James	282929	07-ALJ-04-0545-AP	LCI-0731-04 + Amdmnt (2/3/06)	09/30/04	1 - 8	05/28/02	Active	06/03/02	03/28/11		N/A
194	Wilson, Leon	155867	08-ALJ-04-01028-IJ	LCI-0658-04 + Amdmnt undtd/unsgnd (4/19/07)	93 09/22/04	1 - 8	08/11/99	04/11/05	08/16/99	04/18/05		11/01/05
195	Wilson, Timothy	261971	08-ALJ-04-01044-IJ	LCI-1764-05 + Amdmnt undtd/unsgnd (4/19/07)	10-28-05 12/01/05	1 - 6	11/05/99 02/20/04	03/13/03 03/31/04	12/06/99 02/09/04	03/24/03 04/05/04		N/A (Returned to SCDC)

	Name	SCDC #	ALC Docket #	Grievance #	Step 1. Grievance File Date	Relevant Issues in Appellants' Brief	Start Date per SCDC Grievance Response(s)	End Date per SCDC Grievance Response(s)	EXHIBIT F (03/28/11) PI Pay Start Date	EXHIBIT F (03/28/11) PI Pay Last Date	NOTES	Date Released from SCDC
196	Witt, Tony	242918	08-ALJ-04-01036-IJ	LCI-XXXX-XX + Amdmnt (2/10/06)	02/10/06	1 - 6	06/29/00	05/31/01	07/31/00	06/04/01		N/A
				LCI-0659-08	05/05/08 - 4-7-08		09/12/01	01/01/02	08/13/01	12/17/01		
197	Wojcik, John	219463	07-ALJ-04-0554-AP	LCI-0607-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 94	1 - 7	02/14/00	08/01/02	02/28/00	08/12/02		N/A
198	Wright, Anthony	199009	08-ALJ-04-01002-IJ	LCI-0623-04 + Amdmnt (2/3/06)	09/22/04 95	1 - 8	02/07/00	07/24/01	02/14/00	07/30/01		N/A
							10/14/05	11/11/05	10/31/05	11/14/05		
199	Wydman, Robert	260331	08-ALJ-04-01001-IJ	LCI-0638-04 + Amdmnt undtd/unsgnd (4/19/07)	09/22/04 96	1 - 7	06/19/00	11/07/00	01/17/00	11/20/00		N/A
									04/23/01	10/08/01		
200	Youmous, Eric	281091	07-ALJ-04-00632-AP	LCI-0789-04 + Amdmnt (2/5/06)	09/30/04	1 - 8	08/02/02	06/26/03	12/16/02	06/30/03		N/A
									02/21/05	11/24/08		
201	Zavalo, Rogelio	245106	07-ALJ-04-00870-AP	LCI-0627-04 + Amdmnt (2/4/06)	09/22/04 97	1 - 7	05/01/99	06/10/04	05/10/99	06/14/04		N/A

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Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
266928	FRANCIS	CHRISTOPHE	ACKERMAN		10/22/2001	0.50	36.65	18.32
266928	FRANCIS	CHRISTOPHE	ACKERMAN		11/5/2001	0.50	53.9	26.95
266928	FRANCIS	CHRISTOPHE	ACKERMAN		11/19/2001	0.50	52.5	26.25
266928	FRANCIS	CHRISTOPHE	ACKERMAN		1/14/2002	0.50	47.01	23.50
266928	FRANCIS	CHRISTOPHE	ACKERMAN		1/28/2002	0.50	90.37	45.18
266928	FRANCIS	CHRISTOPHE	ACKERMAN		2/11/2002	0.50	79.6	39.80
266928	FRANCIS	CHRISTOPHE	ACKERMAN		2/25/2002	0.50	101.17	50.58
266928	FRANCIS	CHRISTOPHE	ACKERMAN		3/11/2002	0.50	90.74	45.37
266928	FRANCIS	CHRISTOPHE	ACKERMAN		3/25/2002	0.50	87.88	43.94
266928	FRANCIS	CHRISTOPHE	ACKERMAN		4/8/2002	0.50	34.11	17.05
266928	FRANCIS	CHRISTOPHE	ACKERMAN		4/22/2002	0.50	83.2	41.60
266928	FRANCIS	CHRISTOPHE	ACKERMAN		5/6/2002	0.50	104.28	52.14
266928	FRANCIS	CHRISTOPHE	ACKERMAN		5/20/2002	0.50	28.23	14.61
266928	FRANCIS	CHRISTOPHE	ACKERMAN		6/3/2002	0.50	96.8	48.40
266928	FRANCIS	CHRISTOPHE	ACKERMAN		6/17/2002	0.50	101.81	50.90
266928	FRANCIS	CHRISTOPHE	ACKERMAN		7/1/2002	0.50	53.32	26.66
266928	FRANCIS	CHRISTOPHE	ACKERMAN		7/15/2002	0.50	86.45	43.22
266928	FRANCIS	CHRISTOPHE	ACKERMAN		7/29/2002	0.50	44.03	22.01
266928	FRANCIS	CHRISTOPHE	ACKERMAN		8/12/2002	0.50	82.2	41.10
266928	FRANCIS	CHRISTOPHE	ACKERMAN		8/26/2002	0.50	96.41	48.20
244428	TYRONE		AIKEN		9/9/2002	0.50	31.95	15.97
244428	TYRONE		AIKEN		4/22/2002	0.50	52.5	26.25
244428	TYRONE		AIKEN		5/6/2002	0.50	52.5	26.25
244428	TYRONE		AIKEN		5/20/2002	0.50	56.92	28.46
244428	TYRONE		AIKEN		6/3/2002	0.50	61.9	30.95
244428	TYRONE		AIKEN		6/17/2002	0.50	65.52	32.76
244428	TYRONE		AIKEN		7/1/2002	0.50	69.65	34.82
244428	TYRONE		AIKEN		7/15/2002	0.50	72	36.00
244428	TYRONE		AIKEN		7/29/2002	0.50	79.48	39.74
244428	TYRONE		AIKEN		8/12/2002	0.50	73.9	36.95
244428	TYRONE		AIKEN		8/26/2002	0.50	90.47	45.23
244428	TYRONE		AIKEN		9/9/2002	0.50	68.48	34.24
244428	TYRONE		AIKEN		9/23/2002	0.50	63.48	31.74
244428	TYRONE		AIKEN		10/7/2002	0.50	97.02	48.51
244428	TYRONE		AIKEN		12/30/2002	0.50	17.5	8.75
244428	TYRONE		AIKEN		1/27/2003	0.50	31.5	15.75
244428	TYRONE		AIKEN		2/10/2003	0.50	50.21	25.10
244428	TYRONE		AIKEN		2/24/2003	0.50	61.48	30.74
244428	TYRONE		AIKEN		3/10/2003	0.50	44.24	22.12
244428	TYRONE		AIKEN		3/24/2003	0.50	76.05	38.02
244428	TYRONE		AIKEN		4/7/2003	0.50	51.62	25.81
244428	TYRONE		AIKEN		4/21/2003	0.50	67.03	33.51
244428	TYRONE		AIKEN		5/5/2003	0.50	47.34	23.67
244428	TYRONE		AIKEN		5/19/2003	0.50	9.14	4.57
244428	TYRONE		AIKEN		6/2/2003	0.50	65.12	32.56
244428	TYRONE		AIKEN		6/16/2003	0.50	83.42	41.71
244428	TYRONE		AIKEN		6/30/2003	0.50	44.16	22.08
244428	TYRONE		AIKEN		2/7/2005	0.50	37.43	18.71
244428	TYRONE		AIKEN		2/21/2005	0.50	43.24	21.62
244428	TYRONE		AIKEN		3/7/2005	0.50	34.91	17.45
244428	TYRONE		AIKEN		3/21/2005	0.50	36.9	18.45
244428	TYRONE		AIKEN		4/4/2005	0.50	46.75	23.37
244428	TYRONE		AIKEN		4/18/2005	0.50	61.07	30.53
244428	TYRONE		AIKEN		5/2/2005	0.50	51.43	25.71
244428	TYRONE		AIKEN		5/16/2005	0.50	66.98	33.49
248367	TYRONE		AIKEN		5/30/2005	0.50	13.53	6.76
					10/11/1999	0.35	45.5	15.92

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
248367	TYRONE		AIKEN		10/11/1999	0.55	0.5	0.27
248367	TYRONE		AIKEN		10/25/1999	0.35	56	19.60
248367	TYRONE		AIKEN		11/8/1999	0.35	70	24.50
248367	TYRONE		AIKEN		11/22/1999	0.35	56.85	19.89
248367	TYRONE		AIKEN		12/6/1999	0.50	55.72	27.86
248367	TYRONE		AIKEN		12/20/1999	0.50	72.8	36.40
248367	TYRONE		AIKEN		12/20/1999	2.50	2	5.00
248367	TYRONE		AIKEN		12/20/1999	0.55	32.13	17.67
248367	TYRONE		AIKEN		1/3/2000	0.50	37.02	18.51
248367	TYRONE		AIKEN		1/3/2000	0.55	7.15	3.93
248367	TYRONE		AIKEN		1/17/2000	0.55	4	2.20
248367	TYRONE		AIKEN		1/17/2000	0.55	15.22	8.37
248367	TYRONE		AIKEN		1/17/2000	0.55	7.5	4.12
248367	TYRONE		AIKEN		1/17/2000	0.50	75	37.50
248367	TYRONE		AIKEN		1/31/2000	0.55	7.5	4.12
248367	TYRONE		AIKEN		1/31/2000	0.35	52.95	18.53
248367	TYRONE		AIKEN		2/14/2000	0.50	75	37.50
248367	TYRONE		AIKEN		2/14/2000	0.55	5.62	3.09
248367	TYRONE		AIKEN		2/14/2000	0.80	6.5	5.20
248367	TYRONE		AIKEN		2/28/2000	1.05	15	15.75
248367	TYRONE		AIKEN		2/28/2000	0.55	3.57	1.96
248367	TYRONE		AIKEN		2/28/2000	0.50	67.5	33.75
248367	TYRONE		AIKEN		3/13/2000	0.50	74.75	37.37
248367	TYRONE		AIKEN		3/27/2000	0.50	67.5	33.75
248367	TYRONE		AIKEN		3/27/2000	0.80	7.5	6.00
248367	TYRONE		AIKEN		4/10/2000	0.80	7.5	6.00
248367	TYRONE		AIKEN		4/10/2000	0.50	75	37.50
248367	TYRONE		AIKEN		4/10/2000	0.55	1.58	0.86
248367	TYRONE		AIKEN		4/24/2000	0.55	39.67	21.81
248367	TYRONE		AIKEN		4/24/2000	0.25	7	1.75
248367	TYRONE		AIKEN		4/24/2000	0.50	75	37.50
248367	TYRONE		AIKEN		5/8/2000	0.25	14.33	3.58
248367	TYRONE		AIKEN		5/8/2000	0.55	44.43	24.43
248367	TYRONE		AIKEN		5/8/2000	0.50	75	37.50
248367	TYRONE		AIKEN		5/22/2000	0.75	31.3	23.47
248367	TYRONE		AIKEN		5/22/2000	0.25	15	3.75
248367	TYRONE		AIKEN		5/22/2000	0.65	67.5	43.87
248367	TYRONE		AIKEN		6/5/2000	0.75	30.17	22.62
248367	TYRONE		AIKEN		6/5/2000	0.25	7.12	1.78
248367	TYRONE		AIKEN		6/5/2000	0.65	67.5	43.87
248367	TYRONE		AIKEN		6/19/2000	0.75	28.59	21.44
248367	TYRONE		AIKEN		6/19/2000	0.65	75	48.75
248367	TYRONE		AIKEN		6/19/2000	0.25	17.56	4.39
248367	TYRONE		AIKEN		7/3/2000	0.65	60	39.00
248367	TYRONE		AIKEN		7/3/2000	0.25	23.5	5.87
248367	TYRONE		AIKEN		7/3/2000	0.35	4.5	1.57
248367	TYRONE		AIKEN		7/3/2000	0.75	34	25.50
248367	TYRONE		AIKEN		7/17/2000	0.50	127.09	63.54
248367	TYRONE		AIKEN		7/31/2000	0.50	200.69	100.34
248367	TYRONE		AIKEN		8/14/2000	0.50	135.15	67.57
248367	TYRONE		AIKEN		8/28/2000	0.50	102.22	51.11
248367	TYRONE		AIKEN		9/11/2000	0.50	94.58	47.29
248367	TYRONE		AIKEN		9/25/2000	0.50	139.15	69.57
248367	TYRONE		AIKEN		10/9/2000	0.50	171.2	85.60
248367	TYRONE		AIKEN		10/23/2000	0.50	124.25	62.12
248367	TYRONE		AIKEN		11/6/2000	0.50	155.9	77.95
248367	TYRONE		AIKEN		11/20/2000	0.50	122.57	61.28

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
248367	TYRONE		AIKEN		12/4/2000	0.50	95.81	47.90
248367	TYRONE		AIKEN		12/18/2000	0.50	186.87	93.43
248367	TYRONE		AIKEN		1/1/2001	0.50	69.24	34.62
248367	TYRONE		AIKEN		1/15/2001	0.50	124.95	62.47
248367	TYRONE		AIKEN		1/29/2001	0.50	165.72	82.86
248367	TYRONE		AIKEN		2/12/2001	0.50	80.16	40.08
248367	TYRONE		AIKEN		2/26/2001	0.50	458.69	229.34
248367	TYRONE		AIKEN		3/12/2001	0.50	140.59	70.29
248367	TYRONE		AIKEN		3/26/2001	0.50	127.5	63.75
248367	TYRONE		AIKEN		4/9/2001	0.50	133.65	66.82
248367	TYRONE		AIKEN		4/23/2001	0.50	127.5	63.75
248367	TYRONE		AIKEN		5/7/2001	0.50	127.47	63.73
248367	TYRONE		AIKEN		5/21/2001	0.50	151.77	75.88
248367	TYRONE		AIKEN		6/4/2001	0.50	121.05	60.52
248367	TYRONE		AIKEN		6/18/2001	0.50	139.65	69.82
248367	TYRONE		AIKEN		7/2/2001	0.50	131.91	65.95
248367	TYRONE		AIKEN		7/16/2001	0.50	141.22	70.61
248367	TYRONE		AIKEN		7/30/2001	0.50	150.9	75.45
248367	TYRONE		AIKEN		8/13/2001	0.50	164.98	82.49
248367	TYRONE		AIKEN		8/27/2001	0.50	129.35	64.67
248367	TYRONE		AIKEN		9/10/2001	0.50	127.72	63.86
248367	TYRONE		AIKEN		9/24/2001	0.50	130.87	65.43
248367	TYRONE		AIKEN		10/8/2001	0.50	51.26	25.63
248367	TYRONE		AIKEN		10/22/2001	0.50	174.26	87.13
248367	TYRONE		AIKEN		11/5/2001	0.50	120.64	60.32
248367	TYRONE		AIKEN		11/19/2001	0.50	119.36	59.68
248367	TYRONE		AIKEN		12/3/2001	0.50	66.99	33.49
248367	TYRONE		AIKEN		12/17/2001	0.50	137.44	68.72
248367	TYRONE		AIKEN		12/31/2001	0.50	54	27.00
248367	TYRONE		AIKEN		1/14/2002	0.50	104.6	52.30
248367	TYRONE		AIKEN		1/28/2002	0.50	127.56	63.78
248367	TYRONE		AIKEN		2/11/2002	0.50	129	64.50
248367	TYRONE		AIKEN		2/25/2002	0.50	151.45	75.72
248367	TYRONE		AIKEN		3/11/2002	0.50	130.4	65.20
248367	TYRONE		AIKEN		3/25/2002	0.50	140.24	70.12
248367	TYRONE		AIKEN		4/8/2002	0.50	126.1	63.05
248367	TYRONE		AIKEN		4/22/2002	0.50	135.16	67.58
248367	TYRONE		AIKEN		5/6/2002	0.50	87.3	43.65
248367	TYRONE		AIKEN		5/20/2002	0.50	127.66	63.83
248367	TYRONE		AIKEN		6/3/2002	0.50	126.9	63.45
248367	TYRONE		AIKEN		6/17/2002	0.50	146.5	73.25
248367	TYRONE		AIKEN		7/1/2002	0.50	141.94	70.97
248367	TYRONE		AIKEN		7/15/2002	0.50	119.74	59.87
248367	TYRONE		AIKEN		7/29/2002	0.50	139.24	69.62
248367	TYRONE		AIKEN		8/12/2002	0.50	168.04	84.02
248367	TYRONE		AIKEN		8/26/2002	0.50	145.1	72.55
248367	TYRONE		AIKEN		9/9/2002	0.50	160	80.00
248367	TYRONE		AIKEN		9/23/2002	0.50	189.6	94.80
248367	TYRONE		AIKEN		10/7/2002	0.50	184.7	92.35
248367	TYRONE		AIKEN		10/21/2002	0.50	175.77	87.88
248367	TYRONE		AIKEN		11/4/2002	0.50	157.5	78.75
248367	TYRONE		AIKEN		11/18/2002	0.50	159.15	79.57
248367	TYRONE		AIKEN		12/2/2002	0.50	125.41	62.70
248367	TYRONE		AIKEN		12/16/2002	0.50	168.83	84.41
248367	TYRONE		AIKEN		12/30/2002	0.50	87.15	43.57
248367	TYRONE		AIKEN		1/13/2003	0.50	111.57	55.78
248367	TYRONE		AIKEN		1/27/2003	0.50	140.7	70.35

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
248367	TYRONE		AIKEN		2/10/2003	0.50	157.5	78.75
248367	TYRONE		AIKEN		2/24/2003	0.50	162.13	81.06
248367	TYRONE		AIKEN		3/10/2003	0.50	90.44	45.22
248367	TYRONE		AIKEN		3/24/2003	0.50	155.13	77.56
248367	TYRONE		AIKEN		4/7/2003	0.50	111.13	55.56
248367	TYRONE		AIKEN		4/21/2003	0.50	133.08	66.54
248367	TYRONE		AIKEN		5/5/2003	0.50	71.23	35.61
248367	TYRONE		AIKEN		5/19/2003	0.50	146.26	73.13
248367	TYRONE		AIKEN		6/2/2003	0.50	119.74	59.87
248367	TYRONE		AIKEN		6/16/2003	0.50	120.96	60.48
248367	TYRONE		AIKEN		6/30/2003	0.50	90.3	45.15
219551	MALIK		ALJALIL		10/25/1999	0.35	21	7.35
219551	MALIK		ALJALIL		11/8/1999	0.35	68	23.80
219551	MALIK		ALJALIL		11/22/1999	0.35	49.83	17.44
219551	MALIK		ALJALIL		12/6/1999	0.50	4.5	2.25
219551	MALIK		ALJALIL		12/6/1999	0.35	41.25	14.43
219551	MALIK		ALJALIL		12/20/1999	0.50	65.87	32.93
219551	MALIK		ALJALIL		12/20/1999	0.35	4	1.40
219551	MALIK		ALJALIL		12/20/1999	2.50	2	5.00
219551	MALIK		ALJALIL		1/17/2000	0.35	56.98	19.94
219551	MALIK		ALJALIL		1/17/2000	0.35	27.15	9.50
219551	MALIK		ALJALIL		1/31/2000	0.35	36.12	12.64
219551	MALIK		ALJALIL		2/14/2000	0.50	71.08	35.54
219551	MALIK		ALJALIL		2/28/2000	1.05	7.5	7.87
219551	MALIK		ALJALIL		2/28/2000	0.35	58.57	20.49
219551	MALIK		ALJALIL		3/13/2000	0.35	65.04	22.76
219551	MALIK		ALJALIL		3/27/2000	0.80	7.5	6.00
219551	MALIK		ALJALIL		3/27/2000	0.50	72.83	36.41
219551	MALIK		ALJALIL		4/10/2000	0.50	74.95	37.47
219551	MALIK		ALJALIL		4/10/2000	0.80	7.5	6.00
219551	MALIK		ALJALIL		4/24/2000	0.35	58.08	20.32
219551	MALIK		ALJALIL		5/8/2000	0.35	48.05	16.81
219551	MALIK		ALJALIL		5/22/2000	0.75	12.32	9.24
219551	MALIK		ALJALIL		5/22/2000	0.65	67.5	43.87
219551	MALIK		ALJALIL		5/22/2000	0.25	12.42	3.10
219551	MALIK		ALJALIL		6/5/2000	0.65	61.63	40.05
219551	MALIK		ALJALIL		7/3/2000	0.65	60	39.00
219551	MALIK		ALJALIL		7/3/2000	0.75	9.99	7.49
219551	MALIK		ALJALIL		7/3/2000	0.25	12.35	3.08
219551	MALIK		ALJALIL		7/3/2000	0.35	4.77	1.66
219551	MALIK		ALJALIL		7/17/2000	0.50	54.68	27.34
219551	MALIK		ALJALIL		7/31/2000	0.50	97.27	48.63
219551	MALIK		ALJALIL		8/14/2000	0.50	81.93	40.96
219551	MALIK		ALJALIL		9/11/2000	0.50	93.19	46.59
219551	MALIK		ALJALIL		9/25/2000	0.50	57.06	28.53
219551	MALIK		ALJALIL		10/9/2000	0.50	86.41	43.20
219551	MALIK		ALJALIL		10/23/2000	0.50	88.71	44.35
219551	MALIK		ALJALIL		11/6/2000	0.50	109.47	54.73
219551	MALIK		ALJALIL		11/20/2000	0.50	91.69	45.84
219551	MALIK		ALJALIL		12/4/2000	0.25	4.42	1.10
219551	MALIK		ALJALIL		12/4/2000	0.50	27.9	13.95
219551	MALIK		ALJALIL		12/18/2000	0.50	50.1	25.05
219551	MALIK		ALJALIL		1/1/2001	0.50	12.82	6.41
219551	MALIK		ALJALIL		1/15/2001	0.50	83.28	41.64
219551	MALIK		ALJALIL		1/29/2001	0.50	120.28	60.14
219551	MALIK		ALJALIL		2/12/2001	0.50	104.58	52.29
219551	MALIK		ALJALIL		2/26/2001	0.50	106.66	53.33

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Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
219551	MALIK		ALJALIL		3/12/2001	0.50	78.42	39.21
219551	MALIK		ALJALIL		3/26/2001	0.50	107.37	53.68
219551	MALIK		ALJALIL		4/9/2001	0.50	95.62	47.81
219551	MALIK		ALJALIL		4/23/2001	0.50	129.55	64.77
219551	MALIK		ALJALIL		5/7/2001	0.50	103.61	51.80
219551	MALIK		ALJALIL		5/21/2001	0.50	113.49	56.74
219551	MALIK		ALJALIL		6/4/2001	0.50	94.83	47.41
219551	MALIK		ALJALIL		6/18/2001	0.50	102.3	51.15
219551	MALIK		ALJALIL		7/2/2001	0.50	61.58	30.79
219551	MALIK		ALJALIL		7/16/2001	0.50	91.75	45.87
219551	MALIK		ALJALIL		7/30/2001	0.50	78.98	39.49
219551	MALIK		ALJALIL		8/13/2001	0.50	102.48	51.24
219551	MALIK		ALJALIL		8/27/2001	0.50	111	55.50
219551	MALIK		ALJALIL		9/10/2001	0.50	104.6	52.30
219551	MALIK		ALJALIL		9/24/2001	0.50	68.27	34.13
219551	MALIK		ALJALIL		10/8/2001	0.50	133.63	66.81
219551	MALIK		ALJALIL		10/22/2001	0.50	149.1	74.55
219551	MALIK		ALJALIL		11/5/2001	0.50	118.41	59.20
219551	MALIK		ALJALIL		8/26/2002	0.50	43.04	21.52
219551	MALIK		ALJALIL		9/9/2002	0.50	40.5	20.25
219551	MALIK		ALJALIL		9/23/2002	0.50	48.65	24.32
219551	MALIK		ALJALIL		10/7/2002	0.50	69.77	34.88
219551	MALIK		ALJALIL		10/21/2002	0.50	68.07	34.03
219551	MALIK		ALJALIL		11/4/2002	0.50	48.83	24.41
219551	MALIK		ALJALIL		11/18/2002	0.50	51.1	25.55
219551	MALIK		ALJALIL		12/2/2002	0.50	72.8	36.40
219551	MALIK		ALJALIL		12/16/2002	0.50	64.22	32.11
219551	MALIK		ALJALIL		12/30/2002	0.50	41.78	20.89
219551	MALIK		ALJALIL		1/13/2003	0.50	48.46	24.23
219551	MALIK		ALJALIL		1/27/2003	0.50	63.72	31.86
219551	MALIK		ALJALIL		2/10/2003	0.50	57.92	28.96
219551	MALIK		ALJALIL		2/24/2003	0.50	74.1	37.05
219551	MALIK		ALJALIL		3/10/2003	0.50	85.88	42.94
219551	MALIK		ALJALIL		3/24/2003	0.50	100.31	50.15
219551	MALIK		ALJALIL		4/7/2003	0.50	75.98	37.99
219551	MALIK		ALJALIL		4/21/2003	0.50	87.68	43.84
219551	MALIK		ALJALIL		5/5/2003	0.50	76.32	38.16
219551	MALIK		ALJALIL		5/19/2003	0.50	8.88	4.44
219551	MALIK		ALJALIL		6/2/2003	0.50	87.78	43.89
219551	MALIK		ALJALIL		6/16/2003	0.50	109.41	54.70
219551	MALIK		ALJALIL		6/30/2003	0.50	108.08	54.04
219551	MALIK		ALJALIL		7/14/2003	0.50	116.1	58.05
219551	MALIK		ALJALIL		7/28/2003	0.50	91.8	45.90
219551	MALIK		ALJALIL		8/11/2003	0.50	93.9	46.95
219551	MALIK		ALJALIL		8/25/2003	0.50	115.26	57.63
219551	MALIK		ALJALIL		9/8/2003	0.50	93.38	46.69
219551	MALIK		ALJALIL		9/22/2003	0.50	106.22	53.11
219551	MALIK		ALJALIL		10/6/2003	0.50	92.09	46.04
219551	MALIK		ALJALIL		10/20/2003	0.50	86.56	43.28
219551	MALIK		ALJALIL		11/3/2003	0.50	99.67	49.83
219551	MALIK		ALJALIL		11/17/2003	0.50	87.18	43.59
219551	MALIK		ALJALIL		12/1/2003	0.50	70.04	35.02
219551	MALIK		ALJALIL		12/15/2003	0.50	86.16	43.08
219551	MALIK		ALJALIL		12/29/2003	0.50	98.91	49.45
219551	MALIK		ALJALIL		1/12/2004	0.50	56.22	28.11
219551	MALIK		ALJALIL		1/26/2004	0.50	103.45	51.72
219551	MALIK		ALJALIL		2/9/2004	0.50	111.06	55.53

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
219551	MALIK		ALJALIL		2/23/2004	0.50	107.45	53.72
219551	MALIK		ALJALIL		3/8/2004	0.50	120.14	60.07
219551	MALIK		ALJALIL		3/22/2004	0.50	147.79	73.89
219551	MALIK		ALJALIL		4/5/2004	0.50	140.14	70.07
219551	MALIK		ALJALIL		4/19/2004	0.50	113	56.50
219551	MALIK		ALJALIL		5/3/2004	0.50	137.85	68.92
219551	MALIK		ALJALIL		5/17/2004	0.50	202.7	101.35
219551	MALIK		ALJALIL		5/31/2004	0.50	132.77	66.38
219551	MALIK		ALJALIL		6/14/2004	0.50	120.69	60.34
219551	MALIK		ALJALIL		6/28/2004	0.50	122.35	61.17
219551	MALIK		ALJALIL		7/12/2004	0.50	102.26	51.13
219551	MALIK		ALJALIL		7/26/2004	0.50	116.28	58.14
219551	MALIK		ALJALIL		8/9/2004	0.50	118.18	59.09
219551	MALIK		ALJALIL		8/23/2004	0.50	123.8	61.90
219551	MALIK		ALJALIL		9/6/2004	0.50	121.28	60.64
219551	MALIK		ALJALIL		9/20/2004	0.50	109.53	54.76
219551	MALIK		ALJALIL		10/4/2004	0.50	158.42	79.21
219551	MALIK		ALJALIL		10/18/2004	0.50	129.27	64.63
219551	MALIK		ALJALIL		11/1/2004	0.50	140.2	70.10
219551	MALIK		ALJALIL		11/15/2004	0.50	143.05	71.52
219551	MALIK		ALJALIL		11/29/2004	0.50	124.2	62.10
219551	MALIK		ALJALIL		12/13/2004	0.50	64.57	32.28
219551	MALIK		ALJALIL		12/27/2004	0.50	139.6	69.80
219551	MALIK		ALJALIL		1/10/2005	0.50	72.4	36.20
219551	MALIK		ALJALIL		1/24/2005	0.50	139.81	69.90
219551	MALIK		ALJALIL		2/7/2005	0.50	167.89	83.94
219551	MALIK		ALJALIL		2/21/2005	0.50	137.34	68.67
219551	MALIK		ALJALIL		3/7/2005	0.50	120.73	60.36
219551	MALIK		ALJALIL		3/21/2005	0.50	119.84	59.92
219551	MALIK		ALJALIL		4/4/2005	0.50	126.66	63.33
219551	MALIK		ALJALIL		4/18/2005	0.50	129.74	64.87
219551	MALIK		ALJALIL		5/2/2005	0.50	132.5	66.25
219551	MALIK		ALJALIL		5/16/2005	0.50	149.99	74.99
219551	MALIK		ALJALIL		5/30/2005	0.50	123.98	61.99
219551	MALIK		ALJALIL		6/13/2005	0.50	121	60.50
219551	MALIK		ALJALIL		6/27/2005	0.50	127.67	63.83
219551	MALIK		ALJALIL		7/11/2005	0.50	113.22	56.61
219551	MALIK		ALJALIL		7/25/2005	0.50	118.89	59.44
219551	MALIK		ALJALIL		8/8/2005	0.50	111.91	55.95
219551	MALIK		ALJALIL		8/22/2005	0.50	129.05	64.52
219551	MALIK		ALJALIL		9/5/2005	0.50	125.93	62.96
219551	MALIK		ALJALIL		9/19/2005	0.50	113.96	56.98
219551	MALIK		ALJALIL		10/3/2005	0.50	130.72	65.36
219551	MALIK		ALJALIL		10/17/2005	0.50	66.01	33.00
219551	MALIK		ALJALIL		10/31/2005	0.50	113.49	56.74
219551	MALIK		ALJALIL		11/14/2005	0.50	122.93	61.46
219551	MALIK		ALJALIL		11/28/2005	0.50	109.38	54.69
219551	MALIK		ALJALIL		12/12/2005	0.50	130.1	65.05
219551	MALIK		ALJALIL		12/26/2005	0.50	128.94	64.47
219551	MALIK		ALJALIL		1/9/2006	0.50	78.1	39.05
219551	MALIK		ALJALIL		1/23/2006	0.50	117.9	58.95
219551	MALIK		ALJALIL		2/6/2006	0.50	134.77	67.38
219551	MALIK		ALJALIL		2/20/2006	0.50	128.65	64.32
219551	MALIK		ALJALIL		3/6/2006	0.50	138.21	69.10
219551	MALIK		ALJALIL		3/20/2006	0.50	138.96	69.48
219551	MALIK		ALJALIL		4/3/2006	0.50	127.72	63.86
219551	MALIK		ALJALIL		4/17/2006	0.50	116.53	58.26

