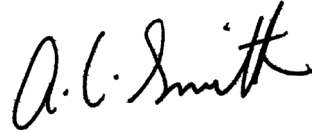




Department of
Rehabilitation & Correction

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| SUBJECT: OPI Compensation, Benefits, and Personnel Practice for Incarcerated Individuals | PAGE <u>1</u> OF <u>9</u> |
| | NUMBER: 25-OPI-11 |
| ORC/OAC REFERENCE: 5120.01; 5120-3-01, 5120-3-02, 5120-3-04, 5120-3-05, 5120-3-06, 5120-3-08 | SUPERSEDES: 25-OPI-11 dated 01/03/2022 |
| RELATED ACA STANDARDS: 2-CI-4A-1, 4A-6 thru 4A-8 | EFFECTIVE DATE: September 26, 2022 |
| | APPROVED:  |

I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to establish standard procedural guidelines for Ohio Penal Industry (OPI) incarcerated individual compensation, benefits, pre-industrial training, and personnel practice.

III. APPLICABILITY

This policy shall apply to all incarcerated adult workers and employees in the OPI Industrial Training Program.

IV. DEFINITIONS

None

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to provide standardized procedures for incarcerated individual compensation, benefits and personnel practice while working in OPI.

VI. PROCEDURES

A. OPI Job Titles, Descriptions, and Table of Organization

1. The purpose of this training program is to assign a dictionary of occupational titles (job title and description) to all industry assignments.
2. Institutional unit staff shall place the job within the DOTS system which will transfer into the OPI Payroll System. OPI staff shall place the incarcerated adult in the job assignment. Opportunity for promotion, advancement and greater skill training will be inherent in the

job description.

3. Each institution OPI operation shall establish a table of organization which shall, at a minimum, provide the following:
 - a. Job titles,
 - b. Job descriptions,
 - c. Requested count per position, and
 - d. Pay grades.

Changes in any table of organization (i.e., job description, pay grade, etc.) must be submitted to the OPI chief/designee for review and approval prior to any change being made. Each OPI operation table of organization shall be reviewed annually by the shop manager, product manager, production manager and the OPI chief.

- B. The unit staff at the institution, at the request of the shop industries manager, shall review and assign incarcerated individuals to OPI. Incarcerated individuals shall be assigned to OPI in accordance with the job classification assignment process. The industries manager/designee shall assign individuals to a specific job based on their skills and experience once incarcerated individuals are in the shop or operation.

- For initial OPI job placement consideration, the incarcerated individual must not have any violations of the Inmate Rules of Conduct (AR 5120-9-06) for six (6) months. Additionally, incarcerated individuals with the following guilty rule infractions may not be considered for OPI Programs:
 - a. Rules 1-7, Assault & Related Acts
 - b. Rules 11-14, Sexual Misconduct
 - c. Rules 15-19, Riot, Disturbances & Unauthorized Group Activity
 - d. Rules 24-25, Unauthorized Relationships
 - e. Rules 29-35, Escape & Related Conduct Rules
 - f. Rules 36-38, Weapons
 - g. Rules 52-53, Fire Violations

Those removed from OPI for disciplinary reasons are not eligible for job placement consideration until they are in general population and free of guilty rule infractions for six (6) months.

- For promotion to higher pay grades within an OPI operation, the following minimum requirements must be met:
 - a. Pay grade level vacancy must exist,
 - b. High school graduate or HSE,
 - c. Satisfactory or better work evaluation in current work assignment,
 - d. No work-related rule infractions in the last thirty (30) working days and cannot have any Inmate Rules of Conduct (AR 5120-9-06) violations in the last sixty (60) days, and
 - e. Been in current work assignment for sixty (60) days.

C. Incarcerated Individual Training

Each OPI operation shall provide an orientation handbook and training to applicable certifications for all new incarcerated individuals assigned. Training shall include, but is not limited to, the following:

- Shop Orientation,
- Shop/Operation Rules,
- Safety Rules,
- Compensation,
- Emergency/Evacuation Plan,
- Schedule of On-The-Job Training (OJT),
- Specific Operation Rules and Training,
- All shop chemicals, tools, and equipment training.

