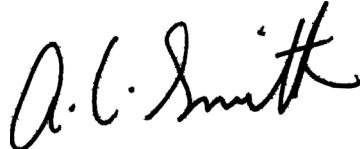




Department of
Rehabilitation & Correction

SUBJECT: Program and Work Plan for Incarcerated Individuals	PAGE <u> 1 </u> OF <u> 11 </u>
	NUMBER: 54-WRK-02
RULE/CODE REFERENCE: ORC 5120.01, 5145.03, 5145.16, 5145.161; OAC 5120-3-02, 5120-3-06	SUPERSEDES: 54-WRK-02 dated 10/05/2020
RELATED ACA STANDARDS: 5-ACI-5B-08 (4302), 5-ACI-5B-09 (4303), 5-ACI-7A-01 (4448), 5-ACI-7A-02 (4449), 5-ACI-7A-03 (4451) thru 5-ACI-7A-06 (4454), 5-ACI-7A-09 (4457), 5-ACI-7A-10 (4458) 2-CI-2A-3, 2-CI-4A-2, 2-CI-4A-5, 2-CI-5A-4	EFFECTIVE DATE: September 1, 2021
	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 a program and work plan for incarcerated individuals that provides guidelines for governing incarcerated individual job and program reviews, to include minimum education requirements.

III. APPLICABILITY

This policy is applicable to all persons employed by the Ohio Department of Rehabilitation and Correction (ODRC), contractors providing a service to the ODRC, incarcerated individuals, and volunteers.

IV. DEFINITIONS

The definitions for the below listed terms can be found at the top of the ODRC policies page on the ODRC Intranet at the following:

Definitions Link

- **High School Equivalency (HSE)**
- **Meaningful Activities**
- **Non-Routine Program/Work Assignments**
- **Ohio Penal Industries (OPI)**
- **Program/Work Assignment Committee**
- **Program/Work Assignment Review**

- **Reentry Approved Programs**
- **Routine Program/Work Assignments**
- **Sensitive Work Area**
- **Unit Staff**

V. **POLICY**

It is the policy of the ODRC that each institution establishes and implements a work plan (full-time work and/or programs) that affords all incarcerated individuals, to include those with disabilities, the opportunity to learn job skills and develop good work habits and attitudes that can be applied to jobs upon release.

VI. **PROCEDURES**

- A. Upon arrival at a reception center, incarcerated individuals shall be evaluated and tested. Education, Mental Health, Medical, Recovery Services, and Classification specialists shall collect appropriate information through this assessment process. The incarcerated individual program/work assignments shall be “reception” status.
- B. Upon arrival at a parent institution, an incarcerated individual’s program/work assignment shall be auto filled in DOTS Portal as “orientation” status. The parent institution has up to fourteen (14) calendar days to review the individual’s work history and program needs and assign a program or work assignment.
- C. All eligible incarcerated individuals shall be assigned to a work program unless assigned to an approved education or training program. Incarcerated individuals may have the option of refusing to participate in any rehabilitation or treatment program except adult basic education and programs required by statute or ordered by the sentencing court or paroling authority.

No incarcerated person shall be placed into a work or program assignment that allows them outside the secured perimeter without qualifying under the requirements of ODRC Policy 53-CLS-03, Outside Worker Approval Process.

D. **Incarcerated Individual Program and Work Plan**

The institution maintains a written plan for full-time work and/or program assignments for all incarcerated individuals in general population. The plan also provides for incarcerated individuals with disabilities.

1. **Non-Discrimination**

- a. Full-time work and/or program assignments for able-bodied incarcerated individuals in general population,
- b. Work opportunities for disabled incarcerated individuals,
- c. Ability for all incarcerated individuals to learn skills relevant to current market trends and opportunities for employment in correctional industries, facility maintenance, operations, public works, and/or community service as identified utilizing the assistance of labor, business, and industrial organizations.

2. Work Schedule

The workday for incarcerated individuals shall approximate the workday in the community.

3. Job Prerequisites

a. The Director/designee, with input from the Ohio Central School System (OCSS) superintendent and deputy director of Prisons, shall determine incarcerated individual job assignments that require documentation of a high school diploma or high school equivalency (HSE).

b. Those job assignments requiring a high school diploma or HSE shall have such documented in the minimum qualifications on the incarcerated individual job description/s. Institutions shall comply with the minimum qualifications.

4. Supervision

Female and male work crews assigned to a workday in the same area shall be in constant visual observation by staff. At no time should the female and male work crews intermingle or interact with each other. The supervisor of the assigned work crew shall ensure their specific assigned work crew is separated. This applies to all incarcerated individual work assignments.

E. Program/Work Assignment Committee

1. There shall be cooperation among institutional academic education, vocational training programs and correctional industries operations to coordinate program and work schedules that ensure incarcerated individuals are able to participate in programs and work institutional jobs. Institutions must develop a local program schedule similar to the schedule in Appendix A.