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
219551	MALIK		ALJALIL		5/1/2006	0.50	110.33	55.16
219551	MALIK		ALJALIL		5/15/2006	0.50	128.68	64.34
219551	MALIK		ALJALIL		5/29/2006	0.50	113.53	56.76
219551	MALIK		ALJALIL		6/12/2006	0.50	114.29	57.14
219551	MALIK		ALJALIL		6/26/2006	0.50	123.06	61.53
219551	MALIK		ALJALIL		7/10/2006	0.50	99.09	49.54
219551	MALIK		ALJALIL		7/24/2006	0.50	75.43	37.71
219551	MALIK		ALJALIL		8/7/2006	0.50	68.69	34.34
219551	MALIK		ALJALIL		8/21/2006	0.50	111	55.50
219551	MALIK		ALJALIL		9/4/2006	0.50	127	63.50
219551	MALIK		ALJALIL		9/18/2006	0.50	75	37.50
269378	LINSO		ALLEN		10/23/2000	0.50	9.45	4.72
269378	LINSO		ALLEN		11/6/2000	0.50	53.55	26.77
269378	LINSO		ALLEN		11/20/2000	0.50	11.34	5.67
269378	LINSO		ALLEN		12/4/2000	0.50	12.23	6.11
269378	LINSO		ALLEN		12/31/2001	0.50	17.25	8.62
269378	LINSO		ALLEN		12/31/2001	0.50	24.48	12.24
269378	LINSO		ALLEN		1/14/2002	0.50	31.18	15.59
269378	LINSO		ALLEN		1/28/2002	0.50	48.51	24.25
269378	LINSO		ALLEN		2/11/2002	0.50	40.25	20.12
269378	LINSO		ALLEN		2/25/2002	0.50	36.06	18.03
269378	LINSO		ALLEN		3/11/2002	0.50	78.04	39.02
269378	LINSO		ALLEN		3/25/2002	0.50	38.43	19.21
269378	LINSO		ALLEN		4/8/2002	0.50	1.7	0.85
269378	LINSO		ALLEN		5/6/2002	0.50	13.03	6.51
269378	LINSO		ALLEN		5/20/2002	0.50	89.98	44.99
269378	LINSO		ALLEN		6/3/2002	0.50	53.68	26.84
269378	LINSO		ALLEN		6/17/2002	0.50	96.87	48.43
269378	LINSO		ALLEN		7/1/2002	0.50	100.16	50.08
269378	LINSO		ALLEN		7/15/2002	0.50	59.75	29.87
269378	LINSO		ALLEN		7/29/2002	0.50	29.33	14.66
269378	LINSO		ALLEN		8/12/2002	0.50	71.82	35.91
269378	LINSO		ALLEN		8/26/2002	0.50	56.58	28.29
269378	LINSO		ALLEN		9/9/2002	0.50	72.11	36.05
269378	LINSO		ALLEN		9/23/2002	0.50	87.48	43.74
269378	LINSO		ALLEN		10/7/2002	0.50	83.97	41.98
269378	LINSO		ALLEN		10/21/2002	0.50	89.66	44.83
269378	LINSO		ALLEN		11/4/2002	0.50	86.6	43.30
269378	LINSO		ALLEN		2/21/2005	0.50	40.54	20.27
269378	LINSO		ALLEN		3/7/2005	0.50	35.33	17.66
269378	LINSO		ALLEN		3/21/2005	0.50	25.64	12.82
269378	LINSO		ALLEN		4/4/2005	0.50	23.99	11.99
269378	LINSO		ALLEN		4/18/2005	0.50	24.51	12.25
269378	LINSO		ALLEN		5/2/2005	0.50	51.25	25.62
269378	LINSO		ALLEN		5/16/2005	0.50	48.82	24.41
269378	LINSO		ALLEN		5/30/2005	0.50	73.88	36.94
269378	LINSO		ALLEN		6/13/2005	0.50	60.9	30.45
269378	LINSO		ALLEN		6/27/2005	0.50	60.1	30.05
269378	LINSO		ALLEN		7/11/2005	0.50	47.96	23.98
269378	LINSO		ALLEN		7/25/2005	0.50	46.08	23.04
269378	LINSO		ALLEN		8/8/2005	0.50	36.7	18.35
269378	LINSO		ALLEN		8/22/2005	0.50	61.44	30.72
269378	LINSO		ALLEN		9/5/2005	0.50	62.22	31.11
269378	LINSO		ALLEN		9/19/2005	0.50	64.38	32.19
269378	LINSO		ALLEN		10/3/2005	0.50	82.61	41.30
269378	LINSO		ALLEN		10/17/2005	0.50	63.45	31.72
269378	LINSO		ALLEN		10/31/2005	0.50	62.48	31.24

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
269378	LINSO		ALLEN		11/14/2005	0.50	61.17	30.58
269378	LINSO		ALLEN		11/28/2005	0.50	69.5	34.75
269378	LINSO		ALLEN		12/12/2005	0.50	65.13	32.56
269378	LINSO		ALLEN		12/26/2005	0.50	103.41	51.70
269378	LINSO		ALLEN		1/9/2006	0.50	49.26	24.63
269378	LINSO		ALLEN		1/23/2006	0.50	71.09	35.54
269378	LINSO		ALLEN		2/6/2006	0.50	78.08	39.04
269378	LINSO		ALLEN		2/20/2006	0.50	78.25	39.12
269378	LINSO		ALLEN		3/6/2006	0.50	65.59	32.79
269378	LINSO		ALLEN		3/20/2006	0.50	91.07	45.53
269378	LINSO		ALLEN		4/3/2006	0.50	95.23	47.61
269378	LINSO		ALLEN		4/17/2006	0.50	75.43	37.71
269378	LINSO		ALLEN		5/1/2006	0.50	72.54	36.27
269378	LINSO		ALLEN		5/15/2006	0.50	66.65	33.32
269378	LINSO		ALLEN		5/29/2006	0.50	67.93	33.96
269378	LINSO		ALLEN		6/12/2006	0.50	75.05	37.52
269378	LINSO		ALLEN		6/26/2006	0.50	64.16	32.08
269378	LINSO		ALLEN		7/10/2006	0.50	64.92	32.46
269378	LINSO		ALLEN		7/24/2006	0.50	54.21	27.10
269378	LINSO		ALLEN		8/7/2006	0.50	85.79	42.89
269378	LINSO		ALLEN		8/21/2006	0.50	57	28.50
269378	LINSO		ALLEN		9/4/2006	0.50	71.54	35.77
269378	LINSO		ALLEN		9/18/2006	0.50	64.6	32.30
269378	LINSO		ALLEN		10/2/2006	0.50	69.54	34.77
269378	LINSO		ALLEN		10/16/2006	0.50	29.45	14.72
269378	LINSO		ALLEN		10/30/2006	0.50	31.98	15.99
269378	LINSO		ALLEN		11/13/2006	0.50	69.54	34.77
269378	LINSO		ALLEN		11/27/2006	0.50	54.57	27.28
269378	LINSO		ALLEN		12/11/2006	0.50	55.63	27.81
269378	LINSO		ALLEN		12/25/2006	0.50	84.13	42.06
269378	LINSO		ALLEN		1/8/2007	0.50	21.45	10.72
269378	LINSO		ALLEN		1/22/2007	0.50	41.93	20.96
269378	LINSO		ALLEN		2/5/2007	0.50	62.74	31.37
269378	LINSO		ALLEN		2/19/2007	0.50	53.24	26.62
269378	LINSO		ALLEN		3/5/2007	0.50	74.1	37.05
269378	LINSO		ALLEN		3/19/2007	0.50	63.94	31.97
269378	LINSO		ALLEN		4/2/2007	0.50	78.04	39.02
269378	LINSO		ALLEN		4/16/2007	0.50	67.66	33.83
269378	LINSO		ALLEN		4/30/2007	0.50	78.86	39.43
269378	LINSO		ALLEN		5/14/2007	0.50	99.26	49.63
269378	LINSO		ALLEN		5/28/2007	0.50	102.64	51.32
269378	LINSO		ALLEN		6/11/2007	0.50	89.26	44.63
269378	LINSO		ALLEN		6/25/2007	0.50	122.7	61.35
269378	LINSO		ALLEN		7/9/2007	0.50	76.16	38.08
269378	LINSO		ALLEN		7/23/2007	0.50	106.54	53.27
269378	LINSO		ALLEN		8/6/2007	0.50	78.34	39.17
269378	LINSO		ALLEN		8/20/2007	0.50	86.66	43.33
269378	LINSO		ALLEN		9/3/2007	0.50	66.74	33.37
269378	LINSO		ALLEN		9/17/2007	0.50	71	35.50
269378	LINSO		ALLEN		10/1/2007	0.50	41.04	20.52
269378	LINSO		ALLEN		10/15/2007	0.50	14.43	7.21
269378	LINSO		ALLEN		10/29/2007	0.50	81.04	40.52
269378	LINSO		ALLEN		11/12/2007	0.50	70.42	35.21
269378	LINSO		ALLEN		11/26/2007	0.50	80.78	40.39
269378	LINSO		ALLEN		12/10/2007	0.50	84.02	42.01
269378	LINSO		ALLEN		12/24/2007	0.50	84.92	42.46
269378	LINSO		ALLEN		1/7/2008	0.50	21.92	10.96

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
269378	LINSO		ALLEN		1/21/2008	0.50	98.96	49.48
269378	LINSO		ALLEN		2/4/2008	0.50	99.4	49.70
269378	LINSO		ALLEN		2/18/2008	0.50	117.59	58.79
269378	LINSO		ALLEN		3/3/2008	0.50	34.99	17.49
269378	LINSO		ALLEN		3/17/2008	0.50	120.37	60.18
269378	LINSO		ALLEN		3/31/2008	0.50	97.22	48.61
269378	LINSO		ALLEN		4/14/2008	0.50	78.05	39.02
269378	LINSO		ALLEN		4/28/2008	0.50	38.81	19.40
269378	LINSO		ALLEN		5/12/2008	0.50	39.38	19.69
269378	LINSO		ALLEN		5/26/2008	0.50	28.65	14.32
269378	LINSO		ALLEN		6/9/2008	0.50	43.23	21.61
269378	LINSO		ALLEN		6/23/2008	0.50	84.89	42.44
269378	LINSO		ALLEN		7/7/2008	0.50	10.96	5.48
269378	LINSO		ALLEN		7/21/2008	0.50	14.95	7.47
269378	LINSO		ALLEN		8/17/2009	0.50	10.16	5.08
269378	LINSO		ALLEN		8/31/2009	0.50	20.36	10.18
269378	LINSO		ALLEN		9/14/2009	0.50	7.78	3.89
269378	LINSO		ALLEN		9/28/2009	0.50	11.96	5.98
282800	FRANK		ANDERSON	JR	5/6/2002	0.50	27.31	13.65
282800	FRANK		ANDERSON	JR	5/20/2002	0.50	56.33	28.16
282800	FRANK		ANDERSON	JR	6/3/2002	0.50	45.61	22.80
282800	FRANK		ANDERSON	JR	6/17/2002	0.50	90.6	45.30
282800	FRANK		ANDERSON	JR	7/1/2002	0.50	83.67	41.83
282800	FRANK		ANDERSON	JR	7/15/2002	0.50	66.88	33.44
282800	FRANK		ANDERSON	JR	7/29/2002	0.50	73.1	36.55
282800	FRANK		ANDERSON	JR	8/12/2002	0.50	81.88	40.94
282800	FRANK		ANDERSON	JR	8/26/2002	0.50	94.21	47.10
282800	FRANK		ANDERSON	JR	9/9/2002	0.50	82.19	41.09
282800	FRANK		ANDERSON	JR	9/23/2002	0.50	101.03	50.51
282800	FRANK		ANDERSON	JR	10/7/2002	0.50	105	52.50
282800	FRANK		ANDERSON	JR	10/21/2002	0.50	105	52.50
282800	FRANK		ANDERSON	JR	11/4/2002	0.50	124.64	62.32
282800	FRANK		ANDERSON	JR	11/18/2002	0.50	123.12	61.56
282800	FRANK		ANDERSON	JR	12/2/2002	0.50	82.42	41.21
282800	FRANK		ANDERSON	JR	12/16/2002	0.50	81.67	40.83
282800	FRANK		ANDERSON	JR	12/30/2002	0.50	40.62	20.31
282800	FRANK		ANDERSON	JR	1/13/2003	0.50	48.3	24.15
282800	FRANK		ANDERSON	JR	1/27/2003	0.50	60.11	30.05
282800	FRANK		ANDERSON	JR	2/10/2003	0.50	64.43	32.21
282800	FRANK		ANDERSON	JR	2/24/2003	0.50	74.23	37.11
282800	FRANK		ANDERSON	JR	3/10/2003	0.50	88.77	44.38
282800	FRANK		ANDERSON	JR	3/24/2003	0.50	68.85	34.42
282800	FRANK		ANDERSON	JR	4/7/2003	0.50	75.42	37.71
282800	FRANK		ANDERSON	JR	4/21/2003	0.50	69.3	34.65
282800	FRANK		ANDERSON	JR	5/5/2003	0.50	69.62	34.81
282800	FRANK		ANDERSON	JR	5/19/2003	0.50	114.39	57.19
282800	FRANK		ANDERSON	JR	6/2/2003	0.50	90.73	45.36
282800	FRANK		ANDERSON	JR	6/16/2003	0.50	115.14	57.57
282800	FRANK		ANDERSON	JR	6/30/2003	0.50	67.74	33.87
282800	FRANK		ANDERSON	JR	1/24/2005	0.50	17.5	8.75
282800	FRANK		ANDERSON	JR	2/7/2005	0.50	58.94	29.47
282800	FRANK		ANDERSON	JR	2/21/2005	0.50	47.11	23.55
282800	FRANK		ANDERSON	JR	3/7/2005	0.50	44.59	22.29
282800	FRANK		ANDERSON	JR	3/21/2005	0.50	43.51	21.75
282800	FRANK		ANDERSON	JR	4/4/2005	0.50	53.08	26.54
282800	FRANK		ANDERSON	JR	4/18/2005	0.50	58.22	29.11
282800	FRANK		ANDERSON	JR	5/2/2005	0.50	61.65	30.82

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
282800	FRANK		ANDERSON	JR	5/16/2005	0.50	82.22	41.11
282800	FRANK		ANDERSON	JR	5/30/2005	0.50	97.31	48.65
282800	FRANK		ANDERSON	JR	6/13/2005	0.50	76.54	38.27
282800	FRANK		ANDERSON	JR	6/27/2005	0.50	75.06	37.53
282800	FRANK		ANDERSON	JR	7/11/2005	0.50	58.22	29.11
282800	FRANK		ANDERSON	JR	7/25/2005	0.50	69.48	34.74
282800	FRANK		ANDERSON	JR	8/8/2005	0.50	97.1	48.55
282800	FRANK		ANDERSON	JR	8/22/2005	0.50	97.91	48.95
282800	FRANK		ANDERSON	JR	9/5/2005	0.50	76.92	38.46
282800	FRANK		ANDERSON	JR	9/19/2005	0.50	74.22	37.11
282800	FRANK		ANDERSON	JR	10/3/2005	0.50	91.08	45.54
282800	FRANK		ANDERSON	JR	10/17/2005	0.50	76.28	38.14
282800	FRANK		ANDERSON	JR	10/31/2005	0.50	80.93	40.46
282800	FRANK		ANDERSON	JR	11/14/2005	0.50	95.28	47.64
282800	FRANK		ANDERSON	JR	11/28/2005	0.50	101.03	50.51
282800	FRANK		ANDERSON	JR	12/12/2005	0.50	99.8	49.90
282800	FRANK		ANDERSON	JR	12/26/2005	0.50	118.9	59.45
282800	FRANK		ANDERSON	JR	1/9/2006	0.50	59.98	29.99
282800	FRANK		ANDERSON	JR	1/23/2006	0.50	95.51	47.75
282800	FRANK		ANDERSON	JR	2/6/2006	0.50	125.24	62.62
282800	FRANK		ANDERSON	JR	2/20/2006	0.50	124.36	62.18
282800	FRANK		ANDERSON	JR	3/6/2006	0.50	124.16	62.08
282800	FRANK		ANDERSON	JR	3/20/2006	0.50	121.53	60.76
282800	FRANK		ANDERSON	JR	4/3/2006	0.50	116.08	58.04
282800	FRANK		ANDERSON	JR	4/17/2006	0.50	120.67	60.33
282800	FRANK		ANDERSON	JR	5/1/2006	0.50	101.66	50.83
282800	FRANK		ANDERSON	JR	5/15/2006	0.50	123.34	61.67
282800	FRANK		ANDERSON	JR	5/29/2006	0.50	107.58	53.79
282800	FRANK		ANDERSON	JR	6/12/2006	0.50	98.09	49.04
282800	FRANK		ANDERSON	JR	6/26/2006	0.50	115.18	57.59
282800	FRANK		ANDERSON	JR	7/10/2006	0.50	93.7	46.85
282800	FRANK		ANDERSON	JR	7/24/2006	0.50	122.18	61.09
282800	FRANK		ANDERSON	JR	8/7/2006	0.50	118.15	59.07
282800	FRANK		ANDERSON	JR	8/21/2006	0.50	107.1	53.55
282800	FRANK		ANDERSON	JR	9/4/2006	0.50	123.3	61.65
282800	FRANK		ANDERSON	JR	9/18/2006	0.50	111.35	55.67
282800	FRANK		ANDERSON	JR	10/2/2006	0.50	124.1	62.05
282800	FRANK		ANDERSON	JR	10/16/2006	0.50	120.84	60.42
282800	FRANK		ANDERSON	JR	10/30/2006	0.50	110.38	55.19
282800	FRANK		ANDERSON	JR	11/13/2006	0.50	118.47	59.23
282800	FRANK		ANDERSON	JR	11/27/2006	0.50	102.83	51.41
282800	FRANK		ANDERSON	JR	12/11/2006	0.50	106.81	53.40
282800	FRANK		ANDERSON	JR	12/25/2006	0.50	127.47	63.73
282800	FRANK		ANDERSON	JR	1/8/2007	0.50	44.71	22.35
282800	FRANK		ANDERSON	JR	1/22/2007	0.50	108.15	54.07
282800	FRANK		ANDERSON	JR	2/5/2007	0.50	124.41	62.20
282800	FRANK		ANDERSON	JR	2/19/2007	0.50	132.44	66.22
282800	FRANK		ANDERSON	JR	3/5/2007	0.50	137	68.50
282800	FRANK		ANDERSON	JR	3/19/2007	0.50	133.69	66.84
282800	FRANK		ANDERSON	JR	4/2/2007	0.50	150.6	75.30
282800	FRANK		ANDERSON	JR	4/16/2007	0.50	105.48	52.74
282800	FRANK		ANDERSON	JR	4/30/2007	0.50	135.36	67.68
282800	FRANK		ANDERSON	JR	5/14/2007	0.50	192.69	96.34
282800	FRANK		ANDERSON	JR	5/28/2007	0.50	195.5	97.75
282800	FRANK		ANDERSON	JR	6/11/2007	0.50	158.29	79.14
282800	FRANK		ANDERSON	JR	6/25/2007	0.50	190.81	95.40
282800	FRANK		ANDERSON	JR	7/9/2007	0.50	139.64	69.82

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
282800	FRANK		ANDERSON	JR	7/23/2007	0.50	140.84	70.42
282800	FRANK		ANDERSON	JR	8/6/2007	0.50	143.66	71.83
282800	FRANK		ANDERSON	JR	8/20/2007	0.50	107.77	53.88
282800	FRANK		ANDERSON	JR	9/3/2007	0.50	148.06	74.03
282800	FRANK		ANDERSON	JR	9/17/2007	0.50	127.69	63.84
282800	FRANK		ANDERSON	JR	10/1/2007	0.50	138.26	69.13
282800	FRANK		ANDERSON	JR	10/15/2007	0.50	140.85	70.42
282800	FRANK		ANDERSON	JR	10/29/2007	0.50	126.59	63.29
282800	FRANK		ANDERSON	JR	11/12/2007	0.50	138.3	69.15
282800	FRANK		ANDERSON	JR	11/26/2007	0.50	136.59	68.29
282800	FRANK		ANDERSON	JR	12/10/2007	0.50	131.02	65.51
282800	FRANK		ANDERSON	JR	12/24/2007	0.50	150.14	75.07
282800	FRANK		ANDERSON	JR	1/7/2008	0.50	37.85	18.92
282800	FRANK		ANDERSON	JR	1/21/2008	0.50	170.08	85.04
282800	FRANK		ANDERSON	JR	2/4/2008	0.50	150.13	75.06
282800	FRANK		ANDERSON	JR	2/18/2008	0.50	161.99	80.99
282800	FRANK		ANDERSON	JR	3/3/2008	0.50	177.65	88.82
282800	FRANK		ANDERSON	JR	3/17/2008	0.50	169.53	84.76
282800	FRANK		ANDERSON	JR	3/31/2008	0.50	157.19	78.59
282800	FRANK		ANDERSON	JR	4/14/2008	0.50	167.76	83.88
282800	FRANK		ANDERSON	JR	4/28/2008	0.50	153.99	76.99
282800	FRANK		ANDERSON	JR	5/12/2008	0.50	132.93	66.46
282800	FRANK		ANDERSON	JR	5/26/2008	0.50	153.27	76.63
282800	FRANK		ANDERSON	JR	6/9/2008	0.50	137.03	68.51
300028	SHERMAN	KEITH	AUSTIN		6/23/2008	0.50	29.39	14.69
300028	SHERMAN	KEITH	AUSTIN		5/17/2004	0.50	34.92	17.46
263398	HENRY	L	BAKER	JR	5/31/2004	0.50	20.92	10.46
263398	HENRY	L	BAKER	JR	10/22/2001	0.50	33.5	16.75
263398	HENRY	L	BAKER	JR	11/5/2001	0.50	61.91	30.95
263398	HENRY	L	BAKER	JR	11/19/2001	0.50	59.25	29.62
263398	HENRY	L	BAKER	JR	12/3/2001	0.50	36.24	18.12
263398	HENRY	L	BAKER	JR	12/17/2001	0.50	75.14	37.57
263398	HENRY	L	BAKER	JR	12/31/2001	0.50	25.88	12.94
263398	HENRY	L	BAKER	JR	1/14/2002	0.50	52.5	26.25
263398	HENRY	L	BAKER	JR	1/28/2002	0.50	83.75	41.87
263398	HENRY	L	BAKER	JR	2/11/2002	0.50	69.9	34.95
263398	HENRY	L	BAKER	JR	2/25/2002	0.50	104.91	52.45
263398	HENRY	L	BAKER	JR	3/11/2002	0.50	102.1	51.05
263398	HENRY	L	BAKER	JR	3/25/2002	0.50	105	52.50
263398	HENRY	L	BAKER	JR	4/8/2002	0.50	37.99	18.99
263398	HENRY	L	BAKER	JR	4/22/2002	0.50	102.17	51.08
263398	HENRY	L	BAKER	JR	5/6/2002	0.50	128.28	64.14
263398	HENRY	L	BAKER	JR	5/20/2002	0.50	121.13	60.56
263398	HENRY	L	BAKER	JR	6/3/2002	0.50	48.62	24.31
263398	HENRY	L	BAKER	JR	6/17/2002	0.50	110.64	55.32
263398	HENRY	L	BAKER	JR	7/1/2002	0.50	110.55	55.27
263398	HENRY	L	BAKER	JR	7/15/2002	0.50	23.43	11.71
263398	HENRY	L	BAKER	JR	7/29/2002	0.50	118.32	59.16
263398	HENRY	L	BAKER	JR	8/12/2002	0.50	88.11	44.05
263398	HENRY	L	BAKER	JR	8/26/2002	0.50	129.2	64.60
263398	HENRY	L	BAKER	JR	9/9/2002	0.50	96.95	48.47
263398	HENRY	L	BAKER	JR	9/23/2002	0.50	113.65	56.82
263398	HENRY	L	BAKER	JR	10/7/2002	0.50	123.45	61.72
263398	HENRY	L	BAKER	JR	10/21/2002	0.50	119.17	59.58
263398	HENRY	L	BAKER	JR	11/18/2002	0.50	140.39	70.19
263398	HENRY	L	BAKER	JR	12/2/2002	0.50	96.37	48.18
263398	HENRY	L	BAKER	JR	12/16/2002	0.50	109.42	54.71

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
263398	HENRY	L	BAKER	JR	12/30/2002	0.50	66.01	33.00
263398	HENRY	L	BAKER	JR	1/13/2003	0.50	69.19	34.59
263398	HENRY	L	BAKER	JR	1/27/2003	0.50	88.43	44.21
263398	HENRY	L	BAKER	JR	2/10/2003	0.50	81.01	40.50
263398	HENRY	L	BAKER	JR	2/24/2003	0.50	85	42.50
263398	HENRY	L	BAKER	JR	3/10/2003	0.50	81.77	40.88
263398	HENRY	L	BAKER	JR	3/24/2003	0.50	92.91	46.45
263398	HENRY	L	BAKER	JR	4/7/2003	0.50	69.05	34.52
263398	HENRY	L	BAKER	JR	4/21/2003	0.50	77.01	38.50
263398	HENRY	L	BAKER	JR	5/5/2003	0.50	58.61	29.30
263398	HENRY	L	BAKER	JR	5/19/2003	0.50	106.32	53.16
263398	HENRY	L	BAKER	JR	6/2/2003	0.50	96.15	48.07
263398	HENRY	L	BAKER	JR	6/16/2003	0.50	102.87	51.43
263398	HENRY	L	BAKER	JR	6/30/2003	0.50	63.62	31.81
263398	HENRY	L	BAKER	JR	6/13/2005	0.50	17.5	8.75
263398	HENRY	L	BAKER	JR	6/13/2005	0.50	33.19	16.59
263398	HENRY	L	BAKER	JR	6/27/2005	0.50	45	22.50
263398	HENRY	L	BAKER	JR	7/11/2005	0.50	31.01	15.50
263398	HENRY	L	BAKER	JR	7/25/2005	0.50	39.98	19.99
263398	HENRY	L	BAKER	JR	8/8/2005	0.50	52.2	26.10
263398	HENRY	L	BAKER	JR	8/22/2005	0.50	55.7	27.85
263398	HENRY	L	BAKER	JR	9/5/2005	0.50	42.11	21.05
263398	HENRY	L	BAKER	JR	9/19/2005	0.50	60.44	30.22
263398	HENRY	L	BAKER	JR	10/3/2005	0.50	65.24	32.62
263398	HENRY	L	BAKER	JR	10/17/2005	0.50	63.58	31.79
263398	HENRY	L	BAKER	JR	10/31/2005	0.50	61.38	30.69
263398	HENRY	L	BAKER	JR	11/14/2005	0.50	55.66	27.83
263398	HENRY	L	BAKER	JR	11/28/2005	0.50	62.02	31.01
263398	HENRY	L	BAKER	JR	12/12/2005	0.50	76.17	38.08
263398	HENRY	L	BAKER	JR	12/26/2005	0.50	55.88	27.94
263398	HENRY	L	BAKER	JR	1/9/2006	0.50	31.77	15.88
263398	HENRY	L	BAKER	JR	1/23/2006	0.50	2.6	1.30
263398	HENRY	L	BAKER	JR	8/7/2006	0.50	17.5	8.75
263398	HENRY	L	BAKER	JR	8/21/2006	0.50	19.6	9.80
263398	HENRY	L	BAKER	JR	9/4/2006	0.50	33.95	16.97
263398	HENRY	L	BAKER	JR	9/18/2006	0.50	26.95	13.47
263398	HENRY	L	BAKER	JR	10/2/2006	0.50	42.38	21.19
263398	HENRY	L	BAKER	JR	10/16/2006	0.50	3.15	1.57
263398	HENRY	L	BAKER	JR	7/19/2010	0.50	9.6	4.80
263398	HENRY	L	BAKER	JR	8/2/2010	0.50	33.14	16.57
297868	QUENTIN	BRUCE	BAKER		4/19/2004	0.50	20.02	10.01
297868	QUENTIN	BRUCE	BAKER		5/3/2004	0.50	50.49	25.24
297868	QUENTIN	BRUCE	BAKER		5/17/2004	0.50	68.96	34.48
297868	QUENTIN	BRUCE	BAKER		5/31/2004	0.50	64.31	32.15
297868	QUENTIN	BRUCE	BAKER		6/14/2004	0.50	61.21	30.60
297868	QUENTIN	BRUCE	BAKER		6/28/2004	0.50	70.18	35.09
297868	QUENTIN	BRUCE	BAKER		7/12/2004	0.50	61.65	30.82
297868	QUENTIN	BRUCE	BAKER		7/26/2004	0.50	78.88	39.44
297868	QUENTIN	BRUCE	BAKER		8/9/2004	0.50	47.44	23.72
297868	QUENTIN	BRUCE	BAKER		8/23/2004	0.50	17.5	8.75
297868	QUENTIN	BRUCE	BAKER		9/6/2004	0.50	17.5	8.75
297868	QUENTIN	BRUCE	BAKER		9/20/2004	0.50	28.66	14.33
297868	QUENTIN	BRUCE	BAKER		10/4/2004	0.50	77.76	38.88
297868	QUENTIN	BRUCE	BAKER		10/18/2004	0.50	100.37	50.18
297868	QUENTIN	BRUCE	BAKER		11/1/2004	0.50	128.88	64.44
297868	QUENTIN	BRUCE	BAKER		11/15/2004	0.50	119.91	59.95
297868	QUENTIN	BRUCE	BAKER		11/29/2004	0.50	86.66	43.33

