



Ohio Administrative Code

Rule 5120-3-05 Compensation and benefits for inmates assigned to Ohio penal industries.

Effective: August 1, 2008

(A) In order to approximate the type of work atmosphere and conditions in private industry, inmates assigned to work programs operated by Ohio penal industries, (hereinafter "OPI"), shall receive compensation as described in this rule rather than the monthly rate established in rule 5120-3-08 of the Administrative Code. OPI is designed to encourage the inmate to develop positive work habits and accept responsibility by basing compensation and benefits on performing the job assignment. Inmates assigned to OPI will only receive compensation for hours actually scheduled and worked unless leave time is available and approved to make up for scheduled hours missed. OPI programs are intended to provide training and rehabilitation to inmates. These programs shall not be considered "employment" and the inmates shall not be considered "employees" for any purpose.

(B) Job assignment grade level and pay schedule: Each inmate assigned to OPI will be assigned to an inmate pay grade based upon the nature of the work performed, the experience and skill level of the inmate, and any other appropriate factor. These pay grades, qualifications for each grade, and the base hourly compensation rate, which will be the same for all institutions and security levels, are to be set by the chief of industries with the approval of the director of the department of rehabilitation and correction.

(C) System of compensation and benefits: Inmates participating in OPI programs will be compensated only for scheduled hours actually worked unless leave time is available and approved pursuant to this rule to make up for scheduled hours missed. Inmates participating in OPI programs shall receive the following benefits: personal leave, holiday leave, sick leave, overtime, special pay and longevity supplement.

(D) Personal leave: Inmates participating in OPI programs earn personal leave credit that can be used to permit a paid absence from work for such voluntary purposes as visits, religious services, commissary, participation in varsity level sports, funerals, and passes for contacts with institution staff. Personal leave may also be used to make up for absences required due to attendance at pre-release training and official hearings such as those conducted by the parole board, review and



furlough committees, classification committee, and rules infraction board. Additionally, personal leave may be used to make up for scheduled work hours missed due to a shop being closed for security events (e.g., staff shortage, fog and institutional lockdown). If an inmate does not have personal leave, the inmate will not be compensated for such hours missed.

(1) Personal leave credit is earned after six months in an OPI assignment as follows:

(a) Inmates working five or more hours a day on their job assignments earn personal leave credits at the following rates:

(i) One through eighteen months of service - three hours per month.

(ii) Nineteen through forty-two months - six hours per month.

(iii) Forty-three months and over - nine hours per month.

(b) Inmates who work at institutions whose standard shift operations are less than five hours per day will receive fifty per cent of the personal leave credit specified above.

(c) Personal leave credit hours shall not be accumulated in an amount greater than three hundred fifty hours.

(2) The inmate must obtain advance approval from the shop industry manager or designee for the use of personal leave.

(3) Accumulated personal leave credit may be transferred from one institution to another if the transfer is not for disciplinary purposes and there is not a break in OPI services exceeding six months.

(4) An inmate who is released from incarceration may, with prior written approval of the chief of industries, be compensated for any unused accumulated personal leave. Inmates leaving OPI service, but not released from incarceration, shall not be compensated for unused accumulated personal leave credit, but such credit shall be maintained for six months. If the inmate returns to OPI service within



six months, the inmate shall retain the accumulated personal leave credit. If the inmate leaves OPI service for an educational program that exceeds six months, the inmate may retain accumulated personal leave credit if the inmate returns to OPI immediately following the inmate's participation in the educational program.

(5) Personal leave may only be used as provided in this rule. It has no application to any job assignment other than those by OPI.

(E) Holidays: OPI inmates will receive straight hourly pay at their current OPI grade level for any hours they would normally have been scheduled to work on a day that falls on a state-observed holiday. Inmates required to work on holidays will receive regular pay for hours worked in addition to holiday pay.

