

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Certificate of Achievement and Employability	PAGE: <u>1 of 6</u>
	NUMBER: 02-REN-05
RULE/CODE REFERENCE: H.B. 86	SUPERSEDES: 02-REN-05 dated 08/15/12
RELATED ACA STANDARDS:	EFFECTIVE DATE: September 7, 2015
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide systematic and uniform application to the issuance of the Certificate of Achievement and Employability authorized to be issued by the Department to eligible offenders under House Bill 86 of the 129th General Assembly and to establish guidelines to record, manage, and revoke the certificate when appropriate.

III. APPLICABILITY

This policy is applicable to all persons employed by the Department of Rehabilitation and Correction (DRC), independent contractors providing a service to the Department, inmates and volunteers. The procedures set forth are specifically directed to those employees involved in application, processing and awarding of the Certificate of Achievement and Employability. Additionally, all staff responsible for supervision and monitoring of the completion of offender programming in the areas of vocational, cognitive or behavioral improvement and community service programs during incarceration and upon release. This policy does not apply to the Corrections Training Academy staff.

IV. DEFINITIONS

Achievement and Employability Certificate - A certificate issued by the Ohio Department of Rehabilitation and Correction for those individuals who have demonstrated exemplary behavior and rehabilitation while incarcerated or under the supervision of parole or post release control and are seeking relief from disability that acts as an automatic bar to employment or licensure.

Licensing Agency - Any agency identified in Section 4776.01 of the Revised Code and any regulatory licensing board or agency not included in section 4776.01 of the Revised Code that has administrative authority to issue, suspend, or revoke any professional license or certificate that enables a person or entity to engage in any profession or occupation to attain a specified status or position.

Mandatory Civil Impact - Any section of the Ohio Revised Code or Administrative Code that creates a penalty or disability or disadvantage, however denominated, to which all of the following apply:

1. It is triggered automatically by a person's conviction or an offense whether or not the penalty, disability or disadvantage is included in the judgment or sentence;
2. It is imposed on a person, licensing agency, or employer;
3. It precludes the person with the criminal record from maintaining or obtaining licensure or employment, precludes the agency from issuing a license or certification to the person with the criminal record or business, or precludes a business from being certified or from employing the person with the criminal record.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to award credit for productive participation in programs and relief from disability as specifically addressed/designated under House Bill 86 in accordance with earning a Certificate of Achievement and Employability to those offenders seeking relief from one or more mandatory civil impacts that would affect a potential job within a field for which the offender trained as part of the offender's in-prison vocational educational program.

VI. PROCEDURES

- A. Any offender who is serving a prison term in a state correctional institution or is under parole or post release control is eligible to apply to the Department of Rehabilitation and Correction or the Division of Parole and Community Services (DPCS), for a Certificate of Achievement and Employability.
 1. Any offender must submit a Certificate of Achievement and Employability Application (DRC4001) for consideration if the offender meets the following criteria:
 - a. In the case of an incarcerated offender, the application must be submitted no earlier than one year prior to release or release consideration by the Parole Board and no later than the inmate's date of release from DRC. In the case of an offender under parole or post release control, the application must be submitted before the offender's period of parole or post release control concludes.
 - b. The certificate, if applied for while incarcerated, shall be submitted to and processed by the Ohio Central School System (OCSS) after endorsement and approval by unit management staff and the Managing Officer/Regional Administrator. A certificate applied for while the offender is under the supervision of the Adult Parole Authority (APA) shall be submitted to and processed by the Regional Reentry Coordinator.
 2. All applicants must successfully complete at least one program in all four areas of rehabilitation and community service programming, as defined by HB 86 and Administrative Regulation 5120-14-01, Certificate of Achievement and Employability, in order to receive an Achievement and Employability Certificate. Except where noted below, programs must be completed during the current incarceration. In the case of an offender on parole or post release control, the "current incarceration" means the incarceration from which the offender was released to the parole or post release control.

- a. Vocational - Career Technical, Apprenticeship, and or Advanced Job Training programs approved by the Ohio Central School System Superintendent.
- b. Cognitive Behavioral Programs - A cognitive or behavioral improvement program that addresses criminal thinking errors and solutions to problem behaviors of the offender. The offender has demonstrated exemplary performance as determined by completion of one or more cognitive or behavioral improvement programs while incarcerated or while under supervision of the APA.
- c. Community Service - An offender must complete at least 120 hours of community service in approved institutional programs recognized by the Community Services Coordinator. An offender on parole or post release control who did not complete the required community service while incarcerated may satisfy the requirement by completing the required hours of community service during the period of parole or post release control. Community service completed during the period of parole or post release control shall be approved by the APA.
- d. Achievement and Rehabilitation - The offender must demonstrate evidence of exemplary achievement and rehabilitation while incarcerated or under the supervision of parole or post release control per Administrative Regulation 5120-14-01, Certificate of Achievement and Employability.
- e. Program evidence of achievement and rehabilitation while under the jurisdiction of the DRC or DPCS shall be verified through DOTS Portal by unit management or APA staff.