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Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
297868	QUENTIN	BRUCE	BAKER		12/13/2004	0.50	103.4	51.70
297868	QUENTIN	BRUCE	BAKER		12/27/2004	0.50	127.28	63.64
297868	QUENTIN	BRUCE	BAKER		1/10/2005	0.50	81.71	40.85
297868	QUENTIN	BRUCE	BAKER		1/24/2005	0.50	107.93	53.96
297868	QUENTIN	BRUCE	BAKER		2/7/2005	0.50	130.35	65.17
297868	QUENTIN	BRUCE	BAKER		2/21/2005	0.50	115.23	57.61
297868	QUENTIN	BRUCE	BAKER		3/7/2005	0.50	92.72	46.36
297868	QUENTIN	BRUCE	BAKER		3/21/2005	0.50	112.76	56.38
297868	QUENTIN	BRUCE	BAKER		4/4/2005	0.50	103.05	51.52
297868	QUENTIN	BRUCE	BAKER		4/18/2005	0.50	125.12	62.56
297868	QUENTIN	BRUCE	BAKER		5/2/2005	0.50	118.71	59.35
297868	QUENTIN	BRUCE	BAKER		5/16/2006	0.50	130.87	65.43
297868	QUENTIN	BRUCE	BAKER		5/30/2005	0.50	119.48	59.74
297868	QUENTIN	BRUCE	BAKER		6/13/2005	0.50	109.85	54.92
297868	QUENTIN	BRUCE	BAKER		6/27/2005	0.50	122.54	61.27
297868	QUENTIN	BRUCE	BAKER		7/11/2005	0.50	104.04	52.02
297868	QUENTIN	BRUCE	BAKER		7/25/2005	0.50	102.73	51.36
297868	QUENTIN	BRUCE	BAKER		8/8/2005	0.50	97.16	48.58
297868	QUENTIN	BRUCE	BAKER		8/22/2005	0.50	106.03	53.01
297868	QUENTIN	BRUCE	BAKER		9/5/2005	0.50	107.81	53.90
297868	QUENTIN	BRUCE	BAKER		9/19/2005	0.50	95	47.50
297868	QUENTIN	BRUCE	BAKER		10/3/2005	0.50	102.43	51.21
297868	QUENTIN	BRUCE	BAKER		10/17/2005	0.50	94.55	47.27
297868	QUENTIN	BRUCE	BAKER		10/31/2005	0.50	96.19	48.09
297868	QUENTIN	BRUCE	BAKER		11/14/2005	0.50	100.76	50.38
297868	QUENTIN	BRUCE	BAKER		11/28/2005	0.50	104.48	52.24
297868	QUENTIN	BRUCE	BAKER		12/12/2005	0.50	106.73	53.36
297868	QUENTIN	BRUCE	BAKER		12/26/2005	0.50	130.39	65.19
297868	QUENTIN	BRUCE	BAKER		1/9/2006	0.50	62.46	31.23
297868	QUENTIN	BRUCE	BAKER		1/23/2006	0.50	105.01	52.50
297868	QUENTIN	BRUCE	BAKER		2/6/2006	0.50	118.35	59.17
297868	QUENTIN	BRUCE	BAKER		2/20/2006	0.50	124.19	62.09
297868	QUENTIN	BRUCE	BAKER		3/6/2006	0.50	111.62	55.81
297868	QUENTIN	BRUCE	BAKER		3/20/2006	0.50	162.5	81.25
297868	QUENTIN	BRUCE	BAKER		4/3/2006	0.50	117.08	58.54
297868	QUENTIN	BRUCE	BAKER		4/17/2006	0.50	119.56	59.78
297868	QUENTIN	BRUCE	BAKER		5/1/2006	0.50	100.4	50.20
297868	QUENTIN	BRUCE	BAKER		5/15/2006	0.50	127.51	63.75
297868	QUENTIN	BRUCE	BAKER		5/29/2006	0.50	111.24	55.62
297868	QUENTIN	BRUCE	BAKER		6/12/2006	0.50	102.78	51.39
297868	QUENTIN	BRUCE	BAKER		6/26/2006	0.50	108.14	54.07
297868	QUENTIN	BRUCE	BAKER		7/10/2006	0.50	83.39	41.69
297868	QUENTIN	BRUCE	BAKER		7/24/2006	0.50	128.11	64.05
297868	QUENTIN	BRUCE	BAKER		8/7/2006	0.50	77.4	38.70
297868	QUENTIN	BRUCE	BAKER		8/21/2006	0.50	105.3	52.65
297868	QUENTIN	BRUCE	BAKER		9/4/2006	0.50	113.4	56.70
297868	QUENTIN	BRUCE	BAKER		9/18/2006	0.50	102.6	51.30
297868	QUENTIN	BRUCE	BAKER		10/2/2006	0.50	110.7	55.35
297868	QUENTIN	BRUCE	BAKER		10/16/2006	0.50	101.07	50.53
297868	QUENTIN	BRUCE	BAKER		10/30/2006	0.50	80.35	40.17
297868	QUENTIN	BRUCE	BAKER		11/13/2006	0.50	99.94	49.97
297868	QUENTIN	BRUCE	BAKER		11/27/2006	0.50	88.51	44.25
297868	QUENTIN	BRUCE	BAKER		12/11/2006	0.50	91.49	45.74
297868	QUENTIN	BRUCE	BAKER		12/25/2006	0.50	117.42	58.71
297868	QUENTIN	BRUCE	BAKER		1/8/2007	0.50	14.18	7.09
297868	QUENTIN	BRUCE	BAKER		1/22/2007	0.50	94.32	47.16
297868	QUENTIN	BRUCE	BAKER		2/5/2007	0.50	60.98	30.49

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
265682	MICHAEL	C	BAYLOR		6/4/2001	0.50	29.94	14.97
265682	MICHAEL	C	BAYLOR		6/18/2001	0.50	15.75	7.87
265682	MICHAEL	C	BAYLOR		7/2/2001	0.50	73.04	36.52
265682	MICHAEL	C	BAYLOR		7/16/2001	0.50	43.81	21.90
265682	MICHAEL	C	BAYLOR		7/30/2001	0.50	68.88	34.44
265682	MICHAEL	C	BAYLOR		8/13/2001	0.50	74.92	37.46
265682	MICHAEL	C	BAYLOR		8/27/2001	0.50	71.87	35.93
265682	MICHAEL	C	BAYLOR		9/10/2001	0.50	71.84	35.92
265682	MICHAEL	C	BAYLOR		9/24/2001	0.50	42	21.00
265682	MICHAEL	C	BAYLOR		10/8/2001	0.50	105.67	52.83
265682	MICHAEL	C	BAYLOR		10/22/2001	0.50	87.66	43.83
265682	MICHAEL	C	BAYLOR		11/5/2001	0.50	66.12	33.06
265682	MICHAEL	C	BAYLOR		11/19/2001	0.50	69.64	34.82
265682	MICHAEL	C	BAYLOR		12/3/2001	0.50	65.02	32.51
301270	JACOB	RAY	BEACH		12/17/2001	0.50	33.83	16.91
301270	JACOB	RAY	BEACH		6/14/2004	0.50	18.22	9.11
301270	JACOB	RAY	BEACH		6/28/2004	0.50	43.66	21.83
301270	JACOB	RAY	BEACH		7/12/2004	0.50	26.92	13.46
301270	JACOB	RAY	BEACH		7/26/2004	0.50	42.7	21.35
301270	JACOB	RAY	BEACH		8/9/2004	0.50	57.13	28.56
301270	JACOB	RAY	BEACH		8/23/2004	0.50	68.13	34.06
301270	JACOB	RAY	BEACH		9/6/2004	0.50	45.17	22.58
301270	JACOB	RAY	BEACH		9/20/2004	0.50	49.23	24.61
301270	JACOB	RAY	BEACH		10/4/2004	0.50	72.14	36.07
301270	JACOB	RAY	BEACH		10/18/2004	0.50	39.86	19.93
301270	JACOB	RAY	BEACH		11/1/2004	0.50	53.77	26.88
301270	JACOB	RAY	BEACH		11/15/2004	0.50	77.89	38.94
301270	JACOB	RAY	BEACH		11/29/2004	0.50	72.16	36.08
301270	JACOB	RAY	BEACH		12/13/2004	0.50	55.02	27.51
301270	JACOB	RAY	BEACH		12/27/2004	0.50	99.05	49.52
301270	JACOB	RAY	BEACH		1/10/2005	0.50	63.91	31.95
301270	JACOB	RAY	BEACH		1/24/2005	0.50	82.5	41.25
301270	JACOB	RAY	BEACH		4/17/2006	0.60	25.91	12.95
301270	JACOB	RAY	BEACH		5/1/2006	0.50	25.2	12.60
301270	JACOB	RAY	BEACH		5/15/2006	0.50	31.14	15.57
301270	JACOB	RAY	BEACH		5/29/2006	0.50	29.38	14.69
301270	JACOB	RAY	BEACH		6/12/2006	0.50	42.07	21.03
301270	JACOB	RAY	BEACH		6/26/2006	0.50	50.67	25.33
301270	JACOB	RAY	BEACH		7/10/2006	0.50	35.13	17.56
301270	JACOB	RAY	BEACH		7/24/2006	0.50	56.42	28.21
301270	JACOB	RAY	BEACH		8/7/2006	0.50	57.6	28.80
301270	JACOB	RAY	BEACH		8/21/2006	0.50	42.6	21.30
301270	JACOB	RAY	BEACH		9/4/2006	0.50	49.2	24.60
301270	JACOB	RAY	BEACH		9/18/2006	0.50	40.74	20.37
301270	JACOB	RAY	BEACH		10/2/2006	0.50	53.2	26.60
301270	JACOB	RAY	BEACH		10/16/2006	0.50	52.96	26.48
301270	JACOB	RAY	BEACH		10/30/2006	0.50	56.64	28.32
301270	JACOB	RAY	BEACH		11/13/2006	0.50	63.02	31.51
301270	JACOB	RAY	BEACH		11/27/2006	0.50	52.01	26.00
301270	JACOB	RAY	BEACH		12/11/2006	0.50	59.6	29.80
301270	JACOB	RAY	BEACH		12/25/2006	0.50	75.02	37.51
301270	JACOB	RAY	BEACH		1/8/2007	0.50	15.41	7.70
301270	JACOB	RAY	BEACH		1/22/2007	0.50	61.65	30.82
301270	JACOB	RAY	BEACH		2/5/2007	0.50	72.5	36.25
301270	JACOB	RAY	BEACH		2/19/2007	0.50	70.16	35.08
301270	JACOB	RAY	BEACH		3/5/2007	0.50	61.38	30.69
301270	JACOB	RAY	BEACH		3/19/2007	0.50	70.2	35.10

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Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
301270	JACOB	RAY	BEACH		4/2/2007	0.50	56.51	28.25
301270	JACOB	RAY	BEACH		4/16/2007	0.50	57.27	28.63
301270	JACOB	RAY	BEACH		4/30/2007	0.50	48.14	24.07
301270	JACOB	RAY	BEACH		5/14/2007	0.50	51.22	25.61
301270	JACOB	RAY	BEACH		5/28/2007	0.50	50.2	25.10
301270	JACOB	RAY	BEACH		6/11/2007	0.50	69.9	34.95
301270	JACOB	RAY	BEACH		6/25/2007	0.50	122.32	61.16
301270	JACOB	RAY	BEACH		7/9/2007	0.50	114.15	57.07
301270	JACOB	RAY	BEACH		7/23/2007	0.50	147.85	73.92
301270	JACOB	RAY	BEACH		8/6/2007	0.50	94.85	47.42
301270	JACOB	RAY	BEACH		8/20/2007	0.50	86.01	43.00
301270	JACOB	RAY	BEACH		9/3/2007	0.50	58.84	29.42
301270	JACOB	RAY	BEACH		9/17/2007	0.50	73.4	36.70
301270	JACOB	RAY	BEACH		10/1/2007	0.50	85.56	42.78
301270	JACOB	RAY	BEACH		10/15/2007	0.50	72.43	36.21
301270	JACOB	RAY	BEACH		10/29/2007	0.50	80.66	40.33
301270	JACOB	RAY	BEACH		11/12/2007	0.50	83.13	41.56
301270	JACOB	RAY	BEACH		11/26/2007	0.50	71.57	35.78
301270	JACOB	RAY	BEACH		12/10/2007	0.50	86.87	43.43
301270	JACOB	RAY	BEACH		12/24/2007	0.50	76.98	38.49
301270	JACOB	RAY	BEACH		1/7/2008	0.50	7.07	3.53
301270	JACOB	RAY	BEACH		1/21/2008	0.50	145.06	72.53
301270	JACOB	RAY	BEACH		2/4/2008	0.50	121	60.50
301270	JACOB	RAY	BEACH		2/18/2008	0.50	131.34	65.67
301270	JACOB	RAY	BEACH		3/3/2008	0.50	126.09	63.04
301270	JACOB	RAY	BEACH		3/17/2008	0.50	142.85	71.42
301270	JACOB	RAY	BEACH		3/31/2008	0.50	130.63	65.31
301270	JACOB	RAY	BEACH		4/14/2008	0.50	120.24	60.12
301270	JACOB	RAY	BEACH		4/28/2008	0.50	100.76	50.38
301270	JACOB	RAY	BEACH		5/12/2008	0.50	119.43	59.71
301270	JACOB	RAY	BEACH		5/26/2008	0.50	128.7	64.35
301270	JACOB	RAY	BEACH		6/9/2008	0.50	43.38	21.69
222388	DARRYEL		BEASLEY		5/6/2002	0.50	15.62	7.81
222388	DARRYEL		BEASLEY		5/6/2002	0.50	60.77	30.38
222388	DARRYEL		BEASLEY		5/20/2002	0.50	59.7	29.85
222388	DARRYEL		BEASLEY		6/3/2002	0.50	45.06	22.53
222388	DARRYEL		BEASLEY		6/17/2002	0.50	49.33	24.66
222388	DARRYEL		BEASLEY		7/1/2002	0.50	61.43	30.71
222388	DARRYEL		BEASLEY		7/15/2002	0.50	53.53	26.76
222388	DARRYEL		BEASLEY		7/29/2002	0.50	72.83	36.41
222388	DARRYEL		BEASLEY		8/12/2002	0.50	92.08	46.04
222388	DARRYEL		BEASLEY		8/26/2002	0.50	85.44	42.72
222388	DARRYEL		BEASLEY		9/9/2002	0.50	85.36	42.68
222388	DARRYEL		BEASLEY		9/23/2002	0.50	98	49.00
222388	DARRYEL		BEASLEY		10/7/2002	0.50	85.65	42.82
222388	DARRYEL		BEASLEY		10/21/2002	0.50	117.08	58.54
222388	DARRYEL		BEASLEY		11/4/2002	0.50	116.33	58.16
222388	DARRYEL		BEASLEY		11/18/2002	0.50	118.5	59.25
222388	DARRYEL		BEASLEY		12/2/2002	0.50	98.26	49.13
222388	DARRYEL		BEASLEY		12/16/2002	0.50	103.11	51.55
222388	DARRYEL		BEASLEY		12/30/2002	0.50	50.18	25.09
222388	DARRYEL		BEASLEY		1/13/2003	0.50	67.13	33.56
222388	DARRYEL		BEASLEY		1/27/2003	0.50	82.47	41.23
222388	DARRYEL		BEASLEY		2/10/2003	0.50	92.58	46.29
222388	DARRYEL		BEASLEY		2/24/2003	0.50	101.07	50.53
222388	DARRYEL		BEASLEY		3/10/2003	0.50	93.87	46.93
222388	DARRYEL		BEASLEY		3/24/2003	0.50	99.6	49.80

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
222388	DARRYEL		BEASLEY		4/7/2003	0.50	52.55	26.27
222388	DARRYEL		BEASLEY		10/6/2003	0.50	17.5	8.75
222388	DARRYEL		BEASLEY		10/20/2003	0.50	17.5	8.75
222388	DARRYEL		BEASLEY		11/3/2003	0.50	17.5	8.75
222388	DARRYEL		BEASLEY		11/17/2003	0.50	17.5	8.75
222388	DARRYEL		BEASLEY		12/1/2003	0.50	17.5	8.75
222388	DARRYEL		BEASLEY		12/15/2003	0.50	72.3	36.15
222388	DARRYEL		BEASLEY		12/29/2003	0.50	107.61	53.80
222388	DARRYEL		BEASLEY		1/12/2004	0.50	74.24	37.12
222388	DARRYEL		BEASLEY		1/26/2004	0.50	99.11	49.55
222388	DARRYEL		BEASLEY		2/9/2004	0.50	119.48	59.74
222388	DARRYEL		BEASLEY		2/23/2004	0.50	131.13	65.56
222388	DARRYEL		BEASLEY		3/8/2004	0.50	119.03	59.51
222388	DARRYEL		BEASLEY		3/22/2004	0.50	119.9	59.95
222388	DARRYEL		BEASLEY		4/5/2004	0.50	97.33	48.66
222388	DARRYEL		BEASLEY		4/19/2004	0.50	112.59	56.29
222388	DARRYEL		BEASLEY		5/3/2004	0.50	121.09	60.54
222388	DARRYEL		BEASLEY		5/17/2004	0.50	140.1	70.05
222388	DARRYEL		BEASLEY		5/31/2004	0.50	113.41	56.70
222388	DARRYEL		BEASLEY		6/14/2004	0.50	102.55	51.27
222388	DARRYEL		BEASLEY		6/28/2004	0.50	119.05	59.52
222388	DARRYEL		BEASLEY		7/12/2004	0.50	94.69	47.34
222388	DARRYEL		BEASLEY		7/26/2004	0.50	103.79	51.89
222388	DARRYEL		BEASLEY		8/9/2004	0.50	60.66	30.33
222388	DARRYEL		BEASLEY		8/23/2004	0.50	31.99	15.99
222388	DARRYEL		BEASLEY		9/6/2004	0.50	99.76	49.88
222388	DARRYEL		BEASLEY		9/20/2004	0.50	105.86	52.93
222388	DARRYEL		BEASLEY		10/4/2004	0.50	98.4	49.20
222388	DARRYEL		BEASLEY		10/18/2004	0.50	129.98	64.99
222388	DARRYEL		BEASLEY		11/1/2004	0.50	153.03	76.51
222388	DARRYEL		BEASLEY		11/15/2004	0.50	141.51	70.75
222388	DARRYEL		BEASLEY		11/29/2004	0.50	122.3	61.15
222388	DARRYEL		BEASLEY		12/13/2004	0.50	114.89	57.44
222388	DARRYEL		BEASLEY		12/27/2004	0.50	118.3	59.15
222388	DARRYEL		BEASLEY		1/10/2005	0.50	79.75	39.87
222388	DARRYEL		BEASLEY		1/24/2005	0.50	123.77	61.88
222388	DARRYEL		BEASLEY		2/7/2005	0.50	130.8	65.40
222388	DARRYEL		BEASLEY		2/21/2005	0.50	116.1	58.05
222388	DARRYEL		BEASLEY		3/7/2005	0.50	109.87	54.93
222388	DARRYEL		BEASLEY		3/21/2005	0.50	96.39	48.19
222388	DARRYEL		BEASLEY		4/4/2005	0.50	65.43	32.71
222388	DARRYEL		BEASLEY		4/18/2005	0.50	80.51	40.25
222388	DARRYEL		BEASLEY		5/2/2005	0.50	93.2	46.60
222388	DARRYEL		BEASLEY		5/16/2005	0.50	111.88	55.94
222388	DARRYEL		BEASLEY		5/30/2005	0.50	109.04	54.52
222388	DARRYEL		BEASLEY		6/13/2005	0.50	85.45	42.72
222388	DARRYEL		BEASLEY		6/27/2005	0.50	96.57	48.28
222388	DARRYEL		BEASLEY		7/11/2005	0.50	62.19	31.09
264212	MICHAEL		BENNINGER		7/15/2002	0.50	37.64	18.82
264212	MICHAEL		BENNINGER		7/29/2002	0.50	47.18	23.59
264212	MICHAEL		BENNINGER		8/12/2002	0.50	35.65	17.82
288111	JAMES	NELSON	BOGAN		7/14/2003	0.50	61.62	30.81
288111	JAMES	NELSON	BOGAN		7/28/2003	0.50	43.51	21.75
288111	JAMES	NELSON	BOGAN		8/11/2003	0.50	45.97	22.98
288111	JAMES	NELSON	BOGAN		8/25/2003	0.50	48.56	24.28
288111	JAMES	NELSON	BOGAN		9/8/2003	0.50	58.13	29.06
288111	JAMES	NELSON	BOGAN		9/22/2003	0.50	61.78	30.89

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
288111	JAMES	NELSON	BOGAN		10/6/2003	0.50	55.18	27.59
288111	JAMES	NELSON	BOGAN		10/20/2003	0.50	61.78	30.89
288111	JAMES	NELSON	BOGAN		11/3/2003	0.50	63.24	31.62
288111	JAMES	NELSON	BOGAN		11/17/2003	0.50	71.89	35.94
288111	JAMES	NELSON	BOGAN		12/1/2003	0.50	52.8	26.40
288111	JAMES	NELSON	BOGAN		12/15/2003	0.50	58.78	29.39
288111	JAMES	NELSON	BOGAN		12/29/2003	0.50	73.34	36.67
288111	JAMES	NELSON	BOGAN		1/12/2004	0.50	51.08	25.54
288111	JAMES	NELSON	BOGAN		1/26/2004	0.50	94.76	47.38
288111	JAMES	NELSON	BOGAN		2/9/2004	0.50	103.77	51.88
288111	JAMES	NELSON	BOGAN		2/23/2004	0.50	118.38	59.19
288111	JAMES	NELSON	BOGAN		3/8/2004	0.50	111.05	55.52
288111	JAMES	NELSON	BOGAN		3/22/2004	0.50	99.83	49.91
288111	JAMES	NELSON	BOGAN		4/5/2004	0.50	113.93	56.96
288111	JAMES	NELSON	BOGAN		4/19/2004	0.50	98.75	49.37
288111	JAMES	NELSON	BOGAN		5/3/2004	0.50	106.05	53.02
288111	JAMES	NELSON	BOGAN		5/17/2004	0.50	114.93	57.46
288111	JAMES	NELSON	BOGAN		5/31/2004	0.50	102.81	51.40
288111	JAMES	NELSON	BOGAN		6/14/2004	0.50	96.93	48.46
288111	JAMES	NELSON	BOGAN		6/28/2004	0.50	105.41	52.70
288111	JAMES	NELSON	BOGAN		7/12/2004	0.50	104.18	52.09
288111	JAMES	NELSON	BOGAN		7/26/2004	0.50	120.19	60.09
288111	JAMES	NELSON	BOGAN		8/9/2004	0.50	112.63	56.31
288111	JAMES	NELSON	BOGAN		8/23/2004	0.50	121.69	60.84
288111	JAMES	NELSON	BOGAN		9/6/2004	0.50	105.45	52.72
288111	JAMES	NELSON	BOGAN		9/20/2004	0.50	107.44	53.72
288111	JAMES	NELSON	BOGAN		10/4/2004	0.50	131.46	65.73
288111	JAMES	NELSON	BOGAN		10/18/2004	0.50	131.83	65.91
288111	JAMES	NELSON	BOGAN		11/1/2004	0.50	118.38	59.19
288111	JAMES	NELSON	BOGAN		11/15/2004	0.50	116.67	58.33
288111	JAMES	NELSON	BOGAN		11/29/2004	0.50	115.16	57.58
288111	JAMES	NELSON	BOGAN		12/13/2004	0.50	89.88	44.94
288111	JAMES	NELSON	BOGAN		12/27/2004	0.50	130.85	65.42
288111	JAMES	NELSON	BOGAN		1/10/2005	0.50	82.08	41.04
288111	JAMES	NELSON	BOGAN		1/24/2005	0.50	123.1	61.55
288111	JAMES	NELSON	BOGAN		2/7/2005	0.50	134.12	67.06
288111	JAMES	NELSON	BOGAN		2/21/2005	0.50	121.75	60.87
288111	JAMES	NELSON	BOGAN		3/7/2005	0.50	128.52	64.26
288111	JAMES	NELSON	BOGAN		3/21/2005	0.50	124.64	62.32
288111	JAMES	NELSON	BOGAN		4/4/2005	0.50	110.36	55.18
288111	JAMES	NELSON	BOGAN		4/18/2005	0.50	122.86	61.43
288111	JAMES	NELSON	BOGAN		5/2/2005	0.50	101.52	50.76
288111	JAMES	NELSON	BOGAN		8/22/2005	0.50	76.05	38.02
288111	JAMES	NELSON	BOGAN		9/5/2005	0.50	125.37	62.68
288111	JAMES	NELSON	BOGAN		9/19/2005	0.50	110.29	55.14
288111	JAMES	NELSON	BOGAN		10/3/2005	0.50	125.46	62.73
288111	JAMES	NELSON	BOGAN		10/17/2005	0.50	123.17	61.58
288111	JAMES	NELSON	BOGAN		10/31/2005	0.50	123.61	61.80
288111	JAMES	NELSON	BOGAN		11/14/2005	0.50	35.41	17.70
252745	TAURUS		BOWMAN		12/3/2001	0.50	55.05	27.52
252745	TAURUS		BOWMAN		12/17/2001	0.50	85	42.50
252745	TAURUS		BOWMAN		12/31/2001	0.50	31.98	15.99
252745	TAURUS		BOWMAN		1/14/2002	0.50	61.15	30.57
252745	TAURUS		BOWMAN		1/28/2002	0.50	41.64	20.82
252745	TAURUS		BOWMAN		2/11/2002	0.50	113.29	56.64
252745	TAURUS		BOWMAN		2/25/2002	0.50	82.54	41.27
252745	TAURUS		BOWMAN		3/11/2002	0.50	88.6	44.30

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
252745	TAURUS		BOWMAN		3/25/2002	0.50	42	21.00
252745	TAURUS		BOWMAN		4/8/2002	0.50	70.76	35.38
252745	TAURUS		BOWMAN		4/22/2002	0.50	112.5	56.25
252745	TAURUS		BOWMAN		5/6/2002	0.50	101.25	50.62
252745	TAURUS		BOWMAN		5/20/2002	0.50	116.25	58.12
252745	TAURUS		BOWMAN		6/3/2002	0.50	96.8	48.40
252745	TAURUS		BOWMAN		6/17/2002	0.50	102.56	51.28
252745	TAURUS		BOWMAN		7/1/2002	0.50	106.35	53.17
252745	TAURUS		BOWMAN		7/15/2002	0.50	80.55	40.27
252745	TAURUS		BOWMAN		7/29/2002	0.50	98.4	49.20
252745	TAURUS		BOWMAN		8/12/2002	0.50	103.4	51.70
252745	TAURUS		BOWMAN		8/26/2002	0.50	105.9	52.95
252745	TAURUS		BOWMAN		9/9/2002	0.50	107.93	53.96
252745	TAURUS		BOWMAN		9/23/2002	0.50	111	55.50
252745	TAURUS		BOWMAN		10/7/2002	0.50	100.53	50.26
252745	TAURUS		BOWMAN		10/21/2002	0.50	114.09	57.04
252745	TAURUS		BOWMAN		11/4/2002	0.50	127.5	63.75
252745	TAURUS		BOWMAN		11/18/2002	0.50	98.46	49.23
252745	TAURUS		BOWMAN		12/2/2002	0.50	92.17	46.08
252745	TAURUS		BOWMAN		12/16/2002	0.50	78.05	39.02
252745	TAURUS		BOWMAN		12/30/2002	0.50	38.25	19.12
252745	TAURUS		BOWMAN		1/13/2003	0.50	83.44	41.72
252745	TAURUS		BOWMAN		1/27/2003	0.50	72.68	36.34
252745	TAURUS		BOWMAN		2/10/2003	0.50	72.56	36.28
252745	TAURUS		BOWMAN		2/24/2003	0.50	70.3	35.15
252745	TAURUS		BOWMAN		2/24/2003	0.50	70.3	35.15
252745	TAURUS		BOWMAN		3/10/2003	0.50	64.18	32.09
252745	TAURUS		BOWMAN		3/24/2003	0.50	86.24	43.12
252745	TAURUS		BOWMAN		4/7/2003	0.50	28.99	14.49
252745	TAURUS		BOWMAN		6/30/2003	0.50	34.24	17.12
227847	LAZARUS	M	BRANNON		4/24/2000	0.35	50.1	17.53
227847	LAZARUS	M	BRANNON		5/8/2000	0.35	62.82	21.98
227847	LAZARUS	M	BRANNON		5/22/2000	0.35	55.7	19.49
227847	LAZARUS	M	BRANNON		5/22/2000	0.25	7.5	1.87
227847	LAZARUS	M	BRANNON		6/5/2000	0.50	62.47	31.23
227847	LAZARUS	M	BRANNON		6/19/2000	0.55	5.37	2.95
227847	LAZARUS	M	BRANNON		6/19/2000	0.50	75	37.50
227847	LAZARUS	M	BRANNON		7/3/2000	0.55	23.33	12.83
227847	LAZARUS	M	BRANNON		7/3/2000	0.25	7.08	1.77
227847	LAZARUS	M	BRANNON		7/3/2000	0.35	7.5	2.62
227847	LAZARUS	M	BRANNON		7/3/2000	0.50	60	30.00
227847	LAZARUS	M	BRANNON		7/17/2000	0.50	89.42	44.71
227847	LAZARUS	M	BRANNON		7/31/2000	0.50	134.85	67.42
227847	LAZARUS	M	BRANNON		8/14/2000	0.50	60.53	30.26
227847	LAZARUS	M	BRANNON		8/28/2000	0.50	88.06	44.03
227847	LAZARUS	M	BRANNON		9/11/2000	0.50	39.77	19.88
227847	LAZARUS	M	BRANNON		9/25/2000	0.50	39.27	19.63
227847	LAZARUS	M	BRANNON		10/9/2000	0.50	71.7	35.85
227847	LAZARUS	M	BRANNON		10/23/2000	0.50	146.55	73.27
227847	LAZARUS	M	BRANNON		11/6/2000	0.50	103.58	51.79
227847	LAZARUS	M	BRANNON		11/20/2000	0.50	89.53	44.76
227847	LAZARUS	M	BRANNON		12/4/2000	0.50	76.31	38.15
227847	LAZARUS	M	BRANNON		12/18/2000	0.50	54.15	27.07
227847	LAZARUS	M	BRANNON		1/1/2001	0.50	10.08	5.04
227847	LAZARUS	M	BRANNON		1/15/2001	0.50	99.48	49.74
227847	LAZARUS	M	BRANNON		1/29/2001	0.50	82.22	41.11
227847	LAZARUS	M	BRANNON		2/12/2001	0.50	104.78	52.39

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
227847	LAZARUS	M	BRANNON		2/26/2001	0.50	84.85	42.42
227847	LAZARUS	M	BRANNON		3/12/2001	0.50	95.52	47.76
227847	LAZARUS	M	BRANNON		3/26/2001	0.50	103.43	51.71
227847	LAZARUS	M	BRANNON		4/9/2001	0.50	109.35	54.67
227847	LAZARUS	M	BRANNON		4/23/2001	0.50	118.8	59.40
227847	LAZARUS	M	BRANNON		5/7/2001	0.50	143.82	71.91
227847	LAZARUS	M	BRANNON		5/21/2001	0.50	95.63	47.81
227847	LAZARUS	M	BRANNON		6/4/2001	0.50	84.8	42.40
227847	LAZARUS	M	BRANNON		6/18/2001	0.50	46.04	23.02
227847	LAZARUS	M	BRANNON		7/2/2001	0.50	42.06	21.03
227847	LAZARUS	M	BRANNON		7/16/2001	0.50	54.96	27.48
227847	LAZARUS	M	BRANNON		7/30/2001	0.50	87.6	43.80
227847	LAZARUS	M	BRANNON		8/13/2001	0.50	57.24	28.62
227847	LAZARUS	M	BRANNON		8/27/2001	0.50	102.18	51.09
227847	LAZARUS	M	BRANNON		9/10/2001	0.50	68.8	34.40
227847	LAZARUS	M	BRANNON		9/24/2001	0.50	58.75	29.37
227847	LAZARUS	M	BRANNON		10/8/2001	0.50	121.47	60.73
227847	LAZARUS	M	BRANNON		10/22/2001	0.50	118.19	59.09
227847	LAZARUS	M	BRANNON		11/5/2001	0.50	64.06	32.03
227847	LAZARUS	M	BRANNON		11/19/2001	0.50	64.94	32.47
227847	LAZARUS	M	BRANNON		12/3/2001	0.50	82.36	41.18
227847	LAZARUS	M	BRANNON		12/17/2001	0.50	126.93	63.46
227847	LAZARUS	M	BRANNON		12/31/2001	0.50	55.64	27.82
227847	LAZARUS	M	BRANNON		4/22/2002	0.50	37.01	18.50
227847	LAZARUS	M	BRANNON		5/6/2002	0.50	29.73	14.86
227847	LAZARUS	M	BRANNON		5/20/2002	0.50	34.65	17.32
227847	LAZARUS	M	BRANNON		6/3/2002	0.50	61.4	30.70
227847	LAZARUS	M	BRANNON		6/17/2002	0.50	71.03	35.51
227847	LAZARUS	M	BRANNON		7/1/2002	0.50	75.8	37.90
227847	LAZARUS	M	BRANNON		7/15/2002	0.50	66.14	33.07
227847	LAZARUS	M	BRANNON		7/29/2002	0.50	81.62	40.81
227847	LAZARUS	M	BRANNON		8/12/2002	0.50	77.76	38.88
227847	LAZARUS	M	BRANNON		8/26/2002	0.50	69.5	34.75
227847	LAZARUS	M	BRANNON		9/9/2002	0.50	60.94	30.47
227847	LAZARUS	M	BRANNON		9/23/2002	0.50	61.24	30.62
227847	LAZARUS	M	BRANNON		10/7/2002	0.50	89.13	44.56
227847	LAZARUS	M	BRANNON		10/21/2002	0.50	90.11	45.05
227847	LAZARUS	M	BRANNON		11/4/2002	0.50	100.5	50.25
227847	LAZARUS	M	BRANNON		11/18/2002	0.50	75.48	37.74
227847	LAZARUS	M	BRANNON		12/2/2002	0.50	74.93	37.46
227847	LAZARUS	M	BRANNON		12/16/2002	0.50	64.03	32.01
227847	LAZARUS	M	BRANNON		12/30/2002	0.50	17.5	8.75
227847	LAZARUS	M	BRANNON		10/17/2005	0.50	27.88	13.94
227847	LAZARUS	M	BRANNON		10/31/2005	0.50	60.18	30.09
227847	LAZARUS	M	BRANNON		11/14/2005	0.50	19.72	9.86
227847	LAZARUS	M	BRANNON		11/28/2005	0.50	48.42	24.21
227847	LAZARUS	M	BRANNON		12/12/2005	0.50	50.4	25.20
227847	LAZARUS	M	BRANNON		12/26/2005	0.50	72.58	36.29
285756	RONALD		BREWER		1/9/2006	0.50	7.42	3.71
285756	RONALD		BREWER		7/14/2003	0.50	44.88	22.44
238461	TIMOTHY		BROWN		7/28/2003	0.50	19.95	9.97
238461	TIMOTHY		BROWN		4/10/2000	0.35	53.07	18.57
238461	TIMOTHY		BROWN		4/24/2000	0.35	52.83	18.49
238461	TIMOTHY		BROWN		5/8/2000	0.35	75	26.25
238461	TIMOTHY		BROWN		5/22/2000	0.55	5.88	3.23
238461	TIMOTHY		BROWN		5/22/2000	0.35	67.5	23.62
238461	TIMOTHY		BROWN		6/5/2000	0.50	67.5	33.75

