



Ohio Administrative Code

Rule 5120-3-03 Work release for private employment.

Effective: April 10, 2023

(A) The purpose of this rule is to allow selected inmates the opportunity to participate in programs in private industry and agriculture located outside of the department's institutions.

(1) Definitions. As used in this chapter, the following terms shall mean:

(a) "Institution" means any state penal institution, state prison, correctional or treatment facility which is under the jurisdiction and control of the Ohio department of rehabilitation and correction.

(b) "Correctional employee" is any employee of the department of rehabilitation and correction.

(c) "Inmate" means any person who is imprisoned in an Ohio correctional institution. "Inmate" does not mean a person who has been placed on furlough by the parole board.

(d) "Eligible inmate" means any inmate who is eligible for release on parole, or an inmate who is eligible for release under any provision of the Revised Code, or any inmate who is eligible pursuant to paragraph (A)(3) of this rule.

(e) "Work release program" means any approved program where eligible inmates may be granted permission to leave the premises of an institution for a specified period of time for the purpose of engaging in private employment specifically approved in writing by the director of rehabilitation and correction, or designee, and the superintendent of the institution in which the inmate is confined. The director or managing officer, shall keep records of all such programs or activities which have been approved by him.

(f) "Conditional employer" means any public agency or private person or business entity who intends to enter into an employment relationship with one or more inmates and who complies with all employment requirements of this rule.



- (2) An inmate shall be classified as minimum security to be eligible for work-release programming.
- (3) The institution shall provide a system for checking outgoing and incoming inmates and shall determine their destination, pursuant to paragraph (D) of rule 5120-9-34 of the Administrative Code for inmates participating in other types of community release.
- (4) During all times when an inmate is on work release pursuant to this rule, the inmate shall follow the security guidelines established under paragraph (F) of rule 5120-9-34 of the Administrative Code.
- (5) All inmates assigned to work release shall be subject to the rules, sanctions and disciplinary procedures set forth in Chapter 5120-9 of the Administrative Code. The correctional employee or responsible person to whom the inmate is released shall have the duty to immediately report to the managing officer of the institution any violations of paragraph (A)(6) of this rule which they observe or have knowledge of. All persons other than a correctional employee to whom an inmate is released shall sign a written acknowledgment of this duty.
- (6) The managing officer of the institution shall immediately notify, in writing, the director of rehabilitation and correction and the appropriate law enforcement agencies of any escape, walkaway, or failure of an inmate to return from a work release made pursuant to this rule.
- (7) Prior to the approval of an inmate's application for work release pursuant to this rule, a form setting forth the requirements for release will be provided to the inmate who shall sign his or her understanding and agreement to abide by and be bound by those requirements.
- (B) The reclassification committee of each institution shall serve as the screening and selection committee for the work release program. Procedures used in the selection process shall be the same as in rule 5120-9-53 of the Administrative Code.
- (C) Public agencies, private persons or business entities who intend to employ inmates in work release must sign a written agreement, which shall provide, at a minimum:
- (1) The employer shall provide supervision for the performance of the work;



(2) Compensation shall be paid by the employer to the inmate at a specified rate and in a manner approved by the department of rehabilitation and correction, consistent with rule 5120-3-09 of the Administrative Code. The compensation earned through this program is in lieu of earnings under division A of rule 5120-3-08 of the Administrative Code;

(3) The employer shall be responsible for any and all required benefits contributions;

(4) The employer shall accept responsibility for the evaluation, promotion, demotion and retention of the inmates, the requirements of rule 5120-3-06 of the Administrative Code notwithstanding;

(5) The employer shall agree to be considered a "conditional employer" of the inmate, with a specific reference to the definition of this rule;

(6) The eligibility of the inmate may be cancelled at any time, within the discretion of the department.

(7) The department of rehabilitation and correction fully retains its right to control and regulate the associations of inmates.

(D) The written agreement described in paragraph (C) of this rule must also be signed by an authorized representative of OPI, unless the agreement is not related to an OPI enterprise. In such instances, the Chief of Division of Business Administration of the department will sign the written agreement .