D. Incarcerated Individual Work Hours

1. Industry shops on a five (5) day per week schedule will work a minimum of 32.5 hours per week or 6.5 hours per day. Industry shops on a four (4) day per week schedule will work a minimum of 33 hours per week or 8.25 hours per day. These hours may vary with some shops and OPI service operations. Those shops in a Special Pay (SP) level will work a minimum of forty (40) hours before overtime is applied.
2. Incarcerated individuals will only be paid for actual hours worked. Those incarcerated individuals working for the OPI Construction and Modular installation crews will be transferred according to ODRC Policy 54-WRK-02, Program and Work Plan for Incarcerated Individuals.
3. Overtime will be at one and one-half (1-1/2) times the current hourly rate, including longevity. Overtime pay applies after the hours for a standard workweek are reached and must be approved by the chief of OPI/designee. For example, if the standard workday is 6.5 hours, overtime will be paid after 32.5 hours for the week is reached. If the standard workday is 8.25 hours, overtime will be paid after 33 hours for the week is reached.

E. Incarcerated Individual Pay Levels

The Industry Assignment Grade Levels and Pay Schedule will be the same for all institutions and security levels, as follows:

| <u>OPI Pay Grade</u> | <u>Hourly Pay Rate</u> |
|----------------------|------------------------|
| 5 | \$0.47 cents |
| 4 | \$0.55 cents |
| 3 | \$0.65 cents |
| 2 | \$0.73 cents |
| 1 | \$0.79 cents |

| <u>OPI Pay Grade Cont'd</u> | <u>Hourly Pay Rate</u> |
|-----------------------------|------------------------|
| 7 | \$1.10 |
| 8 | \$1.23 |
| 9 | \$1.35 |
| * SP | TBD |

*Note: Hourly rate to be determined per contract

All OPI contract pay rates will be submitted and approved by the Penal Industries Manager 3 (PIM 3) and OPI chief.

F. Authorization for Overtime

Any OPI operation that requires overtime hours must first receive approval from their penal industry manager 3/designee. The following information will be required before overtime will be approved:

1. Reason for overtime,
2. Estimated length of overtime (e.g., number of days),
3. Where overtime hours will occur (e.g., extend day or weekend),
4. Current production level, and
5. Estimated production levels with overtime.

G. Incarcerated Individual Benefits

The purpose of benefits is to make OPI operations like private industry and encourage proper incarcerated individual attitude and responsibility. Appropriate leave must be used to cover lost hours during the scheduled workday.

1. Personal Leave

- a. Personal leave credit may be earned after six (6) months in an industry assignment and may be used for approved absences from that assignment and is earned at the following rates:
 - i. 1 to 18 months – 3 hours per month.
 - ii. 19 to 42 months – 6 hours per month.
 - iii. 43 months and over – 9 hours per month.
 - iv. Incarcerated individuals whose shift operations are less than 5 hours per day will receive 50% of the above credit.
- b. Personal leave time is authorized only if approved in advance by the Shop Industries Manager/designee. Leave may only be used to cover lost hours during the scheduled workday. Personal leave may be used for the following events, but is not limited to:
 - i. Visits,
 - ii. ODRC approved religious services,
 - iii. Classification and reclassification committee meeting if the incarcerated individual is requested to attend,
 - iv. Passes for contacts with executive or unit staff, mailroom, commissary, and quarter master,
 - v. Funeral/death bed visits,
 - vi. Parole Board hearing,

- vii. Witness at Rules Infraction Board hearing,
- viii. ODRC approved sports activities,
- ix. Shop closed due to staff illness,
- x. Yard Day,
- xi. Managing officer closes shop due to institutional events (e.g., job fair and outside speakers),
- xii. Industries manager or supervisor determines there is a lack of work or lack of supervisors to operate the shop,
- xiii. Pre-Release classes within six (6) months of release date,
- xiv. Security Events (e.g., fog alert, institutional lockdown, TB testing, emergency counts, shakedown of shop area, Emergency Evacuation, etc.) Note: Personal leave will not be authorized if an incarcerated individual is found guilty of rule infractions related to the security event,
- xv. Project Related Transfer (Applicable to OPI Construction Crews),
- xvi. Any other event that is approved by the PIM 2 or PIM 3, or
- xvii. If placed in restrictive housing and found not guilty.