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
238461	TIMOTHY		BROWN		6/5/2000	0.55	4	2.20
238461	TIMOTHY		BROWN		6/19/2000	0.50	75	37.50
238461	TIMOTHY		BROWN		6/19/2000	0.55	1.92	1.05
238461	TIMOTHY		BROWN		7/3/2000	0.35	4.72	1.65
238461	TIMOTHY		BROWN		7/3/2000	0.50	60	30.00
238461	TIMOTHY		BROWN		7/3/2000	0.55	10.17	5.59
238461	TIMOTHY		BROWN		7/17/2000	0.50	71.43	35.71
238461	TIMOTHY		BROWN		7/31/2000	0.50	82.72	41.36
238461	TIMOTHY		BROWN		8/14/2000	0.50	71.1	35.55
238461	TIMOTHY		BROWN		8/28/2000	0.50	74.28	37.14
238461	TIMOTHY		BROWN		9/11/2000	0.50	69.43	34.71
238461	TIMOTHY		BROWN		9/25/2000	0.50	75.42	37.71
238461	TIMOTHY		BROWN		10/9/2000	0.50	74.85	37.42
238461	TIMOTHY		BROWN		10/23/2000	0.50	118.58	59.29
238461	TIMOTHY		BROWN		11/6/2000	0.50	102.75	51.37
238461	TIMOTHY		BROWN		11/20/2000	0.50	87.75	43.87
238461	TIMOTHY		BROWN		12/4/2000	0.50	81.59	40.79
238461	TIMOTHY		BROWN		12/18/2000	0.50	144.12	72.06
238461	TIMOTHY		BROWN		1/1/2001	0.50	53.42	26.71
238461	TIMOTHY		BROWN		1/15/2001	0.50	94.32	47.16
238461	TIMOTHY		BROWN		1/29/2001	0.50	108.3	54.15
238461	TIMOTHY		BROWN		2/12/2001	0.50	125.69	62.84
238461	TIMOTHY		BROWN		2/26/2001	0.50	102.22	51.11
238461	TIMOTHY		BROWN		3/12/2001	0.50	97.31	48.65
238461	TIMOTHY		BROWN		3/26/2001	0.50	96.88	48.44
238461	TIMOTHY		BROWN		4/9/2001	0.50	108.57	54.28
238461	TIMOTHY		BROWN		4/23/2001	0.50	125.15	62.57
238461	TIMOTHY		BROWN		5/7/2001	0.50	62.4	31.20
238461	TIMOTHY		BROWN		5/7/2001	0.50	137.07	68.53
238461	TIMOTHY		BROWN		5/21/2001	0.50	112.29	56.14
238461	TIMOTHY		BROWN		6/4/2001	0.50	95.78	47.89
238461	TIMOTHY		BROWN		6/18/2001	0.50	111.22	55.61
238461	TIMOTHY		BROWN		7/2/2001	0.50	114.39	57.19
238461	TIMOTHY		BROWN		7/16/2001	0.50	110.7	55.35
238461	TIMOTHY		BROWN		7/30/2001	0.50	141.98	70.99
238461	TIMOTHY		BROWN		8/13/2001	0.50	137.21	68.60
238461	TIMOTHY		BROWN		8/27/2001	0.50	143.6	71.80
238461	TIMOTHY		BROWN		9/10/2001	0.50	141.34	70.67
238461	TIMOTHY		BROWN		9/24/2001	0.50	147.72	73.86
238461	TIMOTHY		BROWN		10/8/2001	0.50	176.77	88.38
238461	TIMOTHY		BROWN		10/22/2001	0.50	139.97	69.98
238461	TIMOTHY		BROWN		11/5/2001	0.50	146.86	73.43
238461	TIMOTHY		BROWN		11/19/2001	0.50	144.6	72.30
238461	TIMOTHY		BROWN		12/3/2001	0.50	53.02	26.51
238461	TIMOTHY		BROWN		12/17/2001	0.50	171.58	85.79
238461	TIMOTHY		BROWN		12/31/2001	0.50	90.69	45.34
238461	TIMOTHY		BROWN		1/14/2002	0.50	98.99	49.49
238461	TIMOTHY		BROWN		1/28/2002	0.50	132.45	66.22
238461	TIMOTHY		BROWN		2/11/2002	0.50	147.77	73.88
238461	TIMOTHY		BROWN		2/25/2002	0.50	163.95	81.97
238461	TIMOTHY		BROWN		3/11/2002	0.50	168.55	84.27
238461	TIMOTHY		BROWN		3/25/2002	0.50	164.32	82.16
238461	TIMOTHY		BROWN		4/8/2002	0.50	128.35	64.17
238461	TIMOTHY		BROWN		4/22/2002	0.50	150	75.00
238461	TIMOTHY		BROWN		5/6/2002	0.50	155.96	77.98
238461	TIMOTHY		BROWN		5/20/2002	0.50	174.67	87.33
238461	TIMOTHY		BROWN		6/3/2002	0.50	133.8	66.90

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
238461	TIMOTHY		BROWN		6/17/2002	0.50	161.86	80.93
238461	TIMOTHY		BROWN		7/1/2002	0.50	150	75.00
238461	TIMOTHY		BROWN		7/15/2002	0.50	133.9	66.95
238461	TIMOTHY		BROWN		7/29/2002	0.50	135.46	67.73
238461	TIMOTHY		BROWN		8/12/2002	0.50	137.5	68.75
238461	TIMOTHY		BROWN		8/26/2002	0.50	160	80.00
238461	TIMOTHY		BROWN		9/9/2002	0.50	137.16	68.58
238461	TIMOTHY		BROWN		9/23/2002	0.50	159.2	79.60
238461	TIMOTHY		BROWN		10/7/2002	0.50	149.94	74.97
238461	TIMOTHY		BROWN		10/21/2002	0.50	150	75.00
238461	TIMOTHY		BROWN		11/4/2002	0.50	144.04	72.02
238461	TIMOTHY		BROWN		11/18/2002	0.50	151.89	75.94
238461	TIMOTHY		BROWN		12/2/2002	0.50	128.54	64.27
238461	TIMOTHY		BROWN		12/16/2002	0.50	110.71	55.35
238461	TIMOTHY		BROWN		12/30/2002	0.50	62.24	31.12
238461	TIMOTHY		BROWN		1/13/2003	0.50	67.72	33.86
238461	TIMOTHY		BROWN		1/27/2003	0.50	73.12	36.56
238461	TIMOTHY		BROWN		2/10/2003	0.50	81.86	40.93
238461	TIMOTHY		BROWN		2/24/2003	0.50	77.44	38.72
238461	TIMOTHY		BROWN		3/10/2003	0.50	56.43	28.21
238461	TIMOTHY		BROWN		3/24/2003	0.50	99.9	49.95
238461	TIMOTHY		BROWN		4/7/2003	0.50	91.66	45.83
238461	TIMOTHY		BROWN		4/21/2003	0.50	91.77	45.88
238461	TIMOTHY		BROWN		5/5/2003	0.50	79.74	39.87
238461	TIMOTHY		BROWN		5/19/2003	0.50	147.59	73.79
238461	TIMOTHY		BROWN		6/2/2003	0.50	126.5	63.25
238461	TIMOTHY		BROWN		6/16/2003	0.50	151.78	75.89
238461	TIMOTHY		BROWN		6/30/2003	0.50	142.5	71.25
238461	TIMOTHY		BROWN		7/14/2003	0.50	154.1	77.05
238461	TIMOTHY		BROWN		7/28/2003	0.50	114.76	57.38
238461	TIMOTHY		BROWN		8/11/2003	0.50	124.45	62.22
238461	TIMOTHY		BROWN		8/25/2003	0.50	137.14	68.57
238461	TIMOTHY		BROWN		9/8/2003	0.50	123.54	61.77
238461	TIMOTHY		BROWN		9/22/2003	0.50	136.61	68.30
238461	TIMOTHY		BROWN		10/6/2003	0.50	125.82	62.91
238461	TIMOTHY		BROWN		10/20/2003	0.50	117.57	58.78
238461	TIMOTHY		BROWN		11/3/2003	0.50	124.89	62.44
238461	TIMOTHY		BROWN		11/17/2003	0.50	129.41	64.70
238461	TIMOTHY		BROWN		12/1/2003	0.50	112.73	56.36
238461	TIMOTHY		BROWN		12/15/2003	0.50	130.57	65.28
238461	TIMOTHY		BROWN		12/29/2003	0.50	110.95	55.47
238461	TIMOTHY		BROWN		1/12/2004	0.50	93.71	46.85
238461	TIMOTHY		BROWN		1/26/2004	0.50	133.93	66.96
238461	TIMOTHY		BROWN		2/9/2004	0.50	148.72	74.36
238461	TIMOTHY		BROWN		2/23/2004	0.50	157.41	78.70
238461	TIMOTHY		BROWN		3/8/2004	0.50	143.55	71.77
238461	TIMOTHY		BROWN		3/22/2004	0.50	160.86	80.43
238461	TIMOTHY		BROWN		4/5/2004	0.50	143.7	71.85
238461	TIMOTHY		BROWN		4/19/2004	0.50	144.82	72.41
238461	TIMOTHY		BROWN		5/3/2004	0.50	163.96	81.98
238461	TIMOTHY		BROWN		5/17/2004	0.50	189.2	94.60
238461	TIMOTHY		BROWN		5/31/2004	0.50	166.81	83.40
238461	TIMOTHY		BROWN		6/14/2004	0.50	155.42	77.71
238461	TIMOTHY		BROWN		6/28/2004	0.50	146.84	73.42
238461	TIMOTHY		BROWN		7/12/2004	0.50	114.8	57.40
238461	TIMOTHY		BROWN		7/26/2004	0.50	137.9	68.95
238461	TIMOTHY		BROWN		8/9/2004	0.50	140.94	70.47

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
238461	TIMOTHY		BROWN		8/23/2004	0.50	142.66	71.33
238461	TIMOTHY		BROWN		9/6/2004	0.50	137.36	68.68
238461	TIMOTHY		BROWN		9/20/2004	0.50	132.7	66.35
238461	TIMOTHY		BROWN		10/4/2004	0.50	133.16	66.58
238461	TIMOTHY		BROWN		10/18/2004	0.50	148.06	74.03
238461	TIMOTHY		BROWN		11/1/2004	0.50	176.89	88.44
238461	TIMOTHY		BROWN		11/15/2004	0.50	169.42	84.71
238461	TIMOTHY		BROWN		11/29/2004	0.50	120.34	60.17
238461	TIMOTHY		BROWN		12/13/2004	0.50	133.4	66.70
238461	TIMOTHY		BROWN		12/27/2004	0.50	153.97	76.98
238461	TIMOTHY		BROWN		1/10/2005	0.50	108.79	54.39
238461	TIMOTHY		BROWN		1/24/2005	0.50	143.81	71.90
238461	TIMOTHY		BROWN		2/7/2005	0.50	161.45	80.72
238461	TIMOTHY		BROWN		2/21/2005	0.50	135.74	67.87
238461	TIMOTHY		BROWN		3/7/2005	0.50	17.5	8.75
238461	TIMOTHY		BROWN		5/2/2005	0.50	106.01	53.00
238461	TIMOTHY		BROWN		5/16/2005	0.50	168.85	84.42
238461	TIMOTHY		BROWN		5/30/2005	0.50	163.02	81.51
238461	TIMOTHY		BROWN		6/13/2005	0.50	140.74	70.37
238461	TIMOTHY		BROWN		6/27/2005	0.50	160.09	80.04
238461	TIMOTHY		BROWN		7/11/2005	0.50	124.74	62.37
238461	TIMOTHY		BROWN		7/25/2005	0.50	133.04	66.52
238461	TIMOTHY		BROWN		8/8/2005	0.50	138.14	69.07
238461	TIMOTHY		BROWN		8/22/2005	0.50	126.32	63.16
238461	TIMOTHY		BROWN		9/5/2005	0.50	137.17	68.58
238461	TIMOTHY		BROWN		9/19/2005	0.50	119.87	59.93
238461	TIMOTHY		BROWN		10/3/2005	0.50	133.67	66.83
238461	TIMOTHY		BROWN		10/17/2005	0.50	128.56	64.28
238461	TIMOTHY		BROWN		10/31/2005	0.50	138.45	69.22
238461	TIMOTHY		BROWN		11/14/2005	0.50	119.81	59.90
238461	TIMOTHY		BROWN		11/28/2005	0.50	113.99	56.99
238461	TIMOTHY		BROWN		12/12/2005	0.50	126.53	63.26
238461	TIMOTHY		BROWN		12/26/2005	0.50	172.97	86.48
238461	TIMOTHY		BROWN		1/9/2006	0.50	63.75	31.87
238461	TIMOTHY		BROWN		1/23/2006	0.50	138.81	69.40
238461	TIMOTHY		BROWN		2/6/2006	0.50	151.94	75.97
238461	TIMOTHY		BROWN		2/20/2006	0.50	153.78	76.89
238461	TIMOTHY		BROWN		3/6/2006	0.50	115.44	57.72
238461	TIMOTHY		BROWN		3/20/2006	0.50	125.48	62.74
238461	TIMOTHY		BROWN		4/3/2006	0.50	126.88	63.44
238461	TIMOTHY		BROWN		4/17/2006	0.50	136.14	68.07
238461	TIMOTHY		BROWN		5/1/2006	0.50	113.81	56.90
238461	TIMOTHY		BROWN		5/15/2006	0.50	125.77	62.88
238461	TIMOTHY		BROWN		5/29/2006	0.50	120.78	60.39
238461	TIMOTHY		BROWN		6/12/2006	0.50	100.21	50.10
238461	TIMOTHY		BROWN		6/26/2006	0.50	115.9	57.95
238461	TIMOTHY		BROWN		7/10/2006	0.50	99.15	49.57
238461	TIMOTHY		BROWN		7/24/2006	0.50	160.64	80.32
238461	TIMOTHY		BROWN		8/7/2006	0.50	159.5	79.75
238461	TIMOTHY		BROWN		8/21/2006	0.50	148.5	74.25
238461	TIMOTHY		BROWN		9/4/2006	0.50	159.7	79.85
238461	TIMOTHY		BROWN		9/18/2006	0.50	133.1	66.55
238461	TIMOTHY		BROWN		10/2/2006	0.50	150.7	75.35
238461	TIMOTHY		BROWN		10/16/2006	0.50	147.42	73.71
238461	TIMOTHY		BROWN		10/30/2006	0.50	131.49	65.74
238461	TIMOTHY		BROWN		11/13/2006	0.50	148.96	74.48
238461	TIMOTHY		BROWN		11/27/2006	0.50	103.55	51.77

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
238461	TIMOTHY		BROWN		12/11/2006	0.50	113.45	56.72
238461	TIMOTHY		BROWN		12/25/2006	0.50	150.18	75.09
238461	TIMOTHY		BROWN		1/8/2007	0.50	36.48	18.24
238461	TIMOTHY		BROWN		1/22/2007	0.50	121.88	60.94
238461	TIMOTHY		BROWN		2/5/2007	0.50	127.53	63.76
238461	TIMOTHY		BROWN		2/19/2007	0.50	135.92	67.96
238461	TIMOTHY		BROWN		3/5/2007	0.50	120.38	60.19
238461	TIMOTHY		BROWN		3/19/2007	0.50	141.02	70.51
238461	TIMOTHY		BROWN		4/2/2007	0.50	140.1	70.05
238461	TIMOTHY		BROWN		4/16/2007	0.50	127.26	63.63
238461	TIMOTHY		BROWN		4/30/2007	0.50	147.66	73.83
238461	TIMOTHY		BROWN		5/14/2007	0.50	164.24	82.12
238461	TIMOTHY		BROWN		5/28/2007	0.50	170.78	85.39
238461	TIMOTHY		BROWN		6/11/2007	0.50	121.67	60.83
238461	TIMOTHY		BROWN		6/25/2007	0.50	157.73	78.86
238461	TIMOTHY		BROWN		7/9/2007	0.50	148.05	74.02
238461	TIMOTHY		BROWN		7/23/2007	0.50	155.99	77.99
238461	TIMOTHY		BROWN		8/6/2007	0.50	164.63	82.31
238461	TIMOTHY		BROWN		8/20/2007	0.50	116.38	58.19
238461	TIMOTHY		BROWN		9/3/2007	0.50	159.51	79.75
238461	TIMOTHY		BROWN		9/17/2007	0.50	163.14	81.57
238461	TIMOTHY		BROWN		10/1/2007	0.50	159.85	79.92
238461	TIMOTHY		BROWN		10/15/2007	0.50	108.38	54.19
289602	FREDRICK	LEE	BROWN		4/5/2004	0.50	15.91	7.95
289602	FREDRICK	LEE	BROWN		4/19/2004	0.50	45.47	22.73
289602	FREDRICK	LEE	BROWN		5/3/2004	0.50	47.1	23.55
289602	FREDRICK	LEE	BROWN		5/17/2004	0.50	57.95	28.97
289602	FREDRICK	LEE	BROWN		5/31/2004	0.50	57.1	28.55
289602	FREDRICK	LEE	BROWN		6/14/2004	0.50	61.68	30.84
289602	FREDRICK	LEE	BROWN		6/28/2004	0.50	70.23	35.11
289602	FREDRICK	LEE	BROWN		7/12/2004	0.50	61.35	30.67
289602	FREDRICK	LEE	BROWN		7/26/2004	0.50	73.18	36.59
289602	FREDRICK	LEE	BROWN		8/9/2004	0.50	79.42	39.71
289602	FREDRICK	LEE	BROWN		8/23/2004	0.50	86.62	43.31
289602	FREDRICK	LEE	BROWN		9/6/2004	0.50	70.52	35.26
289602	FREDRICK	LEE	BROWN		9/20/2004	0.50	66.3	33.15
289602	FREDRICK	LEE	BROWN		10/4/2004	0.50	88.32	44.16
289602	FREDRICK	LEE	BROWN		10/18/2004	0.50	99.77	49.88
289602	FREDRICK	LEE	BROWN		11/1/2004	0.50	102.09	51.04
289602	FREDRICK	LEE	BROWN		11/15/2004	0.50	113.84	56.92
289602	FREDRICK	LEE	BROWN		11/29/2004	0.50	100.38	50.19
289602	FREDRICK	LEE	BROWN		12/13/2004	0.50	65.06	32.53
289602	FREDRICK	LEE	BROWN		12/27/2004	0.50	123.99	61.99
289602	FREDRICK	LEE	BROWN		1/10/2005	0.50	67.49	33.74
289602	FREDRICK	LEE	BROWN		1/24/2005	0.50	87.9	43.95
289602	FREDRICK	LEE	BROWN		2/7/2005	0.50	122.03	61.01
289602	FREDRICK	LEE	BROWN		2/21/2005	0.50	98.81	49.40
289602	FREDRICK	LEE	BROWN		3/7/2005	0.50	82.17	41.08
289602	FREDRICK	LEE	BROWN		3/21/2005	0.50	103.58	51.79
289602	FREDRICK	LEE	BROWN		4/4/2005	0.50	93.45	46.72
289602	FREDRICK	LEE	BROWN		4/18/2005	0.50	114.84	57.42
289602	FREDRICK	LEE	BROWN		5/2/2005	0.50	117.64	58.82
289602	FREDRICK	LEE	BROWN		5/16/2005	0.50	105.66	52.83
289602	FREDRICK	LEE	BROWN		5/30/2005	0.50	124.02	62.01
289602	FREDRICK	LEE	BROWN		6/13/2005	0.50	109.91	54.95
289602	FREDRICK	LEE	BROWN		6/27/2005	0.50	114.12	57.06
289602	FREDRICK	LEE	BROWN		7/11/2005	0.50	97.5	48.75

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
289602	FREDRICK	LEE	BROWN		7/25/2005	0.50	104.92	52.46
289602	FREDRICK	LEE	BROWN		8/8/2005	0.50	110.33	55.16
289602	FREDRICK	LEE	BROWN		8/22/2005	0.50	120.73	60.36
289602	FREDRICK	LEE	BROWN		9/5/2005	0.50	107.66	53.83
289602	FREDRICK	LEE	BROWN		9/19/2005	0.50	97.72	48.86
289602	FREDRICK	LEE	BROWN		10/3/2005	0.50	105.66	52.83
289602	FREDRICK	LEE	BROWN		10/17/2005	0.50	115.91	57.95
289602	FREDRICK	LEE	BROWN		10/31/2005	0.50	115.72	57.86
289602	FREDRICK	LEE	BROWN		11/14/2005	0.50	129.33	64.66
289602	FREDRICK	LEE	BROWN		11/28/2005	0.50	122.04	61.02
289602	FREDRICK	LEE	BROWN		12/12/2005	0.50	120.75	60.37
289602	FREDRICK	LEE	BROWN		12/26/2005	0.50	141.13	70.56
289602	FREDRICK	LEE	BROWN		1/9/2006	0.50	60.35	30.17
289602	FREDRICK	LEE	BROWN		1/23/2006	0.50	119.42	59.71
289602	FREDRICK	LEE	BROWN		2/6/2006	0.50	132.72	66.36
289602	FREDRICK	LEE	BROWN		2/20/2006	0.50	141.93	70.96
289602	FREDRICK	LEE	BROWN		3/6/2006	0.50	151.76	75.88
289602	FREDRICK	LEE	BROWN		3/20/2006	0.50	134.37	67.18
289602	FREDRICK	LEE	BROWN		4/3/2006	0.50	129.87	64.93
289602	FREDRICK	LEE	BROWN		4/17/2006	0.50	138	69.00
289602	FREDRICK	LEE	BROWN		5/1/2006	0.50	117.34	58.67
289602	FREDRICK	LEE	BROWN		5/15/2006	0.50	127.05	63.52
289602	FREDRICK	LEE	BROWN		5/29/2006	0.50	122.64	61.32
289602	FREDRICK	LEE	BROWN		6/12/2006	0.50	107.44	53.72
289602	FREDRICK	LEE	BROWN		6/26/2006	0.50	76.19	38.09
289602	FREDRICK	LEE	BROWN		7/10/2006	0.50	76.45	38.22
289602	FREDRICK	LEE	BROWN		7/24/2006	0.50	122.66	61.33
289602	FREDRICK	LEE	BROWN		8/7/2006	0.50	121	60.50
289602	FREDRICK	LEE	BROWN		8/21/2006	0.50	108	54.00
289602	FREDRICK	LEE	BROWN		9/4/2006	0.50	114	57.00
289602	FREDRICK	LEE	BROWN		9/18/2006	0.50	114	57.00
289602	FREDRICK	LEE	BROWN		10/2/2006	0.50	132.34	66.17
289602	FREDRICK	LEE	BROWN		10/16/2006	0.50	142.28	71.14
289602	FREDRICK	LEE	BROWN		10/30/2006	0.50	122.94	61.47
289602	FREDRICK	LEE	BROWN		11/13/2006	0.50	129.58	64.79
289602	FREDRICK	LEE	BROWN		11/27/2006	0.50	107.24	53.62
289602	FREDRICK	LEE	BROWN		12/11/2006	0.50	155.2	77.60
289602	FREDRICK	LEE	BROWN		12/25/2006	0.50	139.9	69.95
289602	FREDRICK	LEE	BROWN		1/8/2007	0.50	41.14	20.57
289602	FREDRICK	LEE	BROWN		1/22/2007	0.50	105.2	52.60
289602	FREDRICK	LEE	BROWN		2/5/2007	0.50	125.8	62.90
289602	FREDRICK	LEE	BROWN		2/19/2007	0.50	124.36	62.18
289602	FREDRICK	LEE	BROWN		3/5/2007	0.50	133.71	66.85
289602	FREDRICK	LEE	BROWN		3/19/2007	0.50	130.74	65.37
289602	FREDRICK	LEE	BROWN		4/2/2007	0.50	153.74	76.87
289602	FREDRICK	LEE	BROWN		4/16/2007	0.50	121.84	60.92
289602	FREDRICK	LEE	BROWN		4/30/2007	0.50	164.07	82.03
289602	FREDRICK	LEE	BROWN		5/14/2007	0.50	175.47	87.73
289602	FREDRICK	LEE	BROWN		5/28/2007	0.50	196.23	98.11
289602	FREDRICK	LEE	BROWN		6/11/2007	0.50	149.98	74.99
289602	FREDRICK	LEE	BROWN		6/25/2007	0.50	186.69	93.34
289602	FREDRICK	LEE	BROWN		7/9/2007	0.50	144.21	72.10
289602	FREDRICK	LEE	BROWN		7/23/2007	0.50	152	76.00
289602	FREDRICK	LEE	BROWN		8/6/2007	0.50	149.9	74.95
289602	FREDRICK	LEE	BROWN		8/20/2007	0.50	96.43	48.21
289602	FREDRICK	LEE	BROWN		9/3/2007	0.50	111.3	55.65
289602	FREDRICK	LEE	BROWN		9/17/2007	0.50	115.92	57.96

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
289602	FREDRICK	LEE	BROWN		10/1/2007	0.50	143.16	71.58
289602	FREDRICK	LEE	BROWN		10/15/2007	0.50	145.74	72.87
289602	FREDRICK	LEE	BROWN		10/29/2007	0.50	98.95	49.47
289602	FREDRICK	LEE	BROWN		11/12/2007	0.50	102.63	51.31
289602	FREDRICK	LEE	BROWN		11/26/2007	0.50	104.85	52.42
289602	FREDRICK	LEE	BROWN		12/10/2007	0.50	105.69	52.84
289602	FREDRICK	LEE	BROWN		12/24/2007	0.50	151.27	75.63
289602	FREDRICK	LEE	BROWN		1/7/2008	0.50	14.74	7.37
289602	FREDRICK	LEE	BROWN		1/21/2008	0.50	157.19	78.59
289602	FREDRICK	LEE	BROWN		2/4/2008	0.50	176.71	88.35
289602	FREDRICK	LEE	BROWN		2/18/2008	0.50	189.9	94.95
289602	FREDRICK	LEE	BROWN		3/3/2008	0.50	166.28	83.14
289602	FREDRICK	LEE	BROWN		3/17/2008	0.50	175.14	87.57
289602	FREDRICK	LEE	BROWN		3/31/2008	0.50	160.8	80.40
289602	FREDRICK	LEE	BROWN		4/14/2008	0.50	187.59	93.79
289602	FREDRICK	LEE	BROWN		4/28/2008	0.50	177.65	88.82
289602	FREDRICK	LEE	BROWN		5/12/2008	0.50	160.85	80.42
289602	FREDRICK	LEE	BROWN		5/26/2008	0.50	61.4	30.70
289602	FREDRICK	LEE	BROWN		6/9/2008	0.50	107	53.50
289602	FREDRICK	LEE	BROWN		6/23/2008	0.50	134.54	67.27
289602	FREDRICK	LEE	BROWN		7/7/2008	0.50	142.14	71.07
289602	FREDRICK	LEE	BROWN		7/21/2008	0.50	135.48	67.74
289602	FREDRICK	LEE	BROWN		8/4/2008	0.50	135.08	67.54
289602	FREDRICK	LEE	BROWN		8/18/2008	0.50	130.09	65.04
289602	FREDRICK	LEE	BROWN		9/1/2008	0.50	118.25	59.12
289602	FREDRICK	LEE	BROWN		9/15/2008	0.50	95.33	47.66
289602	FREDRICK	LEE	BROWN		9/29/2008	0.50	122.65	61.32
289602	FREDRICK	LEE	BROWN		10/13/2008	0.50	97.46	48.73
289602	FREDRICK	LEE	BROWN		10/27/2008	0.50	112.16	56.08
289602	FREDRICK	LEE	BROWN		11/10/2008	0.50	109.93	54.96
289602	FREDRICK	LEE	BROWN		11/24/2008	0.50	100.99	50.49
289602	FREDRICK	LEE	BROWN		12/8/2008	0.50	83.26	41.63
289602	FREDRICK	LEE	BROWN		12/22/2008	0.50	124.86	62.43
289602	FREDRICK	LEE	BROWN		1/19/2009	0.50	121.84	60.92
289602	FREDRICK	LEE	BROWN		2/2/2009	0.50	165.27	82.63
289602	FREDRICK	LEE	BROWN		2/16/2009	0.50	191.94	95.97
289602	FREDRICK	LEE	BROWN		3/2/2009	0.50	158.99	79.49
289602	FREDRICK	LEE	BROWN		3/16/2009	0.50	167.17	83.58
289602	FREDRICK	LEE	BROWN		3/30/2009	0.50	148.74	74.37
289602	FREDRICK	LEE	BROWN		4/13/2009	0.50	132.55	66.27
289602	FREDRICK	LEE	BROWN		4/27/2009	0.50	160.27	80.13
289602	FREDRICK	LEE	BROWN		5/11/2009	0.50	174.95	87.47
289602	FREDRICK	LEE	BROWN		5/25/2009	0.50	143.19	71.59
289602	FREDRICK	LEE	BROWN		6/8/2009	0.50	152.26	76.13
289602	FREDRICK	LEE	BROWN		6/22/2009	0.50	190.13	95.06
289602	FREDRICK	LEE	BROWN		7/6/2009	0.50	161.74	80.87
289602	FREDRICK	LEE	BROWN		7/20/2009	0.50	151.29	75.64
289602	FREDRICK	LEE	BROWN		8/3/2009	0.50	163.86	81.93
289602	FREDRICK	LEE	BROWN		8/17/2009	0.50	159.94	79.97
289602	FREDRICK	LEE	BROWN		8/31/2009	0.50	168.8	84.40
289602	FREDRICK	LEE	BROWN		9/14/2009	0.50	171.95	85.97
289602	FREDRICK	LEE	BROWN		9/28/2009	0.50	172.95	86.47
289602	FREDRICK	LEE	BROWN		10/12/2009	0.50	146.45	73.22
289602	FREDRICK	LEE	BROWN		10/26/2009	0.50	153.96	76.98
289602	FREDRICK	LEE	BROWN		11/9/2009	0.50	168.58	84.29
289602	FREDRICK	LEE	BROWN		11/23/2009	0.50	169.96	84.98
289602	FREDRICK	LEE	BROWN		12/7/2009	0.50	129.95	64.97

