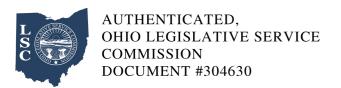


## Ohio Administrative Code

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;



- (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.