- c. With the expanded use of personal leave, the use of this leave could impact those incarcerated individuals that receive earned credit. It will be their responsibility to monitor the hours to comply with the requirements to receive earned credit.
- d. Personal leave hours shall not be accumulated in an amount greater than 350 hours.
- e. Sick leave will not be used in lieu of personal leave.
- f. Incarcerated individuals must use the appropriate leave type (i.e., personal or sick) for an approved absence/pass. If no leave is available, the individual must be placed in the unpaid status. The incarcerated individual can use personal leave and unpaid leave for the same absence.
- g. Personal leave credit is transferable from one institution to another if the transfer is not for disciplinary purposes and there is not a break in OPI service exceeding six (6) months.
- h. An individual who is released from incarceration will be paid for any unused personal leave time if the individual is released while assigned to OPI.
- i. If an individual is reclassified out of OPI, but is not released from incarceration, the individual will not be paid for unused personal leave time, but such leave shall be maintained for six (6) months unless the individual left for educational/mandatory programming. In that event, the leave will be maintained if the individual immediately returns to OPI following completion of that programming. Returning to OPI will be at the discretion of the industry manager or designee.

2. Sick Leave

- a. Each incarcerated individual assigned to OPI will receive sick time based on three (3) hours per month for up to thirty-six (36) hours total accumulation for the year. The individual is required to provide a medical slip approving the absence from the appropriate medical or mental health staff showing time(s) and date(s) of absence from work for the use of sick leave.

- b. If an incarcerated individual is unable to work due to illness or a non-work-related injury and has used all available sick time, they will not receive any compensation from OPI.
- c. If an incarcerated individual is injured on the job and has exhausted their sick leave, they will receive up to thirty (30) days of pay at current pay level, when substantiated by a physician and taken off of work. This does not apply to routine medical passes. If the individual is unable to return to work after thirty (30) consecutive days, they will be reclassified to a non-OPI assignment.
- d. Sick leave is transferable from one institution to another if the transfer is not for disciplinary purposes and there is not a break in OPI service exceeding six (6) months. Accumulated sick leave shall not be paid upon release from incarceration or OPI service. An incarcerated individual must be assigned to an OPI operation to use their sick leave.
- e. If an incarcerated individual is reclassified out of OPI for any program other than an educational program, and the break in service exceeds six (6) months, the individual will lose any accumulated sick leave. If the break in service is less than six (6) months, the accumulated sick leave will be maintained. If an incarcerated individual is in an educational/mandatory program which exceeds the six-month limit, their sick leave will be retained if the individual returns to OPI immediately following their participation in the educational program. Returning to OPI shall be at the discretion of the industry manager or designee.
- f. When sick leave has been exhausted, the individual will be allowed to use personal leave for medical/mental health passes. Once their personal leave has been exhausted, they will be placed in the unpaid status for the approved leave. The incarcerated individual can use personal leave and be placed in the unpaid leave for the same absence.

3. Excused Non-Pay Status

Excused non-pay examples: Any institutional event that closes the OPI operation, i.e., security events (lockdowns, fog alert, emergency counts, shakedown, etc.), institutional events (Job fair, outside speaker, yard day, etc.), operations closed due to staff illness, PIM or supervisor determines there is a lack of work or staff. An incarcerated individual may use personal leave and be placed in the excused non pay status for the same absence.

4. Unpaid Status

Once an incarcerated individual has exhausted all their leave, they must go into unpaid status in the OPI payroll application for incarcerated individuals if it is an excused absence (i.e., medical/mental health pass, Parole Board, visits).

5. Unexcused Absences

Unexcused absence status examples include the following: tardiness, no show, any serious rule violation, etc.