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
289602	FREDRICK	LEE	BROWN		12/21/2009	0.50	167.7	83.85
289602	FREDRICK	LEE	BROWN		1/18/2010	0.50	154.08	77.04
289602	FREDRICK	LEE	BROWN		2/1/2010	0.50	149.95	74.97
289602	FREDRICK	LEE	BROWN		2/15/2010	0.50	173.05	86.52
289602	FREDRICK	LEE	BROWN		3/1/2010	0.50	177.68	88.84
289602	FREDRICK	LEE	BROWN		3/15/2010	0.50	50.53	25.26
295762	KEITH	VINCENT	BROWN		4/5/2004	0.50	23.28	11.64
295762	KEITH	VINCENT	BROWN		4/19/2004	0.50	45.97	22.98
295762	KEITH	VINCENT	BROWN		5/3/2004	0.50	49.86	24.93
295762	KEITH	VINCENT	BROWN		5/17/2004	0.50	47.25	23.62
295762	KEITH	VINCENT	BROWN		5/31/2004	0.50	65.17	32.58
295762	KEITH	VINCENT	BROWN		6/14/2004	0.50	51.97	25.98
295762	KEITH	VINCENT	BROWN		6/28/2004	0.50	25.67	12.83
295762	KEITH	VINCENT	BROWN		7/12/2004	0.50	55.1	27.55
295762	KEITH	VINCENT	BROWN		7/26/2004	0.50	57.56	28.78
295762	KEITH	VINCENT	BROWN		8/9/2004	0.50	73.92	36.96
295762	KEITH	VINCENT	BROWN		8/23/2004	0.50	71.1	35.55
295762	KEITH	VINCENT	BROWN		9/6/2004	0.50	73.4	36.70
295762	KEITH	VINCENT	BROWN		9/20/2004	0.50	60.46	30.23
295762	KEITH	VINCENT	BROWN		10/4/2004	0.50	65.44	32.72
295762	KEITH	VINCENT	BROWN		10/18/2004	0.50	109.6	54.80
295762	KEITH	VINCENT	BROWN		11/1/2004	0.50	26.3	13.15
295762	KEITH	VINCENT	BROWN		11/29/2004	0.50	17.5	8.75
295762	KEITH	VINCENT	BROWN		12/13/2004	0.50	36.87	18.43
295762	KEITH	VINCENT	BROWN		12/27/2004	0.50	52.18	26.09
295762	KEITH	VINCENT	BROWN		1/10/2005	0.50	33.05	16.52
295762	KEITH	VINCENT	BROWN		1/24/2005	0.50	46.98	23.49
242370	PETE	SHALAMAR	BRYANT		2/7/2005	0.50	7.32	3.66
242370	PETE	SHALAMAR	BRYANT		7/3/2000	0.35	41.22	14.42
242370	PETE	SHALAMAR	BRYANT		7/17/2000	0.50	34.39	17.19
242370	PETE	SHALAMAR	BRYANT		7/31/2000	0.50	99.88	49.94
242370	PETE	SHALAMAR	BRYANT		8/14/2000	0.50	73.94	36.97
242370	PETE	SHALAMAR	BRYANT		8/28/2000	0.50	45.86	22.93
242370	PETE	SHALAMAR	BRYANT		9/11/2000	0.50	33.86	16.93
242370	PETE	SHALAMAR	BRYANT		9/25/2000	0.50	32.03	16.01
242370	PETE	SHALAMAR	BRYANT		10/9/2000	0.50	70.22	35.11
242370	PETE	SHALAMAR	BRYANT		10/23/2000	0.50	91.75	45.87
242370	PETE	SHALAMAR	BRYANT		11/6/2000	0.50	18.11	9.05
242370	PETE	SHALAMAR	BRYANT		11/20/2000	0.50	61.55	30.77
242370	PETE	SHALAMAR	BRYANT		12/4/2000	0.50	32.14	16.07
242370	PETE	SHALAMAR	BRYANT		12/18/2000	0.50	26.12	13.06
242370	PETE	SHALAMAR	BRYANT		1/28/2002	0.50	24.52	12.26
242370	PETE	SHALAMAR	BRYANT		2/11/2002	0.50	48.18	24.09
242370	PETE	SHALAMAR	BRYANT		2/25/2002	0.50	39.01	19.50
242370	PETE	SHALAMAR	BRYANT		3/11/2002	0.50	40.36	20.18
242370	PETE	SHALAMAR	BRYANT		3/25/2002	0.50	31.48	15.74
242370	PETE	SHALAMAR	BRYANT		4/8/2002	0.50	62.15	31.07
242370	PETE	SHALAMAR	BRYANT		4/22/2002	0.50	66.6	33.30
242370	PETE	SHALAMAR	BRYANT		5/6/2002	0.50	101.47	50.73
242370	PETE	SHALAMAR	BRYANT		5/20/2002	0.50	38.83	19.41
242370	PETE	SHALAMAR	BRYANT		6/3/2002	0.50	32.62	16.31
242370	PETE	SHALAMAR	BRYANT		6/17/2002	0.50	85.38	42.69
242370	PETE	SHALAMAR	BRYANT		7/1/2002	0.50	84.52	42.26
242370	PETE	SHALAMAR	BRYANT		7/15/2002	0.50	60.52	30.26
242370	PETE	SHALAMAR	BRYANT		7/29/2002	0.50	79.78	39.89
242370	PETE	SHALAMAR	BRYANT		8/12/2002	0.50	96.51	48.25
242370	PETE	SHALAMAR	BRYANT		8/26/2002	0.50	94.08	47.04

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
242370	PETE	SHALAMAR	BRYANT		9/9/2002	0.50	92.2	46.10
242370	PETE	SHALAMAR	BRYANT		9/23/2002	0.50	126.72	63.36
242370	PETE	SHALAMAR	BRYANT		10/7/2002	0.50	98.07	49.03
242370	PETE	SHALAMAR	BRYANT		11/17/2003	0.50	17.5	8.75
242370	PETE	SHALAMAR	BRYANT		12/1/2003	0.50	17.5	8.75
242370	PETE	SHALAMAR	BRYANT		12/15/2003	0.50	17.5	8.75
242370	PETE	SHALAMAR	BRYANT		12/29/2003	0.50	17.5	8.75
242370	PETE	SHALAMAR	BRYANT		1/12/2004	0.50	63.93	31.96
242370	PETE	SHALAMAR	BRYANT		1/26/2004	0.50	87.41	43.70
242370	PETE	SHALAMAR	BRYANT		2/9/2004	0.50	86.88	43.44
242370	PETE	SHALAMAR	BRYANT		2/23/2004	0.50	119.59	59.79
242370	PETE	SHALAMAR	BRYANT		3/8/2004	0.50	101.7	50.85
242370	PETE	SHALAMAR	BRYANT		3/22/2004	0.50	92.75	46.37
242370	PETE	SHALAMAR	BRYANT		4/5/2004	0.50	80.89	40.44
242370	PETE	SHALAMAR	BRYANT		4/19/2004	0.50	92.77	46.38
242370	PETE	SHALAMAR	BRYANT		5/3/2004	0.50	110.16	55.08
242370	PETE	SHALAMAR	BRYANT		5/17/2004	0.50	89.56	44.78
242370	PETE	SHALAMAR	BRYANT		5/31/2004	0.50	76.93	38.46
242370	PETE	SHALAMAR	BRYANT		6/14/2004	0.50	61.06	30.53
242370	PETE	SHALAMAR	BRYANT		6/28/2004	0.50	110.67	55.33
242370	PETE	SHALAMAR	BRYANT		7/12/2004	0.50	30.69	15.34
242370	PETE	SHALAMAR	BRYANT		7/26/2004	0.50	101.08	50.54
242370	PETE	SHALAMAR	BRYANT		8/9/2004	0.50	82.59	41.29
242370	PETE	SHALAMAR	BRYANT		8/23/2004	0.50	99.88	49.94
242370	PETE	SHALAMAR	BRYANT		9/6/2004	0.50	42.44	21.22
242370	PETE	SHALAMAR	BRYANT		9/20/2004	0.50	73.05	36.52
242370	PETE	SHALAMAR	BRYANT		10/4/2004	0.50	91.6	45.80
242370	PETE	SHALAMAR	BRYANT		10/18/2004	0.50	85.29	42.64
242370	PETE	SHALAMAR	BRYANT		11/1/2004	0.50	88.62	44.31
242370	PETE	SHALAMAR	BRYANT		11/15/2004	0.50	79.99	39.99
242370	PETE	SHALAMAR	BRYANT		11/29/2004	0.50	85.82	42.91
242370	PETE	SHALAMAR	BRYANT		12/13/2004	0.50	57.34	28.67
242370	PETE	SHALAMAR	BRYANT		12/27/2004	0.50	96.1	48.05
242370	PETE	SHALAMAR	BRYANT		1/10/2005	0.50	35.96	17.98
242370	PETE	SHALAMAR	BRYANT		1/24/2005	0.50	90.36	45.18
242370	PETE	SHALAMAR	BRYANT		2/7/2005	0.50	140.85	70.42
242370	PETE	SHALAMAR	BRYANT		2/21/2005	0.50	96.9	48.45
242370	PETE	SHALAMAR	BRYANT		3/7/2005	0.50	85.22	42.61
242370	PETE	SHALAMAR	BRYANT		3/21/2005	0.50	71.94	35.97
242370	PETE	SHALAMAR	BRYANT		4/4/2005	0.50	63.8	31.90
242370	PETE	SHALAMAR	BRYANT		4/18/2005	0.50	66.24	33.12
242370	PETE	SHALAMAR	BRYANT		5/2/2005	0.50	35.69	17.84
242370	PETE	SHALAMAR	BRYANT		5/16/2005	0.50	79.68	39.84
242370	PETE	SHALAMAR	BRYANT		5/30/2005	0.50	95.49	47.74
242370	PETE	SHALAMAR	BRYANT		6/13/2005	0.50	65.52	32.76
242370	PETE	SHALAMAR	BRYANT		7/11/2005	0.50	21.91	10.95
242370	PETE	SHALAMAR	BRYANT		7/25/2005	0.50	17.5	8.75
242370	PETE	SHALAMAR	BRYANT		8/8/2005	0.50	17.5	8.75
255998	EDWARD	CALVIN	BRYANT		9/23/2002	0.50	52.47	26.23
255998	EDWARD	CALVIN	BRYANT		9/23/2002	0.50	46.18	23.09
255998	EDWARD	CALVIN	BRYANT		10/7/2002	0.50	75	37.50
255998	EDWARD	CALVIN	BRYANT		10/21/2002	0.50	75	37.50
255998	EDWARD	CALVIN	BRYANT		11/4/2002	0.50	72.57	36.28
255998	EDWARD	CALVIN	BRYANT		11/18/2002	0.50	92.31	46.15
255998	EDWARD	CALVIN	BRYANT		12/2/2002	0.50	77.26	38.63
255998	EDWARD	CALVIN	BRYANT		12/16/2002	0.50	90.44	45.22
255998	EDWARD	CALVIN	BRYANT		12/30/2002	0.50	45	22.50

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
255998	EDWARD	CALVIN	BRYANT		1/13/2003	0.50	59.9	29.95
255998	EDWARD	CALVIN	BRYANT		1/27/2003	0.50	74	37.00
255998	EDWARD	CALVIN	BRYANT		2/10/2003	0.50	93.72	46.86
255998	EDWARD	CALVIN	BRYANT		2/24/2003	0.50	48.77	24.38
255998	EDWARD	CALVIN	BRYANT		12/29/2003	0.50	17.5	8.75
255998	EDWARD	CALVIN	BRYANT		1/12/2004	0.50	17.5	8.75
255998	EDWARD	CALVIN	BRYANT		1/26/2004	0.50	17.5	8.75
255998	EDWARD	CALVIN	BRYANT		3/8/2004	0.50	45.72	22.86
255998	EDWARD	CALVIN	BRYANT		3/22/2004	0.50	88.9	44.45
255998	EDWARD	CALVIN	BRYANT		4/5/2004	0.50	51.95	25.97
255998	EDWARD	CALVIN	BRYANT		4/19/2004	0.50	48.7	24.35
255998	EDWARD	CALVIN	BRYANT		5/3/2004	0.50	78	39.00
255998	EDWARD	CALVIN	BRYANT		5/17/2004	0.50	89.15	44.57
255998	EDWARD	CALVIN	BRYANT		5/31/2004	0.50	84.41	42.20
255998	EDWARD	CALVIN	BRYANT		6/14/2004	0.50	87.91	43.95
255998	EDWARD	CALVIN	BRYANT		6/28/2004	0.50	83.88	41.94
255998	EDWARD	CALVIN	BRYANT		7/12/2004	0.50	67.9	33.95
255998	EDWARD	CALVIN	BRYANT		7/26/2004	0.50	79.58	39.78
255998	EDWARD	CALVIN	BRYANT		8/9/2004	0.50	74.2	37.10
255998	EDWARD	CALVIN	BRYANT		8/23/2004	0.50	76.46	38.23
255998	EDWARD	CALVIN	BRYANT		9/6/2004	0.50	84.16	42.08
255998	EDWARD	CALVIN	BRYANT		9/20/2004	0.50	99.75	49.87
255998	EDWARD	CALVIN	BRYANT		10/4/2004	0.50	109.2	54.60
255998	EDWARD	CALVIN	BRYANT		10/18/2004	0.50	118.47	59.23
255998	EDWARD	CALVIN	BRYANT		11/1/2004	0.50	124.24	62.12
255998	EDWARD	CALVIN	BRYANT		11/15/2004	0.50	122.86	61.43
255998	EDWARD	CALVIN	BRYANT		11/29/2004	0.50	84.35	42.17
255998	EDWARD	CALVIN	BRYANT		12/13/2004	0.50	99.98	49.99
255998	EDWARD	CALVIN	BRYANT		12/27/2004	0.50	125.15	62.57
255998	EDWARD	CALVIN	BRYANT		1/10/2005	0.50	79.16	39.58
255998	EDWARD	CALVIN	BRYANT		1/24/2005	0.50	129.13	64.56
255998	EDWARD	CALVIN	BRYANT		2/7/2005	0.50	136.16	68.08
255998	EDWARD	CALVIN	BRYANT		2/21/2005	0.50	112.1	56.05
255998	EDWARD	CALVIN	BRYANT		3/7/2005	0.50	113.97	56.98
255998	EDWARD	CALVIN	BRYANT		3/21/2005	0.50	122.62	61.31
255998	EDWARD	CALVIN	BRYANT		4/4/2005	0.50	123.21	61.60
255998	EDWARD	CALVIN	BRYANT		4/18/2005	0.50	126.43	63.21
255998	EDWARD	CALVIN	BRYANT		5/2/2005	0.50	120.45	60.22
255998	EDWARD	CALVIN	BRYANT		5/16/2005	0.50	127.41	63.70
255998	EDWARD	CALVIN	BRYANT		5/30/2005	0.50	118.03	59.01
255998	EDWARD	CALVIN	BRYANT		6/13/2005	0.50	106.05	53.02
255998	EDWARD	CALVIN	BRYANT		6/27/2005	0.50	126.79	63.39
255998	EDWARD	CALVIN	BRYANT		7/11/2005	0.50	91.92	45.96
255998	EDWARD	CALVIN	BRYANT		7/25/2005	0.50	95.37	47.68
255998	EDWARD	CALVIN	BRYANT		8/8/2005	0.50	101.41	50.70
255998	EDWARD	CALVIN	BRYANT		8/22/2005	0.50	114.12	57.06
255998	EDWARD	CALVIN	BRYANT		9/5/2005	0.50	110.33	55.16
255998	EDWARD	CALVIN	BRYANT		9/19/2005	0.50	102.34	51.17
255998	EDWARD	CALVIN	BRYANT		10/3/2005	0.50	114.55	57.27
255998	EDWARD	CALVIN	BRYANT		10/17/2005	0.50	120.48	60.24
255998	EDWARD	CALVIN	BRYANT		10/31/2005	0.50	114.36	57.18
255998	EDWARD	CALVIN	BRYANT		11/14/2005	0.50	109.19	54.59
255998	EDWARD	CALVIN	BRYANT		11/28/2005	0.50	112.81	56.40
255998	EDWARD	CALVIN	BRYANT		12/12/2005	0.50	101.24	50.62
255998	EDWARD	CALVIN	BRYANT		12/26/2005	0.50	137.59	68.79
255998	EDWARD	CALVIN	BRYANT		1/9/2006	0.50	65.8	32.90
255998	EDWARD	CALVIN	BRYANT		1/23/2006	0.50	108.04	54.02

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
255998	EDWARD	CALVIN	BRYANT		2/6/2006	0.50	123.56	61.78
255998	EDWARD	CALVIN	BRYANT		2/20/2006	0.50	109.99	54.99
255998	EDWARD	CALVIN	BRYANT		3/6/2006	0.50	113.09	56.54
255998	EDWARD	CALVIN	BRYANT		3/20/2006	0.50	120.02	60.01
255998	EDWARD	CALVIN	BRYANT		4/3/2006	0.50	122.98	61.49
255998	EDWARD	CALVIN	BRYANT		4/17/2006	0.50	111.06	55.53
255998	EDWARD	CALVIN	BRYANT		5/1/2006	0.50	104.54	52.27
255998	EDWARD	CALVIN	BRYANT		5/15/2006	0.50	128.42	64.21
255998	EDWARD	CALVIN	BRYANT		5/29/2006	0.50	100.94	50.47
255998	EDWARD	CALVIN	BRYANT		6/12/2006	0.50	111.69	55.84
255998	EDWARD	CALVIN	BRYANT		6/26/2006	0.50	125.51	62.75
255998	EDWARD	CALVIN	BRYANT		7/10/2006	0.50	98.28	49.14
255998	EDWARD	CALVIN	BRYANT		7/24/2006	0.50	142.6	71.30
255998	EDWARD	CALVIN	BRYANT		8/7/2006	0.50	135	67.50
255998	EDWARD	CALVIN	BRYANT		8/21/2006	0.50	131.5	65.75
255998	EDWARD	CALVIN	BRYANT		9/4/2006	0.50	133.02	66.51
255998	EDWARD	CALVIN	BRYANT		9/18/2006	0.50	120.6	60.30
255998	EDWARD	CALVIN	BRYANT		10/2/2006	0.50	155	77.50
255998	EDWARD	CALVIN	BRYANT		10/16/2006	0.50	133.2	66.60
255998	EDWARD	CALVIN	BRYANT		10/30/2006	0.50	123.39	61.69
255998	EDWARD	CALVIN	BRYANT		11/13/2006	0.50	105.82	52.91
255998	EDWARD	CALVIN	BRYANT		11/27/2006	0.50	76.27	38.13
255998	EDWARD	CALVIN	BRYANT		12/11/2006	0.50	129.93	64.96
255998	EDWARD	CALVIN	BRYANT		12/25/2006	0.50	121.81	60.90
255998	EDWARD	CALVIN	BRYANT		1/8/2007	0.50	36.09	18.04
255998	EDWARD	CALVIN	BRYANT		1/22/2007	0.50	107.28	53.64
255998	EDWARD	CALVIN	BRYANT		2/5/2007	0.50	119.57	59.78
255998	EDWARD	CALVIN	BRYANT		2/19/2007	0.50	132.39	66.19
255998	EDWARD	CALVIN	BRYANT		3/5/2007	0.50	136.55	68.27
255998	EDWARD	CALVIN	BRYANT		3/19/2007	0.50	141.55	70.77
255998	EDWARD	CALVIN	BRYANT		4/2/2007	0.50	165.56	82.78
255998	EDWARD	CALVIN	BRYANT		4/16/2007	0.50	118.62	59.31
255998	EDWARD	CALVIN	BRYANT		4/30/2007	0.50	152.83	76.41
255998	EDWARD	CALVIN	BRYANT		5/14/2007	0.50	176.69	88.34
255998	EDWARD	CALVIN	BRYANT		5/28/2007	0.50	204.83	102.41
255998	EDWARD	CALVIN	BRYANT		6/11/2007	0.50	171.53	85.76
255998	EDWARD	CALVIN	BRYANT		6/25/2007	0.50	177.25	88.62
255998	EDWARD	CALVIN	BRYANT		7/9/2007	0.50	145.13	72.56
255998	EDWARD	CALVIN	BRYANT		7/23/2007	0.50	179.67	89.83
255998	EDWARD	CALVIN	BRYANT		8/6/2007	0.50	176.84	88.42
255998	EDWARD	CALVIN	BRYANT		8/20/2007	0.50	107.64	53.82
255998	EDWARD	CALVIN	BRYANT		9/3/2007	0.50	107.39	53.69
255998	EDWARD	CALVIN	BRYANT		9/17/2007	0.50	170.75	85.37
255998	EDWARD	CALVIN	BRYANT		10/1/2007	0.50	120.9	60.45
255998	EDWARD	CALVIN	BRYANT		10/15/2007	0.50	143.97	71.98
255998	EDWARD	CALVIN	BRYANT		10/29/2007	0.50	122.65	61.32
255998	EDWARD	CALVIN	BRYANT		11/12/2007	0.50	134.1	67.05
255998	EDWARD	CALVIN	BRYANT		11/26/2007	0.50	137.2	68.60
255998	EDWARD	CALVIN	BRYANT		12/10/2007	0.50	169.52	84.76
255998	EDWARD	CALVIN	BRYANT		12/24/2007	0.50	197.92	98.96
255998	EDWARD	CALVIN	BRYANT		1/7/2008	0.50	22.14	11.07
255998	EDWARD	CALVIN	BRYANT		1/21/2008	0.50	165.97	82.98
255998	EDWARD	CALVIN	BRYANT		2/4/2008	0.50	172.27	86.13
255998	EDWARD	CALVIN	BRYANT		2/18/2008	0.50	184.44	92.22
255998	EDWARD	CALVIN	BRYANT		3/3/2008	0.50	193.04	96.52
255998	EDWARD	CALVIN	BRYANT		3/17/2008	0.50	207.51	103.75
255998	EDWARD	CALVIN	BRYANT		3/31/2008	0.50	159.89	79.94

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
255998	EDWARD	CALVIN	BRYANT		4/14/2008	0.50	176.96	88.48
255998	EDWARD	CALVIN	BRYANT		4/28/2008	0.50	162.65	81.32
255998	EDWARD	CALVIN	BRYANT		5/12/2008	0.50	139.88	69.94
255998	EDWARD	CALVIN	BRYANT		5/26/2008	0.50	158.3	79.15
255998	EDWARD	CALVIN	BRYANT		6/9/2008	0.50	141.95	70.97
255998	EDWARD	CALVIN	BRYANT		6/23/2008	0.50	160.07	80.03
255998	EDWARD	CALVIN	BRYANT		7/7/2008	0.50	159.84	79.92
255998	EDWARD	CALVIN	BRYANT		7/21/2008	0.50	144.78	72.39
255998	EDWARD	CALVIN	BRYANT		8/4/2008	0.50	78.11	39.05
255998	EDWARD	CALVIN	BRYANT		8/18/2008	0.50	129.4	64.70
255998	EDWARD	CALVIN	BRYANT		9/1/2008	0.50	131	65.50
255998	EDWARD	CALVIN	BRYANT		9/15/2008	0.50	102.14	51.07
255998	EDWARD	CALVIN	BRYANT		10/13/2008	0.50	125.56	62.78
255998	EDWARD	CALVIN	BRYANT		10/13/2008	0.50	125.56	62.78
255998	EDWARD	CALVIN	BRYANT		10/27/2008	0.50	121.56	60.78
255998	EDWARD	CALVIN	BRYANT		11/10/2008	0.50	133.56	66.78
255998	EDWARD	CALVIN	BRYANT		11/24/2008	0.50	122.28	61.14
255998	EDWARD	CALVIN	BRYANT		12/8/2008	0.50	130.5	65.25
255998	EDWARD	CALVIN	BRYANT		12/22/2008	0.50	120.1	60.05
255998	EDWARD	CALVIN	BRYANT		1/19/2009	0.50	127.09	63.54
255998	EDWARD	CALVIN	BRYANT		2/2/2009	0.50	170.44	85.22
255998	EDWARD	CALVIN	BRYANT		2/16/2009	0.50	219.53	109.76
255998	EDWARD	CALVIN	BRYANT		3/2/2009	0.50	172.87	86.43
255998	EDWARD	CALVIN	BRYANT		3/16/2009	0.50	181.83	90.91
255998	EDWARD	CALVIN	BRYANT		3/30/2009	0.50	158.18	79.09
255998	EDWARD	CALVIN	BRYANT		4/13/2009	0.50	131.52	65.76
255998	EDWARD	CALVIN	BRYANT		4/27/2009	0.50	165	82.50
255998	EDWARD	CALVIN	BRYANT		5/11/2009	0.50	176.2	88.10
255998	EDWARD	CALVIN	BRYANT		5/25/2009	0.50	146.86	73.43
255998	EDWARD	CALVIN	BRYANT		6/8/2009	0.50	162.37	81.18
255998	EDWARD	CALVIN	BRYANT		6/22/2009	0.50	190.95	95.47
255998	EDWARD	CALVIN	BRYANT		7/6/2009	0.50	167.55	83.77
255998	EDWARD	CALVIN	BRYANT		7/20/2009	0.50	116.91	58.45
255998	EDWARD	CALVIN	BRYANT		8/3/2009	0.50	134.27	67.13
255998	EDWARD	CALVIN	BRYANT		8/17/2009	0.50	128.52	64.26
255998	EDWARD	CALVIN	BRYANT		8/31/2009	0.50	154	77.00
255998	EDWARD	CALVIN	BRYANT		9/14/2009	0.50	182.68	91.34
255998	EDWARD	CALVIN	BRYANT		9/28/2009	0.50	204.33	102.16
255998	EDWARD	CALVIN	BRYANT		10/12/2009	0.50	152.5	76.25
255998	EDWARD	CALVIN	BRYANT		10/26/2009	0.50	164.78	82.39
255998	EDWARD	CALVIN	BRYANT		11/9/2009	0.50	157.56	78.78
255998	EDWARD	CALVIN	BRYANT		11/23/2009	0.50	156.92	78.46
255998	EDWARD	CALVIN	BRYANT		12/7/2009	0.50	134.88	67.44
255998	EDWARD	CALVIN	BRYANT		12/21/2009	0.50	132.73	66.36
255998	EDWARD	CALVIN	BRYANT		1/18/2010	0.50	155.58	77.79
255998	EDWARD	CALVIN	BRYANT		1/18/2010	0.50	25.95	12.97
255998	EDWARD	CALVIN	BRYANT		2/1/2010	0.50	150.12	75.06
255998	EDWARD	CALVIN	BRYANT		2/15/2010	0.50	196.7	98.35
255998	EDWARD	CALVIN	BRYANT		3/1/2010	0.50	175.78	87.89
255998	EDWARD	CALVIN	BRYANT		3/15/2010	0.50	169.46	84.73
255998	EDWARD	CALVIN	BRYANT		3/29/2010	0.50	168.59	84.29
255998	EDWARD	CALVIN	BRYANT		4/12/2010	0.50	139.22	69.61
255998	EDWARD	CALVIN	BRYANT		4/26/2010	0.50	140.35	70.17
255998	EDWARD	CALVIN	BRYANT		5/10/2010	0.50	139.91	69.95
255998	EDWARD	CALVIN	BRYANT		5/24/2010	0.50	175.41	87.70
255998	EDWARD	CALVIN	BRYANT		6/7/2010	0.50	129.33	64.66
255998	EDWARD	CALVIN	BRYANT		6/21/2010	0.50	141.4	70.70

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
255998	EDWARD	CALVIN	BRYANT		7/5/2010	0.50	137.59	68.79
255998	EDWARD	CALVIN	BRYANT		7/19/2010	0.50	146.33	73.16
255998	EDWARD	CALVIN	BRYANT		8/2/2010	0.50	188.7	94.35
255998	EDWARD	CALVIN	BRYANT		8/16/2010	0.50	156.29	78.14
255998	EDWARD	CALVIN	BRYANT		8/30/2010	0.50	162.43	81.21
255998	EDWARD	CALVIN	BRYANT		9/13/2010	0.50	152.26	76.13
255998	EDWARD	CALVIN	BRYANT		9/27/2010	0.50	160.31	80.15
255998	EDWARD	CALVIN	BRYANT		10/11/2010	0.50	175.93	87.96
255998	EDWARD	CALVIN	BRYANT		10/25/2010	0.50	130.79	65.39
255998	EDWARD	CALVIN	BRYANT		11/8/2010	0.50	163.14	81.57
255998	EDWARD	CALVIN	BRYANT		11/22/2010	0.50	162.3	81.15
255998	EDWARD	CALVIN	BRYANT		12/6/2010	0.50	141.29	70.64
255998	EDWARD	CALVIN	BRYANT		12/20/2010	0.50	172.27	86.13
255998	EDWARD	CALVIN	BRYANT		1/3/2011	0.50	79.86	39.93
255998	EDWARD	CALVIN	BRYANT		1/17/2011	0.50	156.39	78.19
255998	EDWARD	CALVIN	BRYANT		1/31/2011	0.50	137.59	68.79
255998	EDWARD	CALVIN	BRYANT		2/14/2011	0.50	148.24	74.12
255998	EDWARD	CALVIN	BRYANT		2/28/2011	0.50	162.99	81.49
255998	EDWARD	CALVIN	BRYANT		3/14/2011	0.50	162	81.00
255998	EDWARD	CALVIN	BRYANT		3/28/2011	0.50	149.52	74.76
258972	GARY		BRYANT		9/27/1999	0.55	11.75	6.46
258972	GARY		BRYANT		9/27/1999	0.35	53.5	18.72
258972	GARY		BRYANT		10/11/1999	0.50	56.5	28.25
258972	GARY		BRYANT		10/11/1999	0.55	4.25	2.33
258972	GARY		BRYANT		10/25/1999	0.50	62	31.00
258972	GARY		BRYANT		11/8/1999	0.50	67.75	33.87
258972	GARY		BRYANT		11/22/1999	0.50	66.2	33.10
258972	GARY		BRYANT		12/6/1999	0.50	51.15	25.57
258972	GARY		BRYANT		12/20/1999	2.50	2	5.00
258972	GARY		BRYANT		12/20/1999	0.50	73.6	36.80
258972	GARY		BRYANT		1/3/2000	0.50	37.5	18.75
258972	GARY		BRYANT		1/3/2000	0.55	5.67	3.11
258972	GARY		BRYANT		1/17/2000	0.55	7.5	4.12
258972	GARY		BRYANT		1/17/2000	0.55	3	1.65
258972	GARY		BRYANT		1/17/2000	0.50	15	7.50
258972	GARY		BRYANT		1/17/2000	0.50	75	37.50
258972	GARY		BRYANT		1/31/2000	0.55	7.5	4.12
258972	GARY		BRYANT		1/31/2000	0.50	59.93	29.96
258972	GARY		BRYANT		2/14/2000	0.80	6.5	5.20
258972	GARY		BRYANT		2/14/2000	0.55	5.5	3.02
258972	GARY		BRYANT		2/14/2000	0.50	70.26	35.13
258972	GARY		BRYANT		2/14/2000	0.55	7.5	4.12
258972	GARY		BRYANT		2/28/2000	0.50	65.23	32.61
258972	GARY		BRYANT		2/28/2000	1.05	15	15.75
258972	GARY		BRYANT		3/13/2000	0.50	72.57	36.28
258972	GARY		BRYANT		3/27/2000	0.50	75	37.50
258972	GARY		BRYANT		4/10/2000	0.80	7.5	6.00
258972	GARY		BRYANT		4/10/2000	0.55	1.92	1.05
258972	GARY		BRYANT		4/10/2000	0.50	74.95	37.47
258972	GARY		BRYANT		4/24/2000	0.25	7	1.75
258972	GARY		BRYANT		4/24/2000	0.55	8.97	4.93
258972	GARY		BRYANT		4/24/2000	0.65	75	48.75
258972	GARY		BRYANT		5/8/2000	0.65	75	48.75
258972	GARY		BRYANT		5/8/2000	0.75	11.7	8.77
258972	GARY		BRYANT		5/8/2000	0.25	7.1	1.77
258972	GARY		BRYANT		5/22/2000	0.65	67.5	43.87
258972	GARY		BRYANT		5/22/2000	0.75	1.73	1.29

