



Ohio Administrative Code

Rule 5120-3-04 Private employment inside an institution.

Effective: April 10, 2023

(A) Private employment of inmates may occur as approved by the director of rehabilitation and correction. Private employment will not occur inside an institution of the department unless, pursuant to a written agreement, the employer complies with the provisions of this rule.

(B) Public agencies or private persons or business entities who intend to employ inmates for work to be performed inside an institution must sign a written agreement, which shall provide, at a minimum:

(1) The employer shall provide supervision for the performance of the work;

(2) Terms and conditions of compensation, subject to rule 5120-3-09 of the Administrative Code. 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 expressly agree to be considered a "conditional employer" of the inmate.

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

(7) Under no circumstance will the department relinquish its obligation to provide security at any place on the property of the institution;



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(8) That any person may be restricted from the institution property at any time in the interests of security;

(9) The department fully retains its right to control and regulate the association of inmates.

(C) The written agreement described in paragraph (B) of this rule must also be signed by the director of rehabilitation and correction or designee.