2. Institution staff will consider program completion status and evaluation history before considering job or program re-classification. Incarcerated individuals on program waiting lists or those with prison time remaining shall be considered.

3. The unit management chief (UMC)/designee shall assign at least two unit management staff to comprise the program/work assignment committee.

4. Routine Program/Work Assignments:

a. Do not require incarcerated individuals to appear before program/work assignment committee; however, the individual shall be notified of the proposed decision, date of change and right to appeal at least forty-eight (48) hours in advance of the change via completion of the Security Classification and Job Assignment form (DRC2099).

b. Shall be processed by the committee designee and documented in DOTS Portal.

c. All vacancies shall be posted. Sensitive work designations shall not be posted.

- d. Work/Program assignment changes shall be retained for one year, posted in the institution's designated areas, and contain the following information:
 - i. Date of posting,
 - ii. Incarcerated individual name, number, and housing assignment,
 - iii. Current and new program/work assignment with effective date if different from report date.
 - e. An incarcerated individual shall be allowed to attend college classes and work for OPI.
5. Non-Routine Program/Work Assignments:
- a. Requires the incarcerated individual's attendance before the committee unless prevented for security or other substantial reasons,
 - b. Requires 48-hour notice to the incarcerated individual using the Security Classification and Job Assignment (DRC2099). The individual may waive such notice in writing,
 - c. May include the following:
 - i. Incarcerated individual has completed program or has not been reviewed within twelve (12) months,
 - ii. Incarcerated individual's new assignment will raise security concerns (i.e., wide access or outside the perimeter),
 - iii. Incarcerated individual is referred through RIB for a program/work related guilty rule infraction or the guilty rule infraction doesn't permit the individual to remain in current assignment or location,
 - iv. Incarcerated individual fails to successfully complete the 30-day probation period,
 - v. Individual's program/work supervisor requests change or removal based on performance.
 - d. Incarcerated individual requests for program/work change are considered non-routine and may be submitted in writing to the committee/designee once every ninety (90) days.
 - e. During the hearing, the committee shall:
 - i. Review the incarcerated individual's pre-institution information, commitment, criteria adjustment, and behavior to determine appropriate placement,
 - ii. Review the individual's security/supervision status, security threat group (STG) history, pertinent information obtained from prior assessments and any other relevant information,
 - iii. Reevaluate the individual's needs, placement, and recommend appropriate modification if applicable,

- iv. Review the length of time and performance in current placement to guard against over familiarity with staff and worksite that could create a security risk,
- v. Review the institution's racial balance to ensure racial balance within varied departments is maintained within 10% of the institution's racial balance unless permission is received, or percentage is modified by the responsible managing officer's designee,
- vi. Review non-routine requests from program/work supervisors and complete the assignment unless sufficient reasons exist to make an exception.

F. Appeals

1. All appeals shall be submitted in writing to the UMC/designee within five (5) business days for consideration.
2. The incarcerated individual may appeal, in writing, the decision of the UMC/designee to the chief/designee of the Bureau of Classification and Reception (BOCR) within five (5) business days of being notified of the UMC/designee decision. The decision of the BOCR chief/designee is final.

G. Sensitive Work Areas

1. The Sensitive Work Area/Job Assignment Screening Review (DRC2087) shall be used. When an incarcerated individual has held a program/work assignment in a sensitive work area for two consecutive years, the program/work assignment committee shall complete a new Sensitive Work Area/Job Assignment Screening Review (DRC2087).
2. The chief of security or UMC shall have input on the incarcerated individual's placement. The responsible deputy warden shall give final approval.
3. Incarcerated individuals shall not be permitted to volunteer to switch job assignments nor work temporarily in different job assignments within a designated sensitive area.
4. An incarcerated individual's job assignment may only be changed with prior written approval from the deputy warden, chief of security, or UMC and based only on institutional need.
5. The work crew supervisor's request for a temporary assignment shall be in writing and shall provide the following:
 - a. Reason for assignment,
 - b. Incarcerated individual's name,
 - c. Incarcerated individual's number,
 - d. Assignment location,
 - e. Work hours, and
 - f. Dates of assignment.

6. Emergency or unplanned temporary assignments of incarcerated individual workers may be approved verbally by the shift commander. Once approved, the shift commander shall submit to the responsible deputy warden a written report which shall contain the following:
 - a. Reason for assignment,
 - b. Incarcerated individual's name,
 - c. Incarcerated individual's number,
 - d. Assignment location,
 - e. Work hours, and
 - f. Dates of assignment.