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
258972	GARY		BRYANT		5/22/2000	0.25	7.5	1.87
258972	GARY		BRYANT		6/5/2000	0.65	67.4	43.81
258972	GARY		BRYANT		6/19/2000	1.00	4	4.00
258972	GARY		BRYANT		6/19/2000	0.65	70.73	45.97
258972	GARY		BRYANT		7/3/2000	0.25	7.5	1.87
258972	GARY		BRYANT		7/3/2000	0.75	9.93	7.44
258972	GARY		BRYANT		7/3/2000	0.35	4.6	1.61
258972	GARY		BRYANT		7/3/2000	0.65	60	39.00
258972	GARY		BRYANT		7/17/2000	0.50	52.3	26.15
258972	GARY		BRYANT		7/31/2000	0.50	63.08	31.54
258972	GARY		BRYANT		8/14/2000	0.50	66.67	33.33
258972	GARY		BRYANT		8/28/2000	0.50	64.62	32.31
258972	GARY		BRYANT		9/11/2000	0.50	55.45	27.72
258972	GARY		BRYANT		9/25/2000	0.50	86.35	43.17
258972	GARY		BRYANT		10/9/2000	0.50	50.27	25.13
258972	GARY		BRYANT		10/23/2000	0.50	103.5	51.75
258972	GARY		BRYANT		11/6/2000	0.50	106.69	53.34
258972	GARY		BRYANT		11/20/2000	0.50	94.44	47.22
258972	GARY		BRYANT		12/4/2000	0.50	73.92	36.96
258972	GARY		BRYANT		12/18/2000	0.50	136.1	68.05
258972	GARY		BRYANT		1/1/2001	0.50	55.8	27.90
258972	GARY		BRYANT		1/15/2001	0.50	79.38	39.69
258972	GARY		BRYANT		1/29/2001	0.50	100.32	50.16
258972	GARY		BRYANT		2/12/2001	0.50	101.01	50.50
258972	GARY		BRYANT		2/26/2001	0.50	89.36	44.68
258972	GARY		BRYANT		3/12/2001	0.50	112.32	56.16
258972	GARY		BRYANT		3/26/2001	0.50	108.71	54.35
258972	GARY		BRYANT		4/9/2001	0.50	117.44	58.72
258972	GARY		BRYANT		4/23/2001	0.50	113.4	56.70
258972	GARY		BRYANT		5/7/2001	0.50	111.08	55.54
258972	GARY		BRYANT		5/21/2001	0.50	105.08	52.54
258972	GARY		BRYANT		6/4/2001	0.50	102.24	51.12
258972	GARY		BRYANT		6/18/2001	0.50	67.5	33.75
258972	GARY		BRYANT		7/2/2001	0.50	113.76	56.88
258972	GARY		BRYANT		7/16/2001	0.50	71.18	35.59
258972	GARY		BRYANT		7/30/2001	0.50	81.26	40.63
258972	GARY		BRYANT		8/13/2001	0.50	131.44	65.72
258972	GARY		BRYANT		8/27/2001	0.50	71.7	35.85
258972	GARY		BRYANT		9/10/2001	0.50	54.02	27.01
258972	GARY		BRYANT		9/24/2001	0.50	135	67.50
258972	GARY		BRYANT		10/8/2001	0.50	29.25	14.62
258972	GARY		BRYANT		3/25/2002	0.50	42	21.00
258972	GARY		BRYANT		4/8/2002	0.50	47.25	23.62
258972	GARY		BRYANT		4/22/2002	0.50	52.5	26.25
258972	GARY		BRYANT		5/6/2002	0.50	31.5	15.75
258972	GARY		BRYANT		5/20/2002	0.50	71.25	35.62
258972	GARY		BRYANT		6/3/2002	0.50	60	30.00
258972	GARY		BRYANT		6/17/2002	0.50	71.88	35.94
258972	GARY		BRYANT		7/1/2002	0.50	88.26	44.13
258972	GARY		BRYANT		7/15/2002	0.50	66.04	33.02
258972	GARY		BRYANT		7/29/2002	0.50	31.78	15.89
258972	GARY		BRYANT		8/12/2002	0.50	83.34	41.67
258972	GARY		BRYANT		8/26/2002	0.50	45	22.50
277262	TERRELL	L	BUCHANON		4/22/2002	0.50	34.83	17.41
277262	TERRELL	L	BUCHANON		5/6/2002	0.50	49.34	24.67
277262	TERRELL	L	BUCHANON		5/20/2002	0.50	57.44	28.72
277262	TERRELL	L	BUCHANON		6/3/2002	0.50	37.74	18.87

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
277262	TERRELL	L	BUCHANON		6/17/2002	0.50	60.38	30.19
277262	TERRELL	L	BUCHANON		7/1/2002	0.50	82.7	41.35
277262	TERRELL	L	BUCHANON		7/15/2002	0.50	64.07	32.03
277262	TERRELL	L	BUCHANON		7/29/2002	0.50	87.34	43.67
277262	TERRELL	L	BUCHANON		8/12/2002	0.50	81.96	40.98
277262	TERRELL	L	BUCHANON		8/26/2002	0.50	78.64	39.32
277262	TERRELL	L	BUCHANON		9/9/2002	0.50	79.86	39.93
277262	TERRELL	L	BUCHANON		9/23/2002	0.50	87.86	43.93
277262	TERRELL	L	BUCHANON		10/7/2002	0.50	97.78	48.89
277262	TERRELL	L	BUCHANON		10/21/2002	0.50	118.58	59.29
277262	TERRELL	L	BUCHANON		11/4/2002	0.50	108.93	54.46
277262	TERRELL	L	BUCHANON		11/18/2002	0.50	112.55	56.27
277262	TERRELL	L	BUCHANON		12/2/2002	0.50	93.63	46.81
277262	TERRELL	L	BUCHANON		12/16/2002	0.50	84.45	42.22
277262	TERRELL	L	BUCHANON		7/14/2003	0.50	38.38	19.19
277262	TERRELL	L	BUCHANON		7/28/2003	0.50	45.91	22.95
277262	TERRELL	L	BUCHANON		8/11/2003	0.50	4.24	2.12
277262	TERRELL	L	BUCHANON		8/11/2003	0.50	17.5	8.75
277262	TERRELL	L	BUCHANON		8/25/2003	0.50	17.5	8.75
277262	TERRELL	L	BUCHANON		9/8/2003	0.50	17.5	8.75
277262	TERRELL	L	BUCHANON		9/22/2003	0.50	17.5	8.75
277262	TERRELL	L	BUCHANON		10/6/2003	0.50	17.5	8.75
277262	TERRELL	L	BUCHANON		10/20/2003	0.50	17.5	8.75
277262	TERRELL	L	BUCHANON		11/3/2003	0.50	17.5	8.75
277262	TERRELL	L	BUCHANON		11/17/2003	0.50	17.5	8.75
277262	TERRELL	L	BUCHANON		12/1/2003	0.50	17.5	8.75
277262	TERRELL	L	BUCHANON		12/15/2003	0.50	45.98	22.99
277262	TERRELL	L	BUCHANON		12/29/2003	0.50	44.56	22.28
277262	TERRELL	L	BUCHANON		1/12/2004	0.50	33.17	16.58
277262	TERRELL	L	BUCHANON		1/26/2004	0.50	57.58	28.79
277262	TERRELL	L	BUCHANON		2/9/2004	0.50	56.33	28.16
277262	TERRELL	L	BUCHANON		2/23/2004	0.50	83.9	41.95
277262	TERRELL	L	BUCHANON		3/8/2004	0.50	64.62	32.31
277262	TERRELL	L	BUCHANON		3/22/2004	0.50	35.42	17.71
277262	TERRELL	L	BUCHANON		4/5/2004	0.50	86.08	43.04
277262	TERRELL	L	BUCHANON		4/19/2004	0.50	72.62	36.31
277262	TERRELL	L	BUCHANON		5/3/2004	0.50	42.24	21.12
263537	DOUGLAS		BUDE		6/18/2001	0.50	14.35	7.17
263537	DOUGLAS		BUDE		7/2/2001	0.50	66.28	33.14
263537	DOUGLAS		BUDE		7/16/2001	0.50	73.24	36.62
263537	DOUGLAS		BUDE		7/30/2001	0.50	78.1	39.05
263537	DOUGLAS		BUDE		8/13/2001	0.50	104.97	52.48
263537	DOUGLAS		BUDE		8/27/2001	0.50	96.59	48.29
263537	DOUGLAS		BUDE		9/10/2001	0.50	62.75	31.37
263537	DOUGLAS		BUDE		9/24/2001	0.50	71.35	35.67
263537	DOUGLAS		BUDE		10/8/2001	0.50	140.09	70.04
263537	DOUGLAS		BUDE		10/22/2001	0.50	138.06	69.03
263537	DOUGLAS		BUDE		11/5/2001	0.50	105.53	52.76
263537	DOUGLAS		BUDE		11/19/2001	0.50	102.46	51.23
263537	DOUGLAS		BUDE		12/3/2001	0.50	85.01	42.50
263537	DOUGLAS		BUDE		12/17/2001	0.50	155.06	77.53
263537	DOUGLAS		BUDE		12/31/2001	0.50	63.48	31.74
263537	DOUGLAS		BUDE		1/14/2002	0.50	96.13	48.06
263537	DOUGLAS		BUDE		1/28/2002	0.50	91.13	45.56
263537	DOUGLAS		BUDE		2/11/2002	0.50	149.21	74.60
263537	DOUGLAS		BUDE		2/25/2002	0.50	140.01	70.00
263537	DOUGLAS		BUDE		3/11/2002	0.50	117.08	58.54

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
263537	DOUGLAS		BUDE		3/25/2002	0.50	134.18	67.09
263537	DOUGLAS		BUDE		4/8/2002	0.50	103.39	51.69
263537	DOUGLAS		BUDE		4/22/2002	0.50	123.47	61.73
263537	DOUGLAS		BUDE		5/6/2002	0.50	132.81	66.40
263537	DOUGLAS		BUDE		5/20/2002	0.50	130.2	65.10
263537	DOUGLAS		BUDE		6/3/2002	0.50	113.93	56.96
263537	DOUGLAS		BUDE		6/17/2002	0.50	122.35	61.17
263537	DOUGLAS		BUDE		7/1/2002	0.50	123.13	61.56
263537	DOUGLAS		BUDE		7/15/2002	0.50	114.53	57.26
263537	DOUGLAS		BUDE		7/29/2002	0.50	59.06	29.53
263537	DOUGLAS		BUDE		8/12/2002	0.50	158.28	79.14
263537	DOUGLAS		BUDE		8/26/2002	0.50	142.5	71.25
263537	DOUGLAS		BUDE		9/9/2002	0.50	111.97	55.98
263537	DOUGLAS		BUDE		9/23/2002	0.50	112.97	56.48
263537	DOUGLAS		BUDE		10/7/2002	0.50	112.71	56.35
263537	DOUGLAS		BUDE		10/21/2002	0.50	81.9	40.95
281911	LARRY	EUGENE	BURKE		11/4/2002	0.50	129.43	64.71
281911	LARRY	EUGENE	BURKE		10/7/2002	0.50	15.75	7.87
281911	LARRY	EUGENE	BURKE		10/21/2002	0.50	54.7	27.35
281911	LARRY	EUGENE	BURKE		11/4/2002	0.50	47.97	23.98
281911	LARRY	EUGENE	BURKE		11/18/2002	0.50	55.71	27.85
281911	LARRY	EUGENE	BURKE		12/2/2002	0.50	66.73	33.36
281911	LARRY	EUGENE	BURKE		12/16/2002	0.50	76.52	38.26
281911	LARRY	EUGENE	BURKE		12/30/2002	0.50	40.32	20.16
281911	LARRY	EUGENE	BURKE		1/13/2003	0.50	48.77	24.38
281911	LARRY	EUGENE	BURKE		1/27/2003	0.50	70.64	35.32
281911	LARRY	EUGENE	BURKE		2/10/2003	0.50	68.04	34.02
281911	LARRY	EUGENE	BURKE		2/24/2003	0.50	80.96	40.48
281911	LARRY	EUGENE	BURKE		3/10/2003	0.50	74.24	37.12
281911	LARRY	EUGENE	BURKE		3/24/2003	0.50	64.84	32.42
281911	LARRY	EUGENE	BURKE		4/7/2003	0.50	34.38	17.19
281911	LARRY	EUGENE	BURKE		7/14/2003	0.50	122.08	61.04
281911	LARRY	EUGENE	BURKE		7/28/2003	0.50	110.52	55.26
281911	LARRY	EUGENE	BURKE		8/11/2003	0.50	84.71	42.35
281911	LARRY	EUGENE	BURKE		8/25/2003	0.50	106.01	53.00
281911	LARRY	EUGENE	BURKE		9/8/2003	0.50	69.08	34.54
281911	LARRY	EUGENE	BURKE		9/22/2003	0.50	86.43	43.21
281911	LARRY	EUGENE	BURKE		10/6/2003	0.50	89.67	44.83
281911	LARRY	EUGENE	BURKE		10/20/2003	0.50	110.11	55.05
281911	LARRY	EUGENE	BURKE		11/3/2003	0.50	60.72	30.36
281911	LARRY	EUGENE	BURKE		11/17/2003	0.50	100.14	50.07
281911	LARRY	EUGENE	BURKE		12/1/2003	0.50	88.52	44.26
281911	LARRY	EUGENE	BURKE		12/15/2003	0.50	38.25	19.12
281911	LARRY	EUGENE	BURKE		1/12/2004	0.50	17.5	8.75
281911	LARRY	EUGENE	BURKE		1/26/2004	0.50	112.32	56.16
281911	LARRY	EUGENE	BURKE		2/9/2004	0.50	89.34	44.67
281911	LARRY	EUGENE	BURKE		2/23/2004	0.50	66.69	33.34
281911	LARRY	EUGENE	BURKE		3/8/2004	0.50	102.63	51.31
281911	LARRY	EUGENE	BURKE		3/22/2004	0.50	110.18	55.09
281911	LARRY	EUGENE	BURKE		4/5/2004	0.50	115.94	57.97
281911	LARRY	EUGENE	BURKE		4/19/2004	0.50	55.47	27.73
281911	LARRY	EUGENE	BURKE		5/3/2004	0.50	34.9	17.45
281911	LARRY	EUGENE	BURKE		5/17/2004	0.50	91.68	45.84
281911	LARRY	EUGENE	BURKE		5/31/2004	0.50	103.35	51.67
281911	LARRY	EUGENE	BURKE		6/14/2004	0.50	99.11	49.55
281911	LARRY	EUGENE	BURKE		6/28/2004	0.50	59.64	29.82
281911	LARRY	EUGENE	BURKE		7/12/2004	0.50	61.63	30.81

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
281911	LARRY	EUGENE	BURKE		7/26/2004	0.50	93.81	46.90
281911	LARRY	EUGENE	BURKE		8/9/2004	0.50	91.66	45.83
281911	LARRY	EUGENE	BURKE		8/23/2004	0.50	84.58	42.29
281911	LARRY	EUGENE	BURKE		9/6/2004	0.50	87.69	43.84
281911	LARRY	EUGENE	BURKE		9/20/2004	0.50	52.07	26.03
281911	LARRY	EUGENE	BURKE		10/4/2004	0.50	97.19	48.59
281911	LARRY	EUGENE	BURKE		10/18/2004	0.50	89.19	44.59
281911	LARRY	EUGENE	BURKE		11/1/2004	0.50	133.88	66.94
281911	LARRY	EUGENE	BURKE		11/15/2004	0.50	119.05	59.52
281911	LARRY	EUGENE	BURKE		11/29/2004	0.50	102.83	51.41
281911	LARRY	EUGENE	BURKE		12/13/2004	0.50	97.16	48.58
281911	LARRY	EUGENE	BURKE		12/27/2004	0.50	117.34	58.67
281911	LARRY	EUGENE	BURKE		1/10/2005	0.50	64.48	32.24
281911	LARRY	EUGENE	BURKE		1/24/2005	0.50	111.51	55.75
281911	LARRY	EUGENE	BURKE		2/7/2005	0.50	148.41	74.20
281911	LARRY	EUGENE	BURKE		2/21/2005	0.50	118.64	59.32
281911	LARRY	EUGENE	BURKE		3/7/2005	0.50	108.34	54.17
281911	LARRY	EUGENE	BURKE		3/21/2005	0.50	96.64	48.32
281911	LARRY	EUGENE	BURKE		4/4/2005	0.50	111.66	55.83
281911	LARRY	EUGENE	BURKE		4/18/2005	0.50	130.76	65.38
281911	LARRY	EUGENE	BURKE		5/2/2005	0.50	103.9	51.95
281911	LARRY	EUGENE	BURKE		5/16/2005	0.50	121.26	60.63
281911	LARRY	EUGENE	BURKE		5/30/2005	0.50	145.62	72.81
281911	LARRY	EUGENE	BURKE		6/13/2005	0.50	97.96	48.98
281911	LARRY	EUGENE	BURKE		6/27/2005	0.50	134.5	67.25
281911	LARRY	EUGENE	BURKE		7/11/2005	0.50	112.37	56.18
281911	LARRY	EUGENE	BURKE		7/25/2005	0.50	116.19	58.09
281911	LARRY	EUGENE	BURKE		8/8/2005	0.50	116.51	58.25
281911	LARRY	EUGENE	BURKE		8/22/2005	0.50	112.27	56.13
281911	LARRY	EUGENE	BURKE		9/5/2005	0.50	75.19	37.59
300690	CHRISTOPHE		BUSCH		6/28/2004	0.50	43.86	21.93
300690	CHRISTOPHE		BUSCH		7/12/2004	0.50	29.11	14.55
300690	CHRISTOPHE		BUSCH		7/26/2004	0.50	37.16	18.58
300690	CHRISTOPHE		BUSCH		8/9/2004	0.50	44.11	22.05
300690	CHRISTOPHE		BUSCH		8/23/2004	0.50	69.18	34.59
300690	CHRISTOPHE		BUSCH		9/6/2004	0.50	62.1	31.05
300690	CHRISTOPHE		BUSCH		9/20/2004	0.50	63	31.50
300690	CHRISTOPHE		BUSCH		10/4/2004	0.50	89.44	44.72
300690	CHRISTOPHE		BUSCH		10/18/2004	0.50	85.18	42.59
300690	CHRISTOPHE		BUSCH		11/1/2004	0.50	85.63	42.81
300690	CHRISTOPHE		BUSCH		11/15/2004	0.50	68.42	34.21
300690	CHRISTOPHE		BUSCH		11/29/2004	0.50	75.78	37.89
300690	CHRISTOPHE		BUSCH		12/13/2004	0.50	65.18	32.59
300690	CHRISTOPHE		BUSCH		12/27/2004	0.50	115.24	57.62
300690	CHRISTOPHE		BUSCH		1/10/2005	0.50	64.31	32.15
300690	CHRISTOPHE		BUSCH		1/24/2005	0.50	93.9	46.95
300690	CHRISTOPHE		BUSCH		2/7/2005	0.50	127.56	63.78
300690	CHRISTOPHE		BUSCH		2/21/2005	0.50	96.23	48.11
300690	CHRISTOPHE		BUSCH		3/7/2005	0.50	85.32	42.66
300690	CHRISTOPHE		BUSCH		3/21/2005	0.50	96.15	48.07
300690	CHRISTOPHE		BUSCH		4/4/2005	0.50	87.35	43.67
300690	CHRISTOPHE		BUSCH		4/18/2005	0.50	95.97	47.98
300690	CHRISTOPHE		BUSCH		5/2/2005	0.50	88.25	44.12
300690	CHRISTOPHE		BUSCH		5/16/2005	0.50	109.16	54.58
300690	CHRISTOPHE		BUSCH		5/30/2005	0.50	107.15	53.57
300690	CHRISTOPHE		BUSCH		6/13/2005	0.50	86.06	43.03
300690	CHRISTOPHE		BUSCH		6/27/2005	0.50	116.42	58.21

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
300690	CHRISTOPHE		BUSCH		7/11/2005	0.50	91.07	45.53
300690	CHRISTOPHE		BUSCH		7/25/2005	0.50	88.86	44.43
300690	CHRISTOPHE		BUSCH		8/8/2005	0.50	105.74	52.87
300690	CHRISTOPHE		BUSCH		8/22/2005	0.50	109.31	54.65
300690	CHRISTOPHE		BUSCH		9/5/2005	0.50	118.49	59.24
300690	CHRISTOPHE		BUSCH		9/19/2005	0.50	153.39	76.69
300690	CHRISTOPHE		BUSCH		10/3/2005	0.50	117.22	58.61
300690	CHRISTOPHE		BUSCH		10/17/2005	0.50	98.97	49.48
300690	CHRISTOPHE		BUSCH		10/31/2005	0.50	109.23	54.61
300690	CHRISTOPHE		BUSCH		11/14/2005	0.50	95.25	47.62
300690	CHRISTOPHE		BUSCH		11/28/2005	0.50	107.93	53.96
300690	CHRISTOPHE		BUSCH		12/12/2005	0.50	117.5	58.75
300690	CHRISTOPHE		BUSCH		12/26/2005	0.50	112.63	56.31
300690	CHRISTOPHE		BUSCH		1/9/2006	0.50	42.53	21.26
300690	CHRISTOPHE		BUSCH		1/23/2006	0.50	78.23	39.11
300690	CHRISTOPHE		BUSCH		2/6/2006	0.50	112.03	56.01
300690	CHRISTOPHE		BUSCH		2/20/2006	0.50	96.51	48.25
300690	CHRISTOPHE		BUSCH		3/6/2006	0.50	103.33	51.66
300690	CHRISTOPHE		BUSCH		3/20/2006	0.50	54.22	27.11
300690	CHRISTOPHE		BUSCH		4/3/2006	0.50	91.09	45.54
300690	CHRISTOPHE		BUSCH		4/17/2006	0.50	108.04	54.02
300690	CHRISTOPHE		BUSCH		5/1/2006	0.50	99.59	49.79
300690	CHRISTOPHE		BUSCH		5/15/2006	0.50	101.69	50.84
300690	CHRISTOPHE		BUSCH		5/29/2006	0.50	64.77	32.38
191961	MICHAEL		BUSQUES		8/9/2004	0.50	17.5	8.75
191961	MICHAEL		BUSQUES		8/23/2004	0.50	17.5	8.75
191961	MICHAEL		BUSQUES		9/6/2004	0.50	17.5	8.75
191961	MICHAEL		BUSQUES		9/20/2004	0.50	17.5	8.75
191961	MICHAEL		BUSQUES		10/4/2004	0.50	78.61	39.30
191961	MICHAEL		BUSQUES		10/18/2004	0.50	80.64	40.32
191961	MICHAEL		BUSQUES		11/1/2004	0.50	84.51	42.25
191961	MICHAEL		BUSQUES		11/15/2004	0.50	78.35	39.17
191961	MICHAEL		BUSQUES		11/29/2004	0.50	81.57	40.78
191961	MICHAEL		BUSQUES		12/13/2004	0.50	81.22	40.61
191961	MICHAEL		BUSQUES		12/27/2004	0.50	84.58	42.29
191961	MICHAEL		BUSQUES		1/10/2005	0.50	63.49	31.74
191961	MICHAEL		BUSQUES		1/24/2005	0.50	72	36.00
191961	MICHAEL		BUSQUES		2/7/2005	0.50	111.2	55.60
191961	MICHAEL		BUSQUES		2/21/2005	0.50	111.18	55.59
191961	MICHAEL		BUSQUES		3/7/2005	0.50	114.48	57.24
191961	MICHAEL		BUSQUES		3/21/2005	0.50	107.48	53.74
191961	MICHAEL		BUSQUES		4/4/2005	0.50	98.73	49.36
191961	MICHAEL		BUSQUES		4/18/2005	0.50	110.33	55.16
191961	MICHAEL		BUSQUES		5/2/2005	0.50	170.1	85.05
162467	RICHARD		BUTLER		5/16/2005	0.50	51	25.50
162467	RICHARD		BUTLER		7/3/2000	0.35	30	10.50
162467	RICHARD		BUTLER		7/17/2000	0.50	46.71	23.35
162467	RICHARD		BUTLER		7/31/2000	0.50	52.43	26.21
162467	RICHARD		BUTLER		8/14/2000	0.50	47.25	23.62
162467	RICHARD		BUTLER		8/28/2000	0.50	75	37.50
162467	RICHARD		BUTLER		9/11/2000	0.50	31.07	15.53
162467	RICHARD		BUTLER		9/25/2000	0.50	71.24	35.62
162467	RICHARD		BUTLER		10/9/2000	0.50	40.82	20.41
162467	RICHARD		BUTLER		10/23/2000	0.50	74.88	37.44
162467	RICHARD		BUTLER		11/6/2000	0.50	74.22	37.11
162467	RICHARD		BUTLER		11/20/2000	0.50	61.53	30.76
162467	RICHARD		BUTLER		12/4/2000	0.50	53.58	26.79

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
162467	RICHARD		BUTLER		12/18/2000	0.50	83.33	41.66
162467	RICHARD		BUTLER		1/1/2001	0.50	32.73	16.36
162467	RICHARD		BUTLER		1/15/2001	0.50	76.88	38.44
162467	RICHARD		BUTLER		1/29/2001	0.50	53.87	26.93
162467	RICHARD		BUTLER		2/12/2001	0.50	85.22	42.61
162467	RICHARD		BUTLER		2/26/2001	0.50	102.42	51.21
162467	RICHARD		BUTLER		3/12/2001	0.50	97.27	48.63
162467	RICHARD		BUTLER		3/26/2001	0.50	90.35	45.17
162467	RICHARD		BUTLER		4/9/2001	0.50	87.75	43.87
162467	RICHARD		BUTLER		4/23/2001	0.50	114.72	57.36
162467	RICHARD		BUTLER		5/7/2001	0.50	67.48	33.74
162467	RICHARD		BUTLER		5/21/2001	0.50	86.39	43.19
162467	RICHARD		BUTLER		6/4/2001	0.50	82.72	41.36
162467	RICHARD		BUTLER		6/18/2001	0.50	91.65	45.82
162467	RICHARD		BUTLER		7/2/2001	0.50	88.04	44.02
162467	RICHARD		BUTLER		7/16/2001	0.50	95.81	47.90
162467	RICHARD		BUTLER		7/30/2001	0.50	111.53	55.76
162467	RICHARD		BUTLER		8/13/2001	0.50	108.69	54.34
162467	RICHARD		BUTLER		9/10/2001	0.50	114.5	57.25
162467	RICHARD		BUTLER		9/24/2001	0.50	145	72.50
162467	RICHARD		BUTLER		10/8/2001	0.50	184.52	92.26
162467	RICHARD		BUTLER		10/22/2001	0.50	127.16	63.58
162467	RICHARD		BUTLER		11/5/2001	0.50	90.07	45.03
162467	RICHARD		BUTLER		11/19/2001	0.50	127.93	63.96
162467	RICHARD		BUTLER		12/3/2001	0.50	106.95	53.47
162467	RICHARD		BUTLER		12/17/2001	0.50	153.13	76.56
162467	RICHARD		BUTLER		12/31/2001	0.50	67.45	33.72
162467	RICHARD		BUTLER		1/14/2002	0.50	99.03	49.51
162467	RICHARD		BUTLER		1/28/2002	0.50	149.38	74.69
162467	RICHARD		BUTLER		2/11/2002	0.50	140.22	70.11
162467	RICHARD		BUTLER		2/25/2002	0.50	121.98	60.99
162467	RICHARD		BUTLER		3/11/2002	0.50	138.89	69.44
162467	RICHARD		BUTLER		3/25/2002	0.50	133.91	66.95
162467	RICHARD		BUTLER		4/8/2002	0.50	118.28	59.14
162467	RICHARD		BUTLER		4/22/2002	0.50	139.71	69.85
162467	RICHARD		BUTLER		5/6/2002	0.50	144	72.00
162467	RICHARD		BUTLER		5/20/2002	0.50	125.4	62.70
162467	RICHARD		BUTLER		6/3/2002	0.50	67.76	33.88
162467	RICHARD		BUTLER		6/17/2002	0.50	142.5	71.25
162467	RICHARD		BUTLER		7/1/2002	0.50	122.32	61.16
162467	RICHARD		BUTLER		7/15/2002	0.50	125.86	62.93
162467	RICHARD		BUTLER		7/29/2002	0.50	146.64	73.32
162467	RICHARD		BUTLER		8/12/2002	0.50	187.64	93.82
162467	RICHARD		BUTLER		8/26/2002	0.50	133.14	66.57
162467	RICHARD		BUTLER		9/9/2002	0.50	62.92	31.46
162467	RICHARD		BUTLER		9/23/2002	0.50	137.9	68.95
162467	RICHARD		BUTLER		10/7/2002	0.50	146.36	73.18
162467	RICHARD		BUTLER		10/21/2002	0.50	138.04	69.02
162467	RICHARD		BUTLER		11/4/2002	0.50	96.5	48.25
162467	RICHARD		BUTLER		11/18/2002	0.50	83.42	41.71
162467	RICHARD		BUTLER		12/2/2002	0.50	124.66	62.33
162467	RICHARD		BUTLER		12/16/2002	0.50	119.86	59.93
162467	RICHARD		BUTLER		12/30/2002	0.50	41.54	20.77
162467	RICHARD		BUTLER		1/13/2003	0.50	87.25	43.62
162467	RICHARD		BUTLER		1/27/2003	0.50	100.4	50.20
162467	RICHARD		BUTLER		2/10/2003	0.50	115.69	57.84
162467	RICHARD		BUTLER		2/24/2003	0.50	93.82	46.91

