



## Ohio Administrative Code

### Rule 5120-3-08 Inmate compensation for work program assignments and related matters.

Effective: April 1, 2018

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(A) Inmates who are assigned to work programs, other than those operated by Ohio penal industries, are enrolled in institutional school programs or who are unassigned, shall receive compensation according to the following schedule:

(1) Category one inmates shall receive no compensation. "Category one inmates" include those in reception at a designated reception facility who are unassigned, those who are in short-term restrictive housing pursuant to rule 5120-9-10 of the Administrative Code and those who are absent with leave for more than seven days and those absent without leave.

(2) Category two inmates shall receive at least three dollars per month to be credited and paid to their personal account. "Category two inmates" include those who are absent with leave (not to exceed seven days) and those who have no job assignment in a work program but maintain their personal living quarters in accordance with rules issued by the managing officer. Category two also includes those on death row and in protective control without a job assignment, those who are new arrivals at a parent institution awaiting assignment, those pending an investigation pursuant to rule 5120-9-11 of the Administrative Code, and those who are in pre-classification assignment status.

(3) Category three inmates shall receive at least six dollars per month to be credited and paid to their personal account. "Category three inmates" are those not in category one or two and include those who have an actual work assignment of less than sixty hours per month, those who are assigned to limited duty by the medical staff and those who have been confined to a hospital or the infirmary for more than thirty consecutive days. For the first thirty days of a hospital or infirmary stay, an inmate shall be compensated according to his category and level immediately preceding admittance.

(4) Category four inmates shall receive at least nine dollars per month to be credited and paid to their personal account. "Category four inmates" are those who have an actual work assignment of sixty to eighty-nine hours per month or those who are part-time students for sixty to ninety hours per month. Category four also includes those assigned to extended restrictive housing pursuant to rule 5120-9-10



of the Administrative Code regardless of job assignment.

(5) Category five inmates shall receive at least twelve dollars per month to be credited and paid to their personal account. "Category five inmates" include those who have an actual work assignment of ninety to one hundred thirty-nine hours per month.

(6) "Category six inmates" are those in full-time work assignments or apprenticeship training, of at least one hundred forty hours per month, or those who are full-time students or those who are part-time students with part-time work assignments with a combined total of at least one hundred forty hours per month. Category six inmates shall receive from twelve dollars to twenty-two dollars per month at the discretion of the managing officer. The managing officer shall consider the inmate's security level or classification and whether the work assignment is an apprenticeship, general labor, semi-skilled, or skilled when determining the monthly rate of pay.

Those inmates who are full-time students or part-time students with part-time work assignments shall be considered general labor grade within the proper security level for purposes of determining the monthly rate of pay.

(7) Category seven inmates shall receive twenty-four dollars per month to be credited and paid to the personal account. "Category seven inmates" include those with full-time work assignments requiring a high degree of skill or responsibility which are authorized by the managing officer. The number of inmates in category seven may not exceed three per cent of the institution's population.

(B) Overtime and incentive rates of compensation.

(1) Subject to the approval of the managing officer, category six and category seven inmates may be paid at the rate of one and one-half times their regular rate of pay for each hour in excess of one hundred forty hours per month, whenever the managing officer deems the additional employment of such inmates necessary and proper to the accomplishment of a special project or in the event of an emergency.

(2) The managing officer may adopt an incentive plan appropriate to designated work assignments, under which inmates may earn compensation in addition to their regular pay for the category to



which they are assigned. Such incentive plan shall be based upon an established production quota or other like system developed by the department of rehabilitation and correction.

(C) The rules infraction board may recommend a reduction of future compensation for restitution due to a rules infraction as specified in rule 5120-9-08 of the Administrative Code. Reductions shall require the approval of the managing officer and shall not exceed fifty per cent of normal compensation and shall not be reduced below three dollars.

(D) Work assignment hours shall be determined by calculating the number of hours spent on the work assignment in an average month. An "average month" is twenty-two working days for a five-day-per-week assignment. Only hours of actual work shall be counted for less than full-time assignments.

(E) Reasonable time spent on visits, sick call, official pass, or for other reasons approved by the managing officer or his designee shall not affect the calculation of work assignment hours.

(F) As far as practicable, changes in work assignments which result in a change of pay category or grade, shall be made at the beginning of the month. For changes of pay category or grade occurring at quarter-month intervals, compensation for each quarter shall be made according to the assignment for each quarter. For changes of category or grade occurring within any quarter-month, the assignment which was held longer shall determine the compensation for that quarter-month. The smallest time unit for determining compensation shall be a quarter-month.

(G) Personal account. Compensation paid to an inmate pursuant to this rule shall be placed in the inmate's "personal account." At the request of the inmate, funds not exceeding the amount on deposit in that inmate's "personal account" shall be drawn from that account and paid to the inmate's family. The inmate may draw against his or her "personal account" to purchase items kept for sale by the institution. The managing officer may authorize other expenditures. Any balance remaining in an inmate's personal account at the time of his lawful release shall be paid to such inmate upon such release.

(H) Release procedure. In addition to the compensation paid to their personal account pursuant to this rule, each inmate shall be paid upon release an amount to be determined by the division of



business administration based upon appropriate funds, provided that such compensation shall be paid only to inmates released directly from the institution into the community and shall not be paid to any inmate who is released to a detainer or released during an absence with leave, including, but not limited to, an inmate released directly from the custody of the county sheriff following a judicial release pursuant to section 2929.20 of the Revised Code.

Inmates who have compensation credited to their release account prior to the adoption of this rule shall receive the amount credited or the amount paid under this rule, whichever is greater.

(I) The institution may furnish appropriate clothing to an inmate upon release.

(J) An inmate who is unable to obtain transportation to the place to which he is paroled may be provided such transportation and necessary meal costs at the discretion of the managing officer. Transportation shall be provided at the lowest cost available. The institution shall purchase non-refundable tickets for this purpose.

(K) Compensation paid pursuant to this rule may be from designated special purpose funds or the prisoner compensation fund.