6. Holiday Pay

Industry incarcerated individuals will receive straight hourly pay at their current OPI grade level for all state observed holidays unless required to work. If required to work on a state holiday, they will receive regular pay for hours worked in addition to holiday pay (i.e., standard pay rate, not including longevity).

7. Longevity

- a. Incarcerated individuals who have completed a minimum of fifteen (15) months in an OPI assignment are eligible to receive longevity pay in addition to current pay level at the following per hour rate:
 - i. Fifteen (15) to twenty-nine (29) months - \$0.04 cents.
 - ii. Thirty (30) to forty-four (44) months - \$0.08 cents.
 - iii. Forty-five (45) months or more - \$0.10
- b. Longevity is not lost if a break-in-service is for approved educational programs (e.g., vocational or college) no matter how long the break-in-service, unless the incarcerated individual is not returning to OPI service. Excluding disciplinary transfers, longevity may be transferred from one OPI shop to another. Disciplinary transfers shall result in the loss of longevity pay. If an incarcerated individual is reclassified out of OPI for any program other than educational program and the break in service exceeds six (6) months, the individual will lose all longevity steps.
- c. If an individual is released from incarceration, longevity is lost and if recommitted, they do not receive longevity credit for service prior to release.

8. Return from Education Program

OPI provides incarcerated individuals returning from education programs directly back to OPI their sick leave and personal leave balances and return to the step of longevity prior to the education leave. However, those individuals will not retain their former pay grade level. OPI will neither demote any individual presently working in OPI, nor expand their table of organization to accommodate those returning from educational leave.

9. Records of Incarcerated Individual Work Hours and All Types of Leave

- a. All OPI operations will use the OPI payroll system, if available. If not available, manual input will be done; however, the same payroll guidelines will be used in both situations. When any leave type is used or an unexcused absence occurs, the process shall be as follows:
 - i. Post leave type to payroll,
 - ii. Complete and print out leave slip indicating the type of leave or unexcused absence,
 - iii. Have leave slip signed by incarcerated individual and staff, and
 - iv. Place signed leave slips in file along with appropriate pass.

b. All hours available for the incarcerated individual must be recorded in the payroll system. Any of the following hours must equal the total available hours for each workday:

- i. Regular,
- ii. Sick,
- iii. Personal,
- iv. Unexcused,
- v. Excused non-pay, and
- vi. Unpaid.

H. Eligibility of Compensation and Benefits

1. Only incarcerated individuals assigned to an OPI operation are entitled to the benefits set forth in this policy.
2. Once an incarcerated individual is reclassified from an OPI operation, only the identified benefits can be recovered in accordance with timeframes described in this policy.
3. When an individual is released from incarceration, all compensation and benefits end on the date of reclassification from the OPI operation.
4. An incarcerated individual being considered for re-hire shall be reviewed on a case-by-case basis and only re-hired with the approval of the industries and product managers.

I. Optional Incentive Premium Pay

1. Incarcerated individuals who have been approved will receive a \$0.10 per hour bonus on top of their regular pay for extraordinary work performance.
2. Monthly nominations may be made by the penal workshop specialist for outstanding work performances by incarcerated individuals in their specific work areas and submitted to their immediate supervisor. These nominations should be completed on the OPI Inmate Premium Pay Nomination (DRC2230).
3. Nominations shall then be reviewed by the PWS's immediate supervisor and industry manager.
4. Only one (1) incarcerated individual may receive premium pay per month from an OPI operation.
5. The \$0.10 per-hour premium pay base wage increase will begin the 1st business day of the following month and be in effect for all hours worked that month to include overtime.

J. Optional Group Premium Pay

1. Incarcerated adults who have been tasked with projects and production outside of normal business operations may be considered for group premium pay.

2. Group premium for pay request shall be submitted on the OPI Shop Offender Bonus/Supplemental Pay (DRC2243) to PIM 3 for review/approval and approved by OPI chief.

Referenced ODRC Policies:

54-WRK-02 Program and Work Plan for Incarcerated Individuals

Referenced Forms:

| | |
|--|---------|
| OPI Inmate Premium Pay Nomination | DRC2230 |
| OPI Shop Offender Bonus/Supplemental Pay | DRC2243 |