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
162467	RICHARD		BUTLER		3/10/2003	0.50	94.09	47.04
162467	RICHARD		BUTLER		3/24/2003	0.50	101.75	50.87
162467	RICHARD		BUTLER		4/7/2003	0.50	106.74	53.37
162467	RICHARD		BUTLER		4/21/2003	0.50	111.92	55.96
162467	RICHARD		BUTLER		5/5/2003	0.50	92.2	46.10
162467	RICHARD		BUTLER		5/19/2003	0.50	135.62	67.81
162467	RICHARD		BUTLER		6/2/2003	0.50	114.26	57.13
162467	RICHARD		BUTLER		6/16/2003	0.50	128.48	64.24
162467	RICHARD		BUTLER		6/30/2003	0.50	84.11	42.05
257552	THOMAS		BUTLER		2/28/2000	1.05	7.5	7.87
257552	THOMAS		BUTLER		2/28/2000	0.50	26.38	13.19
257552	THOMAS		BUTLER		3/13/2000	0.50	74.52	37.26
257552	THOMAS		BUTLER		3/13/2000	0.55	6.5	3.57
257552	THOMAS		BUTLER		3/27/2000	0.35	15.95	5.58
257552	THOMAS		BUTLER		4/10/2000	0.35	53.62	18.76
257552	THOMAS		BUTLER		4/24/2000	0.35	68.87	24.10
257552	THOMAS		BUTLER		5/8/2000	0.35	67.5	23.62
257552	THOMAS		BUTLER		5/22/2000	0.25	7.5	1.87
257552	THOMAS		BUTLER		5/22/2000	0.55	7.13	3.92
257552	THOMAS		BUTLER		5/22/2000	0.35	67.5	23.62
257552	THOMAS		BUTLER		6/5/2000	0.35	58.83	20.59
257552	THOMAS		BUTLER		6/19/2000	0.50	75	37.50
257552	THOMAS		BUTLER		7/3/2000	0.50	60	30.00
257552	THOMAS		BUTLER		7/3/2000	0.35	4.73	1.65
257552	THOMAS		BUTLER		7/3/2000	0.55	2.28	1.25
257552	THOMAS		BUTLER		7/17/2000	0.50	71.22	35.61
257552	THOMAS		BUTLER		7/31/2000	0.50	41.95	20.97
257552	THOMAS		BUTLER		8/14/2000	0.50	65.87	32.93
257552	THOMAS		BUTLER		8/28/2000	0.50	74.5	37.25
257552	THOMAS		BUTLER		9/11/2000	0.50	60.9	30.45
257552	THOMAS		BUTLER		9/25/2000	0.50	96.75	48.37
257552	THOMAS		BUTLER		10/9/2000	0.50	85.97	42.98
257552	THOMAS		BUTLER		10/23/2000	0.50	92.21	46.10
257552	THOMAS		BUTLER		11/6/2000	0.50	94.02	47.01
257552	THOMAS		BUTLER		11/20/2000	0.50	87.89	43.94
257552	THOMAS		BUTLER		12/4/2000	0.50	31.82	15.91
257552	THOMAS		BUTLER		12/18/2000	0.50	88.54	44.27
257552	THOMAS		BUTLER		1/1/2001	0.50	44.2	22.10
257552	THOMAS		BUTLER		1/15/2001	0.50	51.65	25.82
257552	THOMAS		BUTLER		1/29/2001	0.50	81.94	40.97
257552	THOMAS		BUTLER		2/12/2001	0.50	97.41	48.70
257552	THOMAS		BUTLER		2/26/2001	0.50	105.19	52.59
257552	THOMAS		BUTLER		3/12/2001	0.50	116.77	58.38
257552	THOMAS		BUTLER		3/26/2001	0.50	108.38	54.19
257552	THOMAS		BUTLER		4/9/2001	0.50	90.45	45.22
257552	THOMAS		BUTLER		4/23/2001	0.50	108.18	54.09
257552	THOMAS		BUTLER		5/7/2001	0.50	75.84	37.92
257552	THOMAS		BUTLER		5/21/2001	0.50	60.22	30.11
257552	THOMAS		BUTLER		6/4/2001	0.50	100.43	50.21
257552	THOMAS		BUTLER		6/18/2001	0.50	101.4	50.70
257552	THOMAS		BUTLER		7/2/2001	0.50	73.42	36.71
257552	THOMAS		BUTLER		7/16/2001	0.50	91.42	45.71
257552	THOMAS		BUTLER		7/30/2001	0.50	71.38	35.69
257552	THOMAS		BUTLER		8/13/2001	0.50	79	39.50
257552	THOMAS		BUTLER		8/27/2001	0.50	41.38	20.69
257552	THOMAS		BUTLER		9/10/2001	0.50	74.66	37.33
257552	THOMAS		BUTLER		9/24/2001	0.50	131.58	65.79

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Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
257552	THOMAS		BUTLER		10/8/2001	0.50	125.25	62.62
257552	THOMAS		BUTLER		10/22/2001	0.50	130.37	65.18
257552	THOMAS		BUTLER		11/5/2001	0.50	125.6	62.80
257552	THOMAS		BUTLER		11/19/2001	0.50	76.47	38.23
257552	THOMAS		BUTLER		12/3/2001	0.50	74.97	37.48
257552	THOMAS		BUTLER		12/17/2001	0.50	144.19	72.09
257552	THOMAS		BUTLER		12/31/2001	0.50	62.77	31.38
257552	THOMAS		BUTLER		1/14/2002	0.50	93.87	46.93
257552	THOMAS		BUTLER		1/28/2002	0.50	108	54.00
257552	THOMAS		BUTLER		2/11/2002	0.50	125.78	62.89
257552	THOMAS		BUTLER		2/25/2002	0.50	76.53	38.26
257552	THOMAS		BUTLER		3/11/2002	0.50	119.07	59.53
257552	THOMAS		BUTLER		3/25/2002	0.50	108.67	54.33
257552	THOMAS		BUTLER		4/8/2002	0.50	47.09	23.54
257552	THOMAS		BUTLER		4/22/2002	0.50	41.64	20.82
257552	THOMAS		BUTLER		5/6/2002	0.50	71.5	35.75
257552	THOMAS		BUTLER		5/20/2002	0.50	25.29	12.64
257552	THOMAS		BUTLER		6/3/2002	0.50	111.46	55.73
257552	THOMAS		BUTLER		6/17/2002	0.50	130.68	65.34
257552	THOMAS		BUTLER		7/1/2002	0.50	117.09	58.54
257552	THOMAS		BUTLER		7/15/2002	0.50	103.95	51.97
257552	THOMAS		BUTLER		7/29/2002	0.50	118.81	59.40
257552	THOMAS		BUTLER		8/12/2002	0.50	113.49	56.74
257552	THOMAS		BUTLER		8/26/2002	0.50	97.98	48.99
257552	THOMAS		BUTLER		9/9/2002	0.50	107.73	53.86
257552	THOMAS		BUTLER		9/23/2002	0.50	125.74	62.87
257552	THOMAS		BUTLER		10/7/2002	0.50	123.44	61.72
257552	THOMAS		BUTLER		10/21/2002	0.50	101.31	50.65
257552	THOMAS		BUTLER		11/4/2002	0.50	93.77	46.88
257552	THOMAS		BUTLER		3/10/2003	0.50	42.67	21.33
257552	THOMAS		BUTLER		3/24/2003	0.50	39.23	19.61
257552	THOMAS		BUTLER		7/14/2003	0.50	163.06	81.53
257552	THOMAS		BUTLER		7/28/2003	0.50	134.24	67.12
257552	THOMAS		BUTLER		8/11/2003	0.50	126.07	63.03
257552	THOMAS		BUTLER		8/25/2003	0.50	20.4	10.20
257552	THOMAS		BUTLER		12/29/2003	0.50	17.5	8.75
257552	THOMAS		BUTLER		5/3/2004	0.50	39.97	19.98
257552	THOMAS		BUTLER		5/17/2004	0.50	61.46	30.73
257552	THOMAS		BUTLER		3/19/2007	0.50	44.28	22.14
257552	THOMAS		BUTLER		4/2/2007	0.50	9.85	4.92
257552	THOMAS		BUTLER		5/28/2007	0.50	44.27	22.13
257552	THOMAS		BUTLER		6/11/2007	0.50	52.6	26.30
257552	THOMAS		BUTLER		6/25/2007	0.50	78.68	39.34
257552	THOMAS		BUTLER		7/9/2007	0.50	64.6	32.30
257552	THOMAS		BUTLER		7/23/2007	0.50	69.36	34.68
257552	THOMAS		BUTLER		8/6/2007	0.50	54.28	27.14
257552	THOMAS		BUTLER		8/20/2007	0.50	48.46	24.23
257552	THOMAS		BUTLER		9/3/2007	0.50	47.32	23.66
257552	THOMAS		BUTLER		9/17/2007	0.50	66.11	33.05
257552	THOMAS		BUTLER		10/1/2007	0.50	91.85	45.92
257552	THOMAS		BUTLER		10/15/2007	0.50	98.6	49.30
257552	THOMAS		BUTLER		10/29/2007	0.50	74.88	37.44
257552	THOMAS		BUTLER		11/12/2007	0.50	104.67	52.33
257552	THOMAS		BUTLER		11/26/2007	0.50	87.18	43.59
257552	THOMAS		BUTLER		12/10/2007	0.50	80.33	40.16
257552	THOMAS		BUTLER		12/24/2007	0.50	110.47	55.23
257552	THOMAS		BUTLER		1/7/2008	0.50	27.98	13.99

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
257552	THOMAS		BUTLER		1/21/2008	0.50	115.8	57.90
257552	THOMAS		BUTLER		2/4/2008	0.50	107.25	53.62
257552	THOMAS		BUTLER		2/18/2008	0.50	124.31	62.15
257552	THOMAS		BUTLER		3/3/2008	0.50	102.71	51.35
257552	THOMAS		BUTLER		3/17/2008	0.50	142.22	71.11
257552	THOMAS		BUTLER		3/31/2008	0.50	130.63	65.31
257552	THOMAS		BUTLER		4/14/2008	0.50	139.97	69.98
257552	THOMAS		BUTLER		4/28/2008	0.50	86.78	43.39
257552	THOMAS		BUTLER		5/12/2008	0.50	101.41	50.70
257552	THOMAS		BUTLER		5/26/2008	0.50	103.11	51.55
257552	THOMAS		BUTLER		6/9/2008	0.50	96.44	48.22
257552	THOMAS		BUTLER		6/23/2008	0.50	109.79	54.89
257552	THOMAS		BUTLER		7/7/2008	0.50	121.07	60.53
257552	THOMAS		BUTLER		7/21/2008	0.50	109.7	54.85
257552	THOMAS		BUTLER		8/4/2008	0.50	91.49	45.74
257552	THOMAS		BUTLER		8/18/2008	0.50	92	46.00
257552	THOMAS		BUTLER		9/1/2008	0.50	104.01	52.00
257552	THOMAS		BUTLER		9/15/2008	0.50	73.22	36.61
257552	THOMAS		BUTLER		9/29/2008	0.50	88.01	44.00
257552	THOMAS		BUTLER		10/13/2008	0.50	102.85	51.42
257552	THOMAS		BUTLER		10/27/2008	0.50	101.18	50.59
257552	THOMAS		BUTLER		11/10/2008	0.50	102.05	51.02
257552	THOMAS		BUTLER		11/24/2008	0.50	77.14	38.57
257552	THOMAS		BUTLER		12/8/2008	0.50	67.61	33.80
257552	THOMAS		BUTLER		12/22/2008	0.50	85.65	42.82
257552	THOMAS		BUTLER		1/19/2009	0.50	106.47	53.23
257552	THOMAS		BUTLER		2/2/2009	0.50	143.21	71.60
257552	THOMAS		BUTLER		2/16/2009	0.50	153.58	76.79
257552	THOMAS		BUTLER		3/2/2009	0.50	119.3	59.65
257552	THOMAS		BUTLER		3/16/2009	0.50	143.99	71.99
257552	THOMAS		BUTLER		3/30/2009	0.50	80.41	40.20
257552	THOMAS		BUTLER		4/13/2009	0.50	102.18	51.09
257552	THOMAS		BUTLER		4/27/2009	0.50	111.4	55.70
257552	THOMAS		BUTLER		5/11/2009	0.50	117.46	58.73
257552	THOMAS		BUTLER		5/25/2009	0.50	97.98	48.99
257552	THOMAS		BUTLER		6/8/2009	0.50	111.66	55.83
257552	THOMAS		BUTLER		6/22/2009	0.50	101.27	50.63
257552	THOMAS		BUTLER		7/6/2009	0.50	101.84	50.92
257552	THOMAS		BUTLER		7/20/2009	0.50	77.2	38.60
257552	THOMAS		BUTLER		8/3/2009	0.50	134.33	67.16
257552	THOMAS		BUTLER		8/17/2009	0.50	111.09	55.54
257552	THOMAS		BUTLER		8/31/2009	0.50	124.83	62.41
257552	THOMAS		BUTLER		9/14/2009	0.50	107.03	53.51
257552	THOMAS		BUTLER		9/28/2009	0.50	124.03	62.01
257552	THOMAS		BUTLER		10/12/2009	0.50	64.09	32.04
257552	THOMAS		BUTLER		10/26/2009	0.50	127.43	63.71
257552	THOMAS		BUTLER		11/9/2009	0.50	130.82	65.41
257552	THOMAS		BUTLER		11/23/2009	0.50	96.62	48.31
257552	THOMAS		BUTLER		12/7/2009	0.50	33.82	16.91
257552	THOMAS		BUTLER		12/21/2009	0.50	133.67	66.83
257552	THOMAS		BUTLER		1/18/2010	0.50	115.43	57.71
257552	THOMAS		BUTLER		2/1/2010	0.50	107.64	53.82
257552	THOMAS		BUTLER		2/15/2010	0.50	130.28	65.14
257552	THOMAS		BUTLER		3/1/2010	0.50	84.4	42.20
257552	THOMAS		BUTLER		3/15/2010	0.50	151.49	75.74
257552	THOMAS		BUTLER		3/29/2010	0.50	120.2	60.10
257552	THOMAS		BUTLER		4/12/2010	0.50	102.34	51.17

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
257552	THOMAS		BUTLER		4/26/2010	0.50	100.9	50.45
257552	THOMAS		BUTLER		5/10/2010	0.50	110	55.00
257552	THOMAS		BUTLER		5/24/2010	0.50	76.5	38.25
257552	THOMAS		BUTLER		6/7/2010	0.50	110.76	55.38
257552	THOMAS		BUTLER		6/21/2010	0.50	99.76	49.88
257552	THOMAS		BUTLER		7/5/2010	0.50	102.08	51.04
257552	THOMAS		BUTLER		7/19/2010	0.50	98	49.00
257552	THOMAS		BUTLER		8/2/2010	0.50	137.74	68.87
257552	THOMAS		BUTLER		8/16/2010	0.50	105.84	52.92
257552	THOMAS		BUTLER		8/30/2010	0.50	82.7	41.35
257552	THOMAS		BUTLER		9/13/2010	0.50	106.74	53.37
257552	THOMAS		BUTLER		9/27/2010	0.50	99.56	49.78
257552	THOMAS		BUTLER		10/11/2010	0.50	115.4	57.70
257552	THOMAS		BUTLER		10/25/2010	0.50	108.14	54.07
257552	THOMAS		BUTLER		11/8/2010	0.50	52.7	26.35
257552	THOMAS		BUTLER		11/22/2010	0.50	81.21	40.60
257552	THOMAS		BUTLER		12/6/2010	0.50	51.04	25.52
257552	THOMAS		BUTLER		12/20/2010	0.50	116.24	58.12
257552	THOMAS		BUTLER		1/3/2011	0.50	30.46	15.23
257552	THOMAS		BUTLER		1/17/2011	0.50	79.4	39.70
257552	THOMAS		BUTLER		1/31/2011	0.50	88.34	44.17
257552	THOMAS		BUTLER		2/14/2011	0.50	102.16	51.08
257552	THOMAS		BUTLER		2/28/2011	0.50	96.88	48.44
257552	THOMAS		BUTLER		3/14/2011	0.50	91.7	45.85
257552	THOMAS		BUTLER		3/28/2011	0.50	82.22	41.11
243538	KENNETH		CARTER		5/22/2000	0.55	17.58	9.66
243538	KENNETH		CARTER		5/22/2000	0.25	21.7	5.42
243538	KENNETH		CARTER		5/22/2000	0.35	67.5	23.62
243538	KENNETH		CARTER		6/5/2000	0.35	67.5	23.62
243538	KENNETH		CARTER		6/5/2000	0.25	7.23	1.80
243538	KENNETH		CARTER		6/5/2000	0.55	4.55	2.50
243538	KENNETH		CARTER		7/3/2000	0.35	4.62	1.61
243538	KENNETH		CARTER		7/3/2000	0.55	25.02	13.76
243538	KENNETH		CARTER		7/3/2000	0.25	14.68	3.67
243538	KENNETH		CARTER		7/3/2000	0.50	60	30.00
243538	KENNETH		CARTER		7/17/2000	0.50	66.98	33.49
243538	KENNETH		CARTER		7/31/2000	0.50	103.62	51.81
243538	KENNETH		CARTER		8/14/2000	0.50	66.85	33.42
243538	KENNETH		CARTER		8/28/2000	0.50	75	37.50
243538	KENNETH		CARTER		9/11/2000	0.50	65.5	32.75
243538	KENNETH		CARTER		9/25/2000	0.50	83.9	41.95
243538	KENNETH		CARTER		10/9/2000	0.50	86.47	43.23
243538	KENNETH		CARTER		10/23/2000	0.50	84.91	42.45
243538	KENNETH		CARTER		11/6/2000	0.50	90.64	45.32
243538	KENNETH		CARTER		11/20/2000	0.50	100.91	50.45
243538	KENNETH		CARTER		12/4/2000	0.50	71.05	35.52
243538	KENNETH		CARTER		12/18/2000	0.50	124.85	62.42
243538	KENNETH		CARTER		1/1/2001	0.50	72.23	36.11
243538	KENNETH		CARTER		1/15/2001	0.50	86.66	43.33
243538	KENNETH		CARTER		1/29/2001	0.50	106.46	53.23
243538	KENNETH		CARTER		2/12/2001	0.50	110.28	55.14
243538	KENNETH		CARTER		2/26/2001	0.50	102.19	51.09
243538	KENNETH		CARTER		3/12/2001	0.50	109.85	54.92
243538	KENNETH		CARTER		3/26/2001	0.50	106.88	53.44
243538	KENNETH		CARTER		4/9/2001	0.50	116.06	58.03
243538	KENNETH		CARTER		4/23/2001	0.50	97.37	48.68
243538	KENNETH		CARTER		5/7/2001	0.50	96.2	48.10

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
243538	KENNETH		CARTER		5/21/2001	0.50	127.95	63.97
243538	KENNETH		CARTER		6/4/2001	0.50	106.65	53.32
243538	KENNETH		CARTER		6/18/2001	0.50	111.83	55.91
243538	KENNETH		CARTER		7/2/2001	0.50	125.1	62.55
243538	KENNETH		CARTER		7/16/2001	0.50	137.81	68.90
243538	KENNETH		CARTER		7/30/2001	0.50	151.31	75.65
243538	KENNETH		CARTER		8/13/2001	0.50	147.08	73.54
243538	KENNETH		CARTER		8/27/2001	0.50	168.65	84.32
243538	KENNETH		CARTER		9/10/2001	0.50	145.74	72.87
243538	KENNETH		CARTER		9/24/2001	0.50	142.5	71.25
243538	KENNETH		CARTER		10/8/2001	0.50	198.3	98.15
243538	KENNETH		CARTER		10/22/2001	0.50	142.46	71.23
243538	KENNETH		CARTER		11/5/2001	0.50	137.03	68.51
243538	KENNETH		CARTER		11/19/2001	0.50	145.5	72.75
243538	KENNETH		CARTER		12/3/2001	0.50	114	57.00
243538	KENNETH		CARTER		12/17/2001	0.50	156.41	78.20
243538	KENNETH		CARTER		12/31/2001	0.50	57.79	28.89
243538	KENNETH		CARTER		1/14/2002	0.50	96.42	48.21
243538	KENNETH		CARTER		1/28/2002	0.50	124.3	62.15
243538	KENNETH		CARTER		2/11/2002	0.50	140.75	70.37
243538	KENNETH		CARTER		2/25/2002	0.50	137.13	68.56
243538	KENNETH		CARTER		3/11/2002	0.50	140.56	70.28
243538	KENNETH		CARTER		3/25/2002	0.50	137.75	68.87
243538	KENNETH		CARTER		3/31/2008	0.50	35.23	17.61
243538	KENNETH		CARTER		4/14/2008	0.50	49.4	24.70
243538	KENNETH		CARTER		4/28/2008	0.50	58.08	29.04
243538	KENNETH		CARTER		5/12/2008	0.50	53.88	26.94
243538	KENNETH		CARTER		5/26/2008	0.50	77.43	38.71
243538	KENNETH		CARTER		6/9/2008	0.50	57.77	28.88
243538	KENNETH		CARTER		6/23/2008	0.50	72.09	36.04
243538	KENNETH		CARTER		7/7/2008	0.50	85.13	42.56
243538	KENNETH		CARTER		7/21/2008	0.50	57.22	28.61
243538	KENNETH		CARTER		9/1/2008	0.50	63.72	31.86
243538	KENNETH		CARTER		9/15/2008	0.50	57.48	28.74
243538	KENNETH		CARTER		11/24/2008	0.50	10.98	5.49
243538	KENNETH		CARTER		12/8/2008	0.50	73.98	36.99
243538	KENNETH		CARTER		12/22/2008	0.50	92.85	46.42
243538	KENNETH		CARTER		1/19/2009	0.50	17.5	8.75
249362	THOMAS	LEE	CARTER	JR	4/19/2004	0.50	46.75	23.37
249362	THOMAS	LEE	CARTER	JR	5/3/2004	0.50	47.65	23.82
249362	THOMAS	LEE	CARTER	JR	5/17/2004	0.50	76.35	38.17
249362	THOMAS	LEE	CARTER	JR	5/31/2004	0.50	64.36	32.18
249362	THOMAS	LEE	CARTER	JR	6/14/2004	0.50	61.7	30.85
249362	THOMAS	LEE	CARTER	JR	6/28/2004	0.50	78.83	39.41
249362	THOMAS	LEE	CARTER	JR	7/12/2004	0.50	54.08	27.04
249362	THOMAS	LEE	CARTER	JR	7/26/2004	0.50	70.72	35.36
249362	THOMAS	LEE	CARTER	JR	8/9/2004	0.50	70.28	35.14
249362	THOMAS	LEE	CARTER	JR	8/23/2004	0.50	79.44	39.72
249362	THOMAS	LEE	CARTER	JR	9/6/2004	0.50	72.66	36.33
249362	THOMAS	LEE	CARTER	JR	9/20/2004	0.50	84.88	42.44
249362	THOMAS	LEE	CARTER	JR	10/4/2004	0.50	211.1	105.55
249362	THOMAS	LEE	CARTER	JR	10/18/2004	0.50	145.32	72.66
249362	THOMAS	LEE	CARTER	JR	11/1/2004	0.50	126.96	63.48
249362	THOMAS	LEE	CARTER	JR	11/15/2004	0.50	156.91	78.45
249362	THOMAS	LEE	CARTER	JR	11/29/2004	0.50	117.08	58.54
249362	THOMAS	LEE	CARTER	JR	12/13/2004	0.50	103.39	51.69
249362	THOMAS	LEE	CARTER	JR	12/27/2004	0.50	131.49	65.74

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
249362	THOMAS	LEE	CARTER	JR	1/10/2005	0.50	85.79	42.89
249362	THOMAS	LEE	CARTER	JR	1/24/2005	0.50	128.67	64.33
249362	THOMAS	LEE	CARTER	JR	2/7/2005	0.50	153.59	76.79
249362	THOMAS	LEE	CARTER	JR	2/21/2005	0.50	125.72	62.86
249362	THOMAS	LEE	CARTER	JR	3/7/2005	0.50	127.2	63.60
249362	THOMAS	LEE	CARTER	JR	3/21/2005	0.50	130.58	65.29
249362	THOMAS	LEE	CARTER	JR	4/4/2005	0.50	137.43	68.71
249362	THOMAS	LEE	CARTER	JR	4/18/2005	0.50	135.47	67.73
249362	THOMAS	LEE	CARTER	JR	5/2/2005	0.50	136.55	68.27
249362	THOMAS	LEE	CARTER	JR	5/16/2005	0.50	149.66	74.83
249362	THOMAS	LEE	CARTER	JR	5/30/2005	0.50	151.59	75.79
249362	THOMAS	LEE	CARTER	JR	6/13/2005	0.50	118.6	59.30
249362	THOMAS	LEE	CARTER	JR	6/27/2005	0.50	134.58	67.29
249362	THOMAS	LEE	CARTER	JR	7/11/2005	0.50	114.15	57.07
249362	THOMAS	LEE	CARTER	JR	7/25/2005	0.50	132.62	66.31
249362	THOMAS	LEE	CARTER	JR	8/8/2005	0.50	138.19	69.09
249362	THOMAS	LEE	CARTER	JR	8/22/2005	0.50	135.62	67.81
249362	THOMAS	LEE	CARTER	JR	9/5/2005	0.50	109.5	54.75
249362	THOMAS	LEE	CARTER	JR	9/19/2005	0.50	101.61	50.80
249362	THOMAS	LEE	CARTER	JR	10/3/2005	0.50	123.54	61.77
249362	THOMAS	LEE	CARTER	JR	10/17/2005	0.50	77.52	38.76
275938	DEREK	SHANE	CARTER		7/16/2001	0.50	8.6	4.30
275938	DEREK	SHANE	CARTER		7/30/2001	0.50	46.04	23.02
275938	DEREK	SHANE	CARTER		8/13/2001	0.50	25.57	12.78
275938	DEREK	SHANE	CARTER		8/27/2001	0.50	51.66	25.83
275938	DEREK	SHANE	CARTER		9/10/2001	0.50	45.69	22.84
275938	DEREK	SHANE	CARTER		9/24/2001	0.50	65.73	32.86
275938	DEREK	SHANE	CARTER		10/8/2001	0.50	96.82	48.41
275938	DEREK	SHANE	CARTER		10/22/2001	0.50	89.76	44.88
275938	DEREK	SHANE	CARTER		11/5/2001	0.50	87.2	43.60
275938	DEREK	SHANE	CARTER		11/19/2001	0.50	92.89	46.44
275938	DEREK	SHANE	CARTER		12/3/2001	0.50	69.74	34.87
275938	DEREK	SHANE	CARTER		12/17/2001	0.50	90.7	45.35
275938	DEREK	SHANE	CARTER		12/31/2001	0.50	45.02	22.51
275938	DEREK	SHANE	CARTER		1/14/2002	0.50	62.34	31.17
275938	DEREK	SHANE	CARTER		1/28/2002	0.50	89.79	44.89
275938	DEREK	SHANE	CARTER		2/11/2002	0.50	111.35	55.67
275938	DEREK	SHANE	CARTER		2/25/2002	0.50	100.32	50.16
275938	DEREK	SHANE	CARTER		3/11/2002	0.50	94.85	47.42
275938	DEREK	SHANE	CARTER		3/25/2002	0.50	107.13	53.56
275938	DEREK	SHANE	CARTER		4/8/2002	0.50	95.66	47.83
275938	DEREK	SHANE	CARTER		4/22/2002	0.50	96.38	48.19
275938	DEREK	SHANE	CARTER		5/6/2002	0.50	99.88	49.94
275938	DEREK	SHANE	CARTER		5/20/2002	0.50	107.82	53.91
275938	DEREK	SHANE	CARTER		6/3/2002	0.50	56.23	28.11
275938	DEREK	SHANE	CARTER		6/17/2002	0.50	104.15	52.07
275938	DEREK	SHANE	CARTER		7/1/2002	0.50	103.91	51.95
275938	DEREK	SHANE	CARTER		7/15/2002	0.50	82.7	41.35
275938	DEREK	SHANE	CARTER		7/29/2002	0.50	104.38	52.19
275938	DEREK	SHANE	CARTER		8/12/2002	0.50	96.9	48.45
275938	DEREK	SHANE	CARTER		8/26/2002	0.50	111.78	55.89
275938	DEREK	SHANE	CARTER		9/9/2002	0.50	106.73	53.36
275938	DEREK	SHANE	CARTER		9/23/2002	0.50	125.97	62.98
275938	DEREK	SHANE	CARTER		10/7/2002	0.50	118.71	59.35
275938	DEREK	SHANE	CARTER		10/21/2002	0.50	126.79	63.39
275938	DEREK	SHANE	CARTER		11/4/2002	0.50	121.07	60.53
275938	DEREK	SHANE	CARTER		11/18/2002	0.50	130.2	65.10

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
275938	DEREK	SHANE	CARTER		12/2/2002	0.50	97.36	48.68
275938	DEREK	SHANE	CARTER		12/16/2002	0.50	117.22	58.61
275938	DEREK	SHANE	CARTER		12/30/2002	0.50	59.89	29.94
275938	DEREK	SHANE	CARTER		1/13/2003	0.50	61.23	30.61
275938	DEREK	SHANE	CARTER		1/27/2003	0.50	94.32	47.16
275938	DEREK	SHANE	CARTER		2/10/2003	0.50	122.77	61.38
275938	DEREK	SHANE	CARTER		2/24/2003	0.50	178.85	89.42
275938	DEREK	SHANE	CARTER		3/10/2003	0.50	125.26	62.63
275938	DEREK	SHANE	CARTER		3/24/2003	0.50	127.5	63.75
275938	DEREK	SHANE	CARTER		4/7/2003	0.50	126.7	63.35
275938	DEREK	SHANE	CARTER		4/21/2003	0.50	127.5	63.75
275938	DEREK	SHANE	CARTER		5/5/2003	0.50	105.15	52.57
275938	DEREK	SHANE	CARTER		5/19/2003	0.50	123.22	61.61
275938	DEREK	SHANE	CARTER		6/2/2003	0.50	101.61	50.80
275938	DEREK	SHANE	CARTER		6/16/2003	0.50	123.03	61.51
275938	DEREK	SHANE	CARTER		6/30/2003	0.50	111.69	55.84
275938	DEREK	SHANE	CARTER		7/14/2003	0.50	100.22	50.11
275938	DEREK	SHANE	CARTER		7/28/2003	0.50	129.11	64.55
275938	DEREK	SHANE	CARTER		8/11/2003	0.50	124.61	62.30
275938	DEREK	SHANE	CARTER		8/25/2003	0.50	129.06	64.53
275938	DEREK	SHANE	CARTER		9/8/2003	0.50	101.2	50.60
275938	DEREK	SHANE	CARTER		9/22/2003	0.50	114.7	57.35
275938	DEREK	SHANE	CARTER		10/6/2003	0.50	121.99	60.99
275938	DEREK	SHANE	CARTER		10/20/2003	0.50	108.68	54.34
275938	DEREK	SHANE	CARTER		11/3/2003	0.50	111.37	55.68
275938	DEREK	SHANE	CARTER		11/17/2003	0.50	113.37	56.68
275938	DEREK	SHANE	CARTER		12/1/2003	0.50	118.04	59.02
275938	DEREK	SHANE	CARTER		12/15/2003	0.50	117.94	58.97
275938	DEREK	SHANE	CARTER		12/29/2003	0.50	115.43	57.71
275938	DEREK	SHANE	CARTER		1/12/2004	0.50	79.24	39.62
275938	DEREK	SHANE	CARTER		1/26/2004	0.50	118.31	59.15
275938	DEREK	SHANE	CARTER		2/9/2004	0.50	120.19	60.09
275938	DEREK	SHANE	CARTER		2/23/2004	0.50	121.94	60.97
275938	DEREK	SHANE	CARTER		3/8/2004	0.50	129.64	64.82
275938	DEREK	SHANE	CARTER		3/22/2004	0.50	122.44	61.22
275938	DEREK	SHANE	CARTER		4/5/2004	0.50	122.04	61.02
275938	DEREK	SHANE	CARTER		4/19/2004	0.50	98.33	49.16
275938	DEREK	SHANE	CARTER		5/3/2004	0.50	142.56	71.28
275938	DEREK	SHANE	CARTER		5/17/2004	0.50	148.05	74.02
275938	DEREK	SHANE	CARTER		5/31/2004	0.50	136.3	68.15
275938	DEREK	SHANE	CARTER		6/14/2004	0.50	117.3	58.65
275938	DEREK	SHANE	CARTER		6/28/2004	0.50	122.04	61.02
275938	DEREK	SHANE	CARTER		7/12/2004	0.50	92.46	46.23
275938	DEREK	SHANE	CARTER		7/26/2004	0.50	132.72	66.36
275938	DEREK	SHANE	CARTER		8/9/2004	0.50	183.31	91.65
275938	DEREK	SHANE	CARTER		8/23/2004	0.50	125.12	62.56
275938	DEREK	SHANE	CARTER		9/6/2004	0.50	95.13	47.56
275938	DEREK	SHANE	CARTER		9/20/2004	0.50	104.94	52.47
275938	DEREK	SHANE	CARTER		10/4/2004	0.50	115.75	57.87
275938	DEREK	SHANE	CARTER		10/18/2004	0.50	124.05	62.02
275938	DEREK	SHANE	CARTER		11/1/2004	0.50	136.79	68.39
275938	DEREK	SHANE	CARTER		11/15/2004	0.50	86.63	43.31
275938	DEREK	SHANE	CARTER		11/29/2004	0.50	114.83	57.41
275938	DEREK	SHANE	CARTER		12/13/2004	0.50	27.36	13.68
275938	DEREK	SHANE	CARTER		12/27/2004	0.50	17.5	8.75
275938	DEREK	SHANE	CARTER		1/10/2005	0.50	86.65	43.32
275938	DEREK	SHANE	CARTER		1/24/2005	0.50	117.35	58.67