H. Specialty Work Areas

1. Medical – Incarcerated individuals may serve as companions for other medically compromised incarcerated individuals assisting with non-clinical and non-personal needs. They shall receive appropriate training from medical staff prior to assignment. Such incarcerated individuals will work under direct supervision of custody staff and shall be restricted from the following duties:
 - a. Performing direct patient care,
 - b. Determining access of other incarcerated individuals to health care services,
 - c. Scheduling health care appointments,
 - d. Handling or having access to medical/surgical equipment,
 - e. Operating diagnostic/therapeutic equipment,
 - f. Prohibited from touching or dispensing medications.
2. Mental Health – Incarcerated individuals may work as peer supporters. OCHC Behavioral Health Protocol I-22, Behavioral Health Peer Supporters, provides guidance to the process for selecting, training, and overseeing individuals assigned to work as a behavioral health peer supporter.
3. OPI
 - a. Education Requirements – Incarcerated individuals being considered for an OPI assignment must be a graduate.
 - b. Waiver of Education Requirement
 - i. An education waiver may be approved by the OCSS superintendent after the following has been determined by the school administrator/designee:
 - a) An incarcerated individual is incapable of graduating,
 - b) The individual has completed months of mandatory education as required per ODRC Policy 57-EDU-01, Incarcerated Individual Assessment and Placement in Education Programs.

- ii. If an incarcerated individual is determined to be suitable for an education waiver, the school administrator/designee shall submit a written recommendation to the OCSS superintendent.
 - iii. The OCSS superintendent shall make the final determination if the education waiver is appropriate.
 - iv. Once approved, the OCSS superintendent shall distribute a copy of the education waiver to the chief of OPI and the institution where the incarcerated individual is assigned. A copy shall also be maintained by the Education department in their Education file.
- 4. If an incarcerated adult requests a removal from OPI employment at any time, they must submit in writing a notice to the OPI supervisor. The OPI supervisor will contact unit staff to process the removal and complete an evaluation.
- 5. If an OPI supervisor finds it necessary to remove an incarcerated adult from OPI employment for non-disciplinary reason, this can be done by completing an evaluation and notifying unit staff in writing of necessary reclassification. A conduct report is not a requirement for job removal within OPI.
 - a. OPI work supervisors shall ensure the number of incarcerated individuals assigned to industry operations and their duties are consistent with the actual workload needs of the operating unit of each industry prior to submitting requests for work/program reclassification.
 - b. Environmental and Construction Projects – Level 1 Institutions
 - i. OPI shall provide a request for all environmental and construction needs. The request shall include a posting to the institution, via JPay, that explains the following:
 - a) Job,
 - b) Duties,
 - c) Desired skills required,
 - d) Number of Workers needed for various work crews
 - ii. Incarcerated individuals interested in being screened for an OPI Environmental/Construction Project job shall submit a letter or kite to the OPI staff posting the request. OPI staff will submit a preliminary list of incarcerated individuals for institution staff to screen for compliance with the minimum job requirements listed below:
 - a) At least six (6) months left until release date, to include projected release date (PRD), end of definite sentence (EDS), estimated stated term (EST), or parole board hearing date,
 - b) Verification and documentation of graduation, unless there is an approved education waiver on file as outlined in section VI.E.2.b of this policy,

- c) No escape history,
 - d) Incarcerated individual must be approved for community service release, as documented on the Application for Community Release/Special Labor Assignment (DRC2428), for all OPI jobs that occur off the institution grounds. This process shall be in accordance with ODRC Policy 53-CLS-03, Outside Worker Approval Process.
- iii. The prospect list will be updated with incarcerated individuals that meet the minimum qualifications. The list containing the individual's number and parent institution shall be forwarded to the OPI environmental/construction service manager for review. The unit management staff/designee shall notify the incarcerated individual in writing as to the outcome of their request.
 - iv. The OPI service manager shall schedule interviews with the selected individuals. At the conclusion of the interviews, a list of hired incarcerated individuals shall be sent to the institution for job reclassification to OPI.
 - v. Environmental workers assigned to OPI shall receive the following:
 - a) Asbestos Abatement Worker Training as scheduled through the training provider where applicable,
 - b) A physical examination of the incarcerated individual shall be scheduled,
 - c) Asbestos Abatement worker shall be assigned to a work crew.
 - vi. Construction Services workers assigned to OPI shall be assigned to a work crew.
 - vii. Initial Approval and Transfer
 - a) The OPI service manager shall submit the project summary and list of incarcerated individuals being requested for job assignment to the managing officer of where they are currently assigned, the managing officer of where they will be assigned during the project, and the BOCR.
 - b) The managing officer of the parent institution shall electronically complete the Inmate Transfer Request (DRC2003) and include the individual's most recent security instrument and the Application for Community Service Release (DRC2428) for the BOCR review.
 - c) The BOCR shall review the transfer request and all relevant information and process accordingly. The BOCR shall submit copies of all decisions on OPI-related transfer requests to the managing officers of the institutions where the incarcerated individuals are housed, the proposed receiving institution, and OPI.
 - d) Incarcerated individuals shall not be transported from any institution without the necessary written approval to transfer from the BOCR.

viii. Transportation

- a) The managing officer/designee of the institution where the incarcerated individual is assigned shall determine the appropriate method of transporting those approved for transfer (i.e., HUB, institution transport officers, OPI work crew supervisors).
- b) HUB transport requires a minimum of seven calendar days' notice.