(F) Sick leave: Effective the first day of every month, inmates assigned to OPI shall be credited three hours of sick leave. Inmates will receive an accumulated thirty six hours of sick leave for twelve months of assignment to OPI. An inmate assigned to OPI after the first day of the month will receive a prorated share of the three hours of sick leave on the basis of three hours per month. An inmate may be compensated by available sick leave for hours of work missed because of illness or psychological/psychiatric counseling. The inmate must provide a medical slip from the appropriate medical or psychological staff person approving the inmate's absence from work and specifying the times and date or dates of absence. If an inmate is unable to work because of illness or non-work related injury, but has used all available sick leave, the inmate will not be entitled to compensation from OPI. If an inmate is unable to work because of a job-related injury and has exhausted the inmate's sick leave benefits, the inmate will receive up to thirty days pay at the inmate's current pay grade level. If an inmate is unable to work for more than thirty consecutive days, the inmate will be reclassified to a non-OPI institution assignment. In such case the inmate will thereafter be compensated pursuant to rule 5120-3-08 of the Administrative Code, rather than this rule. Accumulated sick leave may be transferred from one institution to another as long as the transfer is not for disciplinary purposes and there is not a break in OPI service exceeding six months. An inmate who leaves the service of OPI shall not be compensated for unused accumulated sick leave. A release from incarceration shall extinguish any unused sick leave. Unused accumulated sick leave credit for inmates leaving OPI service, but not released from incarceration, shall be maintained for six months. If the inmate returns to OPI service within six months, the inmate shall retain the



accumulated sick leave credit. If the inmate leaves OPI service for an educational program that exceeds six months, the inmate may retain accumulated sick leave credit if the inmate returns to OPI immediately following the inmate's participation in the educational program. Sick leave may only be used as provided in this rule. It has no application to any job assignment other than those by OPI.

(G) Longevity: Inmates who have completed a minimum of fifteen months in an OPI assignment shall receive a longevity pay supplement as follows:

(1) Fifteen months but less than thirty months - four cents per hour;

(2) Thirty but less than forty-five months - eight cents per hour;

(3) Forty-five months or more - ten cents per hour. Only service accumulated on and after July 1, 1986 shall be considered in awarding this longevity supplement. For purposes of calculations of longevity service, time may be transferred from one OPI shop to another within the institution or from one institution to another unless the transfer is a disciplinary transfer. Only the time an inmate is actually assigned to an OPI job is counted in the accumulation of longevity. Although not accumulating additional longevity during any periods of time not actually assigned to OPI, accumulated longevity is not lost because of an interruption in service of less than six months or an interruption in service for approved educational courses even if the interruption is longer than one year and the inmate returns to OPI immediately following the inmate's participation in the educational courses. However, a release from incarceration shall extinguish accumulated longevity credit. Any person so released who is subsequently recommitted or returned to an institution operated by the department does not receive longevity credit for service prior to the release.

(H) Standard compensation programs: Unless involved in a special compensation program as described in paragraph (J) of this rule, an OPI assigned inmate shall receive standard compensation as defined in this paragraph plus any applicable overtime compensation as described in paragraph (I) of this rule. An inmate's standard compensation is the hourly base rate for his pay grade plus any applicable longevity pay supplement for the scheduled hours actually worked or offset by leave time.

(I) Overtime: The standard workweek for each OPI shop shall be designated by the chief of



industries or designee. An inmate who, with the advance written approval of the chief of industries, or designee, accumulates, in one week, compensable hours that exceed the standard workweek will be compensated at one and one half times the applicable hourly pay rate for those compensable hours exceeding the standard workweek.

(J) Special pay programs: The chief of industries, or designee, may implement special pay programs as follows:

(1) Premium pay: The chief of industries, or designee, may award, on a month-to-month basis, additional premium pay to inmates who make contributions to OPI operations that exceed standards required of them.

(2) Piece work: The chief of industries, or designee, may establish a compensation plan based upon individual or group piece-work standards for any new shop deemed appropriate or for any existing shop where increased production is needed. If such piece-work compensation is adopted, it shall be in lieu of the standard compensation established by this rule.

(3) Bonus supplement: When circumstances arise requiring high production requirements or emergency production runs in shops not adaptable to a group piece-work plan pursuant to paragraph (J)(2) of this rule, the chief of industries may approve a bonus supplement for the OPI inmates assigned to the shop involved. The rate of the bonus supplement will be within the discretion of the chief of industries.

(4) Compensation for the prison industry enhancement certification program will be established in accordance with the bureau of justice assistance guidelines.