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
275938	DEREK	SHANE	CARTER		2/7/2005	0.50	142.86	71.43
275938	DEREK	SHANE	CARTER		2/21/2005	0.50	57.18	28.59
275938	DEREK	SHANE	CARTER		3/7/2005	0.50	113.51	56.75
275938	DEREK	SHANE	CARTER		3/21/2005	0.50	111.51	55.75
275938	DEREK	SHANE	CARTER		4/4/2005	0.50	111.51	55.75
275938	DEREK	SHANE	CARTER		4/18/2005	0.50	123.94	61.97
275938	DEREK	SHANE	CARTER		5/2/2005	0.50	84.42	42.21
275938	DEREK	SHANE	CARTER		5/16/2005	0.50	145.53	72.76
275938	DEREK	SHANE	CARTER		5/30/2005	0.50	150	75.00
275938	DEREK	SHANE	CARTER		6/13/2005	0.50	136.04	68.02
275938	DEREK	SHANE	CARTER		6/27/2005	0.50	142.86	71.43
275938	DEREK	SHANE	CARTER		7/11/2005	0.50	67.37	33.68
275938	DEREK	SHANE	CARTER		3/19/2007	0.50	48.99	24.49
275938	DEREK	SHANE	CARTER		4/2/2007	0.50	63.91	31.95
275938	DEREK	SHANE	CARTER		4/16/2007	0.50	33.19	16.59
275938	DEREK	SHANE	CARTER		4/30/2007	0.50	48.09	24.04
275938	DEREK	SHANE	CARTER		5/14/2007	0.50	84.39	42.19
275938	DEREK	SHANE	CARTER		5/28/2007	0.50	75.64	37.82
275938	DEREK	SHANE	CARTER		6/11/2007	0.50	27.86	13.93
275938	DEREK	SHANE	CARTER		6/25/2007	0.50	87.32	43.66
275938	DEREK	SHANE	CARTER		7/9/2007	0.50	83.06	41.53
275938	DEREK	SHANE	CARTER		7/23/2007	0.50	105.82	52.91
275938	DEREK	SHANE	CARTER		8/6/2007	0.50	70.9	35.45
275938	DEREK	SHANE	CARTER		8/20/2007	0.50	55.48	27.74
275938	DEREK	SHANE	CARTER		9/3/2007	0.50	57.28	28.64
275938	DEREK	SHANE	CARTER		9/17/2007	0.50	60.71	30.35
275938	DEREK	SHANE	CARTER		10/1/2007	0.50	71.45	35.72
275938	DEREK	SHANE	CARTER		10/15/2007	0.50	48.33	24.16
275938	DEREK	SHANE	CARTER		10/29/2007	0.50	73.76	36.88
275938	DEREK	SHANE	CARTER		11/12/2007	0.50	77.75	38.87
275938	DEREK	SHANE	CARTER		11/26/2007	0.50	38.96	19.48
275938	DEREK	SHANE	CARTER		12/10/2007	0.50	76.2	38.10
275938	DEREK	SHANE	CARTER		12/24/2007	0.50	85.2	42.60
275938	DEREK	SHANE	CARTER		1/7/2008	0.50	5.6	2.80
275938	DEREK	SHANE	CARTER		1/21/2008	0.50	77.73	38.86
275938	DEREK	SHANE	CARTER		2/4/2008	0.50	29.49	14.74
238732	RUDY	C	CASSADY		5/6/2002	0.50	43.53	21.76
238732	RUDY	C	CASSADY		5/20/2002	0.50	55.26	27.63
238732	RUDY	C	CASSADY		6/3/2002	0.50	49.43	24.71
238732	RUDY	C	CASSADY		6/17/2002	0.50	35.7	17.85
238732	RUDY	C	CASSADY		7/1/2002	0.50	69.65	34.82
238732	RUDY	C	CASSADY		7/15/2002	0.50	65.12	32.56
238732	RUDY	C	CASSADY		7/29/2002	0.50	70.95	35.47
238732	RUDY	C	CASSADY		8/12/2002	0.50	85.72	42.86
238732	RUDY	C	CASSADY		8/26/2002	0.50	109.94	54.97
238732	RUDY	C	CASSADY		9/9/2002	0.50	102.36	51.18
238732	RUDY	C	CASSADY		9/23/2002	0.50	129.38	64.69
238732	RUDY	C	CASSADY		10/7/2002	0.50	116.4	58.20
238732	RUDY	C	CASSADY		10/21/2002	0.50	133.98	66.99
238732	RUDY	C	CASSADY		11/4/2002	0.50	149.06	74.53
238732	RUDY	C	CASSADY		11/18/2002	0.50	109.5	54.75
238732	RUDY	C	CASSADY		12/2/2002	0.50	82.4	41.20
238732	RUDY	C	CASSADY		12/16/2002	0.50	97.72	48.86
238732	RUDY	C	CASSADY		12/30/2002	0.50	66.08	33.04
238732	RUDY	C	CASSADY		1/13/2003	0.50	72.72	36.36
238732	RUDY	C	CASSADY		1/27/2003	0.50	88.17	44.08
238732	RUDY	C	CASSADY		2/10/2003	0.50	99.95	49.97

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
238732	RUDY	C	CASSADY		2/24/2003	0.50	105.11	52.55
238732	RUDY	C	CASSADY		3/10/2003	0.50	88.55	44.27
238732	RUDY	C	CASSADY		3/24/2003	0.50	91.91	45.95
238732	RUDY	C	CASSADY		4/7/2003	0.50	72.11	36.05
238732	RUDY	C	CASSADY		4/21/2003	0.50	86.06	43.03
238732	RUDY	C	CASSADY		5/5/2003	0.50	46.53	23.26
238732	RUDY	C	CASSADY		5/19/2003	0.50	111.83	55.91
238732	RUDY	C	CASSADY		6/2/2003	0.50	91.58	45.79
238732	RUDY	C	CASSADY		6/16/2003	0.50	117.03	58.51
238732	RUDY	C	CASSADY		6/30/2003	0.50	105.77	52.88
238732	RUDY	C	CASSADY		7/14/2003	0.50	128	64.00
238732	RUDY	C	CASSADY		7/28/2003	0.50	106.39	53.19
238732	RUDY	C	CASSADY		8/11/2003	0.50	105.18	52.59
238732	RUDY	C	CASSADY		8/25/2003	0.50	99.77	49.88
238732	RUDY	C	CASSADY		9/8/2003	0.50	84.29	42.14
238732	RUDY	C	CASSADY		9/22/2003	0.50	122.01	61.00
238732	RUDY	C	CASSADY		10/6/2003	0.50	100.13	50.06
238732	RUDY	C	CASSADY		10/20/2003	0.50	92.23	46.11
238732	RUDY	C	CASSADY		11/3/2003	0.50	88.74	44.37
238732	RUDY	C	CASSADY		11/17/2003	0.50	109.2	54.60
238732	RUDY	C	CASSADY		12/1/2003	0.50	54.2	27.10
238732	RUDY	C	CASSADY		12/15/2003	0.50	101.92	50.96
238732	RUDY	C	CASSADY		12/29/2003	0.50	106.1	53.05
238732	RUDY	C	CASSADY		1/12/2004	0.50	63.02	31.51
238732	RUDY	C	CASSADY		1/26/2004	0.50	110.76	55.38
238732	RUDY	C	CASSADY		2/9/2004	0.50	129.05	64.52
238732	RUDY	C	CASSADY		2/23/2004	0.50	147.8	73.90
238732	RUDY	C	CASSADY		3/8/2004	0.50	91.83	45.91
238732	RUDY	C	CASSADY		3/22/2004	0.50	100.33	50.16
238732	RUDY	C	CASSADY		4/5/2004	0.50	121.77	60.88
238732	RUDY	C	CASSADY		4/19/2004	0.50	99.2	49.60
238732	RUDY	C	CASSADY		5/3/2004	0.50	124.75	62.37
238732	RUDY	C	CASSADY		5/17/2004	0.50	162.04	81.02
238732	RUDY	C	CASSADY		5/31/2004	0.50	133.06	66.53
238732	RUDY	C	CASSADY		6/14/2004	0.50	116.14	58.07
238732	RUDY	C	CASSADY		6/28/2004	0.50	104.45	52.22
238732	RUDY	C	CASSADY		7/12/2004	0.50	92.47	46.23
238732	RUDY	C	CASSADY		7/26/2004	0.50	103.32	51.66
238732	RUDY	C	CASSADY		8/9/2004	0.50	104.27	52.13
238732	RUDY	C	CASSADY		8/23/2004	0.50	89.6	44.80
238732	RUDY	C	CASSADY		9/6/2004	0.50	164.18	82.09
238732	RUDY	C	CASSADY		9/20/2004	0.50	107.64	53.82
238732	RUDY	C	CASSADY		10/4/2004	0.50	130.28	65.14
238732	RUDY	C	CASSADY		10/18/2004	0.50	117.19	58.59
238732	RUDY	C	CASSADY		11/1/2004	0.50	128.9	64.45
238732	RUDY	C	CASSADY		11/15/2004	0.50	108.47	54.23
238732	RUDY	C	CASSADY		11/29/2004	0.50	86.44	43.22
238732	RUDY	C	CASSADY		12/13/2004	0.50	95	47.50
238732	RUDY	C	CASSADY		12/27/2004	0.50	117.15	58.57
238732	RUDY	C	CASSADY		1/10/2005	0.50	56.22	28.11
238732	RUDY	C	CASSADY		1/24/2005	0.50	114.42	57.21
238732	RUDY	C	CASSADY		2/7/2005	0.50	148.4	74.20
238732	RUDY	C	CASSADY		2/21/2005	0.50	127.66	63.83
238732	RUDY	C	CASSADY		3/7/2005	0.50	105.14	52.57
238732	RUDY	C	CASSADY		3/21/2005	0.50	115.2	57.60
238732	RUDY	C	CASSADY		4/4/2005	0.50	102.74	51.37
238732	RUDY	C	CASSADY		4/18/2005	0.50	108.94	54.47

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
238732	RUDY	C	CASSADY		5/2/2005	0.50	110.25	55.12
238732	RUDY	C	CASSADY		5/16/2005	0.50	137.18	68.59
238732	RUDY	C	CASSADY		5/30/2005	0.50	131.69	65.84
238732	RUDY	C	CASSADY		6/13/2005	0.50	112.48	56.24
238732	RUDY	C	CASSADY		6/27/2005	0.50	121.75	60.87
238732	RUDY	C	CASSADY		7/11/2005	0.50	95.72	47.86
238732	RUDY	C	CASSADY		7/25/2005	0.50	88.77	44.38
238732	RUDY	C	CASSADY		8/8/2005	0.50	89.26	44.63
238732	RUDY	C	CASSADY		8/22/2005	0.50	84.32	42.16
238732	RUDY	C	CASSADY		9/5/2005	0.50	82.78	41.39
238732	RUDY	C	CASSADY		9/19/2005	0.50	95.25	47.62
238732	RUDY	C	CASSADY		10/3/2005	0.50	102.6	51.30
238732	RUDY	C	CASSADY		10/17/2005	0.50	12.48	6.24
113990	LEROY	-	CHOICE		11/22/1999	0.35	42.42	14.84
113990	LEROY	-	CHOICE		11/22/1999	0.55	7.5	4.12
113990	LEROY	-	CHOICE		12/6/1999	0.55	5	2.75
113990	LEROY	-	CHOICE		12/6/1999	0.35	55.72	19.50
113990	LEROY	-	CHOICE		12/20/1999	0.55	15.13	8.32
113990	LEROY	-	CHOICE		12/20/1999	0.35	65.18	22.81
113990	LEROY	-	CHOICE		12/20/1999	2.50	2	5.00
113990	LEROY	-	CHOICE		1/3/2000	0.35	36.65	12.82
113990	LEROY	-	CHOICE		1/3/2000	0.55	2.27	1.24
113990	LEROY	-	CHOICE		1/17/2000	0.50	15	7.50
113990	LEROY	-	CHOICE		1/17/2000	0.55	7.5	4.12
113990	LEROY	-	CHOICE		1/17/2000	0.50	73.45	36.72
113990	LEROY	-	CHOICE		1/17/2000	0.55	2	1.10
113990	LEROY	-	CHOICE		1/31/2000	0.50	64.88	32.44
113990	LEROY	-	CHOICE		1/31/2000	0.55	7.5	4.12
113990	LEROY	-	CHOICE		2/14/2000	0.40	74.2	29.68
113990	LEROY	-	CHOICE		2/14/2000	0.80	6.5	5.20
113990	LEROY	-	CHOICE		2/14/2000	0.55	7.5	4.12
113990	LEROY	-	CHOICE		2/14/2000	0.55	5.5	3.02
113990	LEROY	-	CHOICE		2/28/2000	0.55	7.5	4.12
113990	LEROY	-	CHOICE		2/28/2000	1.05	15	15.75
113990	LEROY	-	CHOICE		2/28/2000	0.50	67.5	33.75
113990	LEROY	-	CHOICE		3/13/2000	0.55	6.5	3.57
113990	LEROY	-	CHOICE		3/13/2000	0.50	74.88	37.44
113990	LEROY	-	CHOICE		3/27/2000	0.50	66.55	33.27
113990	LEROY	-	CHOICE		3/27/2000	0.80	7.5	6.00
113990	LEROY	-	CHOICE		4/10/2000	0.50	75	37.50
113990	LEROY	-	CHOICE		4/10/2000	0.80	15	12.00
113990	LEROY	-	CHOICE		4/24/2000	0.50	75	37.50
113990	LEROY	-	CHOICE		4/24/2000	0.55	4.25	2.33
113990	LEROY	-	CHOICE		4/24/2000	0.25	6.95	1.73
113990	LEROY	-	CHOICE		5/8/2000	0.50	75	37.50
113990	LEROY	-	CHOICE		5/8/2000	0.80	14.23	11.38
113990	LEROY	-	CHOICE		5/22/2000	0.35	59.19	20.71
113990	LEROY	-	CHOICE		5/22/2000	0.25	14.18	3.54
113990	LEROY	-	CHOICE		6/5/2000	0.25	14.13	3.53
113990	LEROY	-	CHOICE		6/5/2000	0.50	67.5	33.75
113990	LEROY	-	CHOICE		6/5/2000	0.55	14.13	7.77
113990	LEROY	-	CHOICE		6/19/2000	0.65	75	48.75
113990	LEROY	-	CHOICE		6/19/2000	1.00	17.65	17.65
113990	LEROY	-	CHOICE		7/3/2000	0.25	31.06	7.76
113990	LEROY	-	CHOICE		7/3/2000	0.65	60	39.00
113990	LEROY	-	CHOICE		7/3/2000	0.35	4.5	1.57
113990	LEROY	-	CHOICE		7/3/2000	0.75	41.38	31.03

Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
113990	LEROY	-	CHOICE		7/17/2000	0.50	102.75	51.37
113990	LEROY	-	CHOICE		7/31/2000	0.50	144.28	72.14
113990	LEROY	-	CHOICE		8/14/2000	0.50	87.75	43.87
113990	LEROY	-	CHOICE		8/28/2000	0.50	95.55	47.77
113990	LEROY	-	CHOICE		9/11/2000	0.50	83.09	41.54
113990	LEROY	-	CHOICE		9/25/2000	0.50	124.91	62.45
113990	LEROY	-	CHOICE		10/9/2000	0.50	124.7	62.35
113990	LEROY	-	CHOICE		10/23/2000	0.50	207.6	103.80
113990	LEROY	-	CHOICE		11/6/2000	0.50	112.5	56.25
113990	LEROY	-	CHOICE		11/20/2000	0.50	97.92	48.96
113990	LEROY	-	CHOICE		12/4/2000	0.50	75.7	37.85
113990	LEROY	-	CHOICE		12/18/2000	0.50	151.02	75.51
113990	LEROY	-	CHOICE		1/1/2001	0.50	57.05	28.52
113990	LEROY	-	CHOICE		1/15/2001	0.50	88.02	44.01
113990	LEROY	-	CHOICE		1/29/2001	0.50	118.21	59.10
113990	LEROY	-	CHOICE		2/12/2001	0.50	112.5	56.25
113990	LEROY	-	CHOICE		2/26/2001	0.50	114.75	57.37
113990	LEROY	-	CHOICE		2/26/2001	0.25	7.5	1.87
113990	LEROY	-	CHOICE		3/12/2001	0.50	129.75	64.87
113990	LEROY	-	CHOICE		3/26/2001	0.50	124.83	62.41
113990	LEROY	-	CHOICE		4/9/2001	0.50	181.98	90.99
113990	LEROY	-	CHOICE		4/23/2001	0.50	176.71	88.35
113990	LEROY	-	CHOICE		5/7/2001	0.50	189.77	94.88
113990	LEROY	-	CHOICE		5/21/2001	0.50	218.37	109.18
113990	LEROY	-	CHOICE		6/4/2001	0.50	122.8	61.40
113990	LEROY	-	CHOICE		6/18/2001	0.50	112.5	56.25
113990	LEROY	-	CHOICE		7/2/2001	0.50	112.5	56.25
113990	LEROY	-	CHOICE		7/16/2001	0.50	118.5	59.25
113990	LEROY	-	CHOICE		7/30/2001	0.50	123.8	61.90
113990	LEROY	-	CHOICE		8/13/2001	0.50	169.51	84.75
113990	LEROY	-	CHOICE		8/27/2001	0.50	191.38	95.69
113990	LEROY	-	CHOICE		9/10/2001	0.50	187.2	93.60
113990	LEROY	-	CHOICE		9/24/2001	0.50	196.49	98.24
113990	LEROY	-	CHOICE		10/8/2001	0.50	226.13	113.06
113990	LEROY	-	CHOICE		10/22/2001	0.50	203.1	101.55
113990	LEROY	-	CHOICE		11/5/2001	0.50	191.62	95.81
113990	LEROY	-	CHOICE		11/19/2001	0.50	187.01	93.50
113990	LEROY	-	CHOICE		12/3/2001	0.50	146.93	73.46
113990	LEROY	-	CHOICE		12/17/2001	0.50	161.66	80.83
113990	LEROY	-	CHOICE		12/31/2001	0.50	78.3	39.15
113990	LEROY	-	CHOICE		1/14/2002	0.50	94.5	47.25
113990	LEROY	-	CHOICE		1/28/2002	0.50	162.86	81.43
113990	LEROY	-	CHOICE		2/11/2002	0.50	178.34	89.17
113990	LEROY	-	CHOICE		2/25/2002	0.50	250.45	125.22
113990	LEROY	-	CHOICE		3/11/2002	0.50	196.1	98.05
113990	LEROY	-	CHOICE		3/25/2002	0.50	147.5	73.75
113990	LEROY	-	CHOICE		4/8/2002	0.50	125.6	62.80
113990	LEROY	-	CHOICE		4/22/2002	0.50	152.46	76.23
113990	LEROY	-	CHOICE		5/6/2002	0.50	176.57	88.28
113990	LEROY	-	CHOICE		5/20/2002	0.50	198.84	99.42
113990	LEROY	-	CHOICE		6/3/2002	0.50	234.44	117.22
113990	LEROY	-	CHOICE		6/17/2002	0.50	184.66	92.33
113990	LEROY	-	CHOICE		7/1/2002	0.50	135	67.50
113990	LEROY	-	CHOICE		7/15/2002	0.50	112.4	56.20
113990	LEROY	-	CHOICE		7/29/2002	0.50	179.26	89.63
113990	LEROY	-	CHOICE		8/12/2002	0.50	151.66	75.83
113990	LEROY	-	CHOICE		8/26/2002	0.50	175.36	87.68

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Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
113990	LEROY	-	CHOICE		9/9/2002	0.50	133.04	66.52
113990	LEROY	-	CHOICE		9/23/2002	0.50	206.8	103.40
113990	LEROY	-	CHOICE		10/7/2002	0.50	229.96	114.98
113990	LEROY	-	CHOICE		10/21/2002	0.50	144.1	72.05
113990	LEROY	-	CHOICE		11/4/2002	0.50	135	67.50
113990	LEROY	-	CHOICE		11/18/2002	0.50	138.23	69.11
113990	LEROY	-	CHOICE		12/2/2002	0.50	122.32	61.16
113990	LEROY	-	CHOICE		12/16/2002	0.50	184.64	92.32
113990	LEROY	-	CHOICE		12/30/2002	0.50	71.25	35.62
113990	LEROY	-	CHOICE		1/13/2003	0.50	85.5	42.75
113990	LEROY	-	CHOICE		1/27/2003	0.50	108.17	54.08
113990	LEROY	-	CHOICE		2/10/2003	0.50	124.7	62.35
113990	LEROY	-	CHOICE		2/24/2003	0.50	126.44	63.22
113990	LEROY	-	CHOICE		3/10/2003	0.50	111.63	55.81
113990	LEROY	-	CHOICE		3/24/2003	0.50	113.01	56.50
113990	LEROY	-	CHOICE		6/2/2003	0.50	114.63	57.31
113990	LEROY	-	CHOICE		6/16/2003	0.50	143.03	71.51
113990	LEROY	-	CHOICE		6/30/2003	0.50	142.5	71.25
113990	LEROY	-	CHOICE		7/14/2003	0.50	155.63	77.81
113990	LEROY	-	CHOICE		7/28/2003	0.50	126.98	63.49
113990	LEROY	-	CHOICE		8/11/2003	0.50	131.01	65.50
113990	LEROY	-	CHOICE		8/25/2003	0.50	113.09	56.54
113990	LEROY	-	CHOICE		9/8/2003	0.50	100.17	50.08
113990	LEROY	-	CHOICE		9/22/2003	0.50	127.64	63.82
113990	LEROY	-	CHOICE		10/6/2003	0.50	131.42	65.71
113990	LEROY	-	CHOICE		10/20/2003	0.50	121.47	60.73
113990	LEROY	-	CHOICE		11/3/2003	0.50	128.19	64.09
113990	LEROY	-	CHOICE		11/17/2003	0.50	134.3	67.15
113990	LEROY	-	CHOICE		12/1/2003	0.50	125.06	62.53
113990	LEROY	-	CHOICE		12/15/2003	0.50	134.2	67.10
113990	LEROY	-	CHOICE		12/29/2003	0.50	117.24	58.62
113990	LEROY	-	CHOICE		1/12/2004	0.50	93	46.50
113990	LEROY	-	CHOICE		1/26/2004	0.50	141.15	70.57
113990	LEROY	-	CHOICE		2/9/2004	0.50	155.89	77.94
113990	LEROY	-	CHOICE		2/23/2004	0.50	164.03	82.01
113990	LEROY	-	CHOICE		3/8/2004	0.50	172.03	86.01
113990	LEROY	-	CHOICE		3/22/2004	0.50	170.63	85.31
113990	LEROY	-	CHOICE		4/5/2004	0.50	141	70.50
113990	LEROY	-	CHOICE		4/19/2004	0.50	130.66	65.33
113990	LEROY	-	CHOICE		5/3/2004	0.50	161.86	80.93
113990	LEROY	-	CHOICE		5/17/2004	0.50	190.86	95.43
113990	LEROY	-	CHOICE		5/31/2004	0.50	161.55	80.77
113990	LEROY	-	CHOICE		6/14/2004	0.50	154.16	77.08
113990	LEROY	-	CHOICE		6/28/2004	0.50	151.45	75.72
113990	LEROY	-	CHOICE		7/12/2004	0.50	130.44	65.22
113990	LEROY	-	CHOICE		7/26/2004	0.50	143.04	71.52
113990	LEROY	-	CHOICE		8/9/2004	0.50	143.06	71.53
113990	LEROY	-	CHOICE		8/23/2004	0.50	139.2	69.60
113990	LEROY	-	CHOICE		9/6/2004	0.50	124.94	62.47
113990	LEROY	-	CHOICE		9/20/2004	0.50	129.81	64.90
113990	LEROY	-	CHOICE		10/4/2004	0.50	158.86	79.43
113990	LEROY	-	CHOICE		10/18/2004	0.50	155.16	77.58
113990	LEROY	-	CHOICE		11/1/2004	0.50	166.64	83.32
113990	LEROY	-	CHOICE		11/15/2004	0.50	169.09	84.54
113990	LEROY	-	CHOICE		11/29/2004	0.50	145.78	72.89
113990	LEROY	-	CHOICE		12/13/2004	0.50	141.92	70.96
113990	LEROY	-	CHOICE		12/27/2004	0.50	174.41	87.20

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Inmate #	First Name	Middle Name	Last Name	Suffix	Pay Date	Pay Rate	Hours	Pay Amount
113990	LEROY	-	CHOICE		1/10/2005	0.50	112.22	56.11
113990	LEROY	-	CHOICE		1/24/2005	0.50	167.82	83.91
113990	LEROY	-	CHOICE		2/7/2005	0.50	199.8	99.90
113990	LEROY	-	CHOICE		2/21/2005	0.50	163.81	81.90
113990	LEROY	-	CHOICE		3/7/2005	0.50	181.13	90.56
113990	LEROY	-	CHOICE		3/21/2005	0.50	147.05	73.52
113990	LEROY	-	CHOICE		4/4/2005	0.50	160.29	80.14
113990	LEROY	-	CHOICE		4/18/2005	0.50	172.16	86.08
113990	LEROY	-	CHOICE		5/2/2005	0.50	163.42	81.71
113990	LEROY	-	CHOICE		5/16/2005	0.50	185.7	92.85
113990	LEROY	-	CHOICE		5/30/2005	0.50	189.42	94.71
113990	LEROY	-	CHOICE		6/13/2005	0.50	160.36	80.18
113990	LEROY	-	CHOICE		6/27/2005	0.50	181.33	90.66
113990	LEROY	-	CHOICE		7/11/2005	0.50	144.26	72.13
113990	LEROY	-	CHOICE		7/25/2005	0.50	151.11	75.55
113990	LEROY	-	CHOICE		8/8/2005	0.50	162.54	81.27
113990	LEROY	-	CHOICE		8/22/2005	0.50	144.38	72.19
113990	LEROY	-	CHOICE		9/5/2005	0.50	149.48	74.74
113990	LEROY	-	CHOICE		9/19/2005	0.50	123.9	61.95
113990	LEROY	-	CHOICE		10/3/2005	0.50	156.6	78.30
113990	LEROY	-	CHOICE		10/17/2005	0.50	149.56	74.78
113990	LEROY	-	CHOICE		10/31/2005	0.50	141.44	70.72
113990	LEROY	-	CHOICE		11/14/2005	0.50	150.74	75.37
113990	LEROY	-	CHOICE		11/28/2005	0.50	163.36	81.68
113990	LEROY	-	CHOICE		12/12/2005	0.50	174.17	87.08
113990	LEROY	-	CHOICE		12/26/2005	0.50	200.84	100.42
113990	LEROY	-	CHOICE		1/9/2006	0.50	102.68	51.34
113990	LEROY	-	CHOICE		1/23/2006	0.50	156.31	78.15
113990	LEROY	-	CHOICE		2/6/2006	0.50	176.76	88.38
113990	LEROY	-	CHOICE		2/20/2006	0.50	174.74	87.37
113990	LEROY	-	CHOICE		3/6/2006	0.50	172.52	86.26
113990	LEROY	-	CHOICE		3/20/2006	0.50	173.64	86.82
113990	LEROY	-	CHOICE		4/3/2006	0.50	154.75	77.37
113990	LEROY	-	CHOICE		4/17/2006	0.50	166.25	83.12
113990	LEROY	-	CHOICE		5/1/2006	0.50	148.87	74.43
113990	LEROY	-	CHOICE		5/15/2006	0.50	174.85	87.42
113990	LEROY	-	CHOICE		5/29/2006	0.50	153.72	76.86
113990	LEROY	-	CHOICE		6/12/2006	0.50	141.96	70.98
113990	LEROY	-	CHOICE		6/26/2006	0.50	150.41	75.20
113990	LEROY	-	CHOICE		7/10/2006	0.50	106.03	53.01
113990	LEROY	-	CHOICE		7/24/2006	0.50	172.2	86.10
113990	LEROY	-	CHOICE		8/7/2006	0.50	130.8	65.40
113990	LEROY	-	CHOICE		8/21/2006	0.50	144	72.00
113990	LEROY	-	CHOICE		9/4/2006	0.50	100.3	50.15
113990	LEROY	-	CHOICE		9/18/2006	0.50	162	81.00
113990	LEROY	-	CHOICE		10/2/2006	0.50	172.8	86.40
113990	LEROY	-	CHOICE		10/16/2006	0.50	158.04	79.02
113990	LEROY	-	CHOICE		10/30/2006	0.50	153.94	76.97
113990	LEROY	-	CHOICE		11/13/2006	0.50	146.88	73.44
113990	LEROY	-	CHOICE		11/27/2006	0.50	129.63	64.81
113990	LEROY	-	CHOICE		12/11/2006	0.50	131	65.50
113990	LEROY	-	CHOICE		12/25/2006	0.50	172.37	86.18
113990	LEROY	-	CHOICE		1/8/2007	0.50	49	24.50
113990	LEROY	-	CHOICE		1/22/2007	0.50	115.47	57.73
113990	LEROY	-	CHOICE		2/5/2007	0.50	186	93.00
113990	LEROY	-	CHOICE		2/19/2007	0.50	171.99	85.99
113990	LEROY	-	CHOICE		3/5/2007	0.50	171.56	85.78