B. Issuance of the Certificate

1. All steps of the screening process shall be followed as outlined on Achievement and Employability Certificate Checklist (DRC4003). If at any step in the screening process the application is disapproved or denied, copies of the application and supporting documents shall be maintained at the institutional level in the inmate's OnBase unit file, or the regional parole office of origination and the Ohio Central School System office of the Superintendent. An appeal process shall be applicable to each step of the screening if an applicant is denied at any level and does not receive a certificate. All appeals must be filed in writing with the reviewer at each level of denial within seven (7) days of the original notice of denial.
2. When an application is submitted while the offender is still incarcerated, or after release from incarceration and under supervision, the following screening steps shall apply to both situations:
 - a. Review at the case manager's/parole officer's level: The completed application shall be accepted by the case manager or parole officer for the initial review and collection of supporting documentation. All requirements in each area listed below must be satisfied in order to forward an application for approval to the next level. The case manager or parole officer shall complete the review and interview of the applicant

within fourteen (14) days of receiving the application or notification of the delay shall be given to the applicant. The following items shall be verified by the case manager /parole officer on the current number only:

- Completed Vocational Programming
- Completed Cognitive Behavioral Programming
- Completed Community Service Hours (120 hr.)
- Completed Additional Evidence of Achievement and Rehabilitation

- Institutional Disciplinary Record – The applicant’s RIB records shall be reviewed for exclusionary criteria which shall include assaultive, predatory, active STG or other behavior that might negatively impact the recipient’s qualifications. If any of the disciplinary categories noted on the Achievement and Employability Checklist (DRC4003) are marked, the inmate shall be deemed ineligible to apply until the rolling timeframes that are specified have been satisfied.

- APA Supervision Violations Sanctions – The applicant’s behavior and adjustment while under supervision shall be evaluated to include category one violations and sanctions. Ohio Revised Code violations at all levels shall be documented for consideration and evaluation on the Achievement and Employability Checklist form (DRC4003).

- b. If all criteria are met, the case manager or parole officer shall recommend and forward the packet, checklist, and supporting documents to the unit management team or regional APA team as appropriate for endorsement. If all criteria are not met, the case manager or parole officer shall notify the applicant in writing of the reason for denial and the appeal process.

C. Endorsement at the Unit Management Team/Regional APA Team Level

The unit management team/regional APA team shall review the application, checklist, and the supporting documents and discuss the applicant’s overall behavior in the unit or while under supervision. If the discussion provides a favorable recommendation by the team, the packet shall be forwarded on to the Managing Officer /Regional Administrator with the evidence supporting their decision. If the discussion leads to a denial, the applicant shall be notified in writing of the reason for denial and the appeal process. The unit management/regional APA team shall complete the review within fourteen (14) days of the receipt of the packet from the case manager/parole officer. If this screening is delayed beyond this time frame, the applicant shall be notified in writing.

D. Approval at the Managing Officer / Regional Administrator Level

The Managing Officer/Regional Administrator shall review the documents and the recommendations of the unit management/regional APA team and approve or deny the applicant. If the Managing Officer/Regional Administrator approves the packet, the checklist and supporting documents shall be sent to the Superintendent of the Ohio Central School System. If the recommendation is for a denial of the certificate, the applicant shall be notified in writing the

reason for denial and the appeal process. The Managing Officer/Regional Administrator shall also have fourteen (14) days from the unit/regional team's recommendation to notify the applicant of his or her decision. If this cannot be completed in the fourteen (14) day timeframe, the applicant shall be notified.

E. OCSS Superintendent Level

The Superintendent shall review all approved applications, supporting documents, and checklists from the Managing Officer/Regional Administrator. Upon receipt of the approved or denied application, the information shall be logged into the Achievement and Employability Certificate database at OCSS. If it is determined from the application that there is a need for licensure relief from disability or civil impact, the licensing agency shall be notified in writing of the offender's request. The agency shall then be afforded the opportunity to object in writing within thirty (30) days of the written notice. If the licensing agency objects to the issuance of the certificate, all supporting evidence shall be considered prior to issuance of the certificate. If all documents and approvals are in order, the Superintendent shall concur with the recommendation and the certificate shall be created. The Ohio Central School System shall send the entire packet and the certificate to the Director's office for signature and issuance. If at any time during the Superintendent's review the applicant is denied a certificate, the applicant shall receive a written response and notice of the appeal process within sixty (60) days. A copy of each issued certificate shall be maintained with the Ohio Central School System.

F. Director's Approval and Issuance of the Certificate:

The Director/designee shall review the entire packet, all recommendations by staff, and shall make the final determination on the issuance of the certificate. If the certificate is denied at the Director's level, the applicant shall be notified in writing within fourteen (14) days as to the reason for denial and the appeal process.

G. Appeal of Denial of Application

If an application is denied at any level of the screening process the next reviewer from the check list shall answer the appeal of the denied applicant. The applicant has seven (7) days to file the appeal with the next level reviewer from the checklist. For example, if a case manager or the parole officer denies an applicant then the next level of appeal will be reviewed and answered in writing by the unit or regional team. If an offender is denied at the Superintendent's review, an appeal can be made in writing to the appropriate Managing Director or designee. The Managing Director or designee shall respond in writing to the offender's appeal within thirty (30) days. The response shall explain the reason for denial and inform the offender of his/her rights to re-apply.

H. Revocation of Certificate

1. A Certificate of Achievement and Employability shall not grant an offender relief from the mandatory civil impacts identified in 2961.01 (A)(1) and in 2961.02 (B) at any time during their supervision term. Those offenders who are convicted of or plead guilty to a new offense, with the exception of minor misdemeanors or traffic offenses, shall have their Certificates revoked.

2. If the offender is under the supervision of DRC, a Certificate of Achievement and Employability shall be revoked if any of the following circumstances occur:
 - a. Institutional administrative placements or RIB convictions shall not result in loss or revocation of the Certificate unless there is a criminal offense conviction as described under the Ohio Revised Code.
 - b. The offender is convicted of or pleads guilty to any offense other than a minor misdemeanor or a traffic offense. The DPCS shall notify the OCSS in writing of the conviction and process the revocation of the certificate.
 - c. If the offender is released from APA supervision and is found guilty of a new felony, the certificate shall be revoked.

Related Department Forms

Certificate of Achievement and Employability Application	DRC4001
Achievement and Employability Certificate Check List	DRC4003