All OPI work crew individuals NOT screened and approved for community service release shall be transported by the HUB or by institution transportation officers.

- c) Properly trained OPI supervisors may transport all incarcerated individuals who have been approved for community service release. The OPI work crew supervisors must complete ODRC's transportation training courses as developed by the Corrections Training Academy (CTA), prior to conducting any transports of OPI work crew individuals to any worksite or institution. OPI supervisors are NOT authorized to carry firearms for any transports.

ix. Gate Pass to OPI Work Site

- a) OPI supervisors shall contact the institution where the incarcerated individual is assigned for appropriate gate pass request form.
- b) The gate pass request shall include the following:
 - 1) Date/s requested to transport the individual to a worksite outside the secure perimeter of the institution,
 - 2) Worksite.
 - 3) Names and number of each incarcerated individual to be transported.
- c) Prior to the individual/s' arrival at the new institution, a meeting shall take place between OPI staff and institution staff to discuss meals, security policy and procedures.

x. Secondary Transfers

- a) The OPI work crew supervisor shall notify the managing officer/designee where the incarcerated individual is currently assigned if there is a need to transfer them to another institution.
- b) In the case of a secondary transfer, the managing officer/designee shall only be required to submit the Inmate Transfer Request (DRC2003) to the BOCR.

c) All other procedures for secondary transfer shall comply with the provisions of this policy.

xi. Review of Transfers and Post Orders

a) The receiving institution may request a review by the BOCR of any incarcerated individual transfer if there is reason to believe they were not appropriately classified.

b) All OPI community service post orders shall be written to comply with this and other related ODRC policies and shall be followed.

I. Evaluations

1. Any Unit, Education, Medical, Mental Health or Recovery services staff may initiate an evaluation. In addition, any worksite supervisor or other designated staff.
2. An incarcerated individual may request to have an evaluation completed.
3. Whomever initiates the evaluation shall review it with the incarcerated individual.
4. Incarcerated individual program/work supervisors shall complete a performance evaluation of each incarcerated individual assigned using the Inmate Evaluation Report (DRC2012) at the end of the probationary period and each year thereafter.
5. Incarcerated individuals assigned to OPI and any outside workers shall receive performance evaluations on a quarterly basis.
6. A special Inmate Evaluation Report (DRC2012) shall be prepared for those being recommended for a promotion or demotion.
7. Evaluations shall be reviewed with the incarcerated individual and a copy provided. The evaluation shall be forwarded to the program/work assignment committee and retained in the incarcerated individual's electronic unit management file.
8. Evaluations shall be completed any time an incarcerated individual receives a promotion, demotion or is removed from a job.
9. Incarcerated individuals will receive a copy of all evaluations upon release.
10. All evaluations will be scanned into the incarcerated individual's ORAS file.

J. Incentive Pay

1. Managing officers may adopt an incentive plan appropriate to designated work assignments, under which incarcerated individuals 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 or other like system developed by

Administrative Rule 5120-3-08, Inmate Compensation for Work Program Assignments and Related Matters.

2. Supervisors requesting incentive pay shall complete the Incentive Premium Pay (DRC2230) and include the following information:
 - a. Incarcerated individual’s identification information, current job, hire date, pay category, work supervisor and institution,
 - b. Date incentive pay requested, supervisor’s name and position, and
 - c. Rationale for incentive pay.

3. The Incentive Premium Pay (DRC2230) shall be signed by the site supervisor and routed to the OSC Work Force Development team for review at DRC.WFDIncentivePayReview@odrc.state.oh.us.

4. The OSC WFD team will sign and forward the Incentive Premium Pay (DRC2230) to the managing officer/designee for approval and signature. The managing officer/designee will forward the information to the business office representative for processing.

Referenced OCHC Protocols:

I-22 Behavioral Health Peer Supporters

Referenced ODRC Policies:

53-CLS-03 Outside Worker Approval Process
 57-EDU-01 Incarcerated Individual Assessments and Placement in Educational Programs

Referenced Forms:

Incarcerated Individual Transfer Request	DRC2003
Incarcerated Individual Evaluation Report	DRC2012
Sensitive Work Area Screening	DRC2087
Security Classification and Job Assignment	DRC2099
Incentive Premium Pay	DRC2230
Application for Community Service	DRC2428