

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: OPI Inmate Compensation and Benefits	PAGE <u> 1 </u> OF <u> 7 </u> . NUMBER: 25-OPI-11
RULE/CODE REFERENCE: 5120-3-02; 5120-3-04; 5120-3-05 5120-3-06; 5120-3-08	SUPERSEDES: 25-OPI-11 dated 11/14/09
RELATED ACA STANDARDS: 2-CI-4A-1; 2-CI-4A-6; 2-CI-4A-7; 2-CI-4A-8	EFFECTIVE DATE: October 1, 2014
	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 implement procedures for inmate compensation, benefits, and pre-industrial training.

III. APPLICABILITY

This policy shall apply to all inmate workers and employees in the Ohio Penal Industries (OPI) Industrial Training Program.

IV. DEFINITIONS

None

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to have standard procedures for inmate compensation and benefits while working in Ohio Penal Industries.

VI. PROCEDURES

A. Inmate Work Hours

1. Industry shops will generally work a minimum of 32.5 hours per week or 6.5 hours per day. These hours can vary with some shops and OPI service operations.
2. Inmates will only be paid for hours actually worked. Travel time will be tracked, but inmates will not be compensated for the travel time, except when additional inmate crews

are pulled from their scheduled project to temporarily assist on a project. In that event, any travel time that exceeds 1½ hours in one direction will be paid at regular pay after the first 1½ hours. This travel pay will be approved by Construction and Asbestos Industry Managers prior to crews being pulled from their current project and will then be documented on daily inmate time records as well. If the crew must assist for more than one (1) work week, inmates will be transferred according to Department Policy 54-WRK-05, Hiring Inmate Workers for Environmental and Construction Projects.

3. Overtime will be at one and one-half (1-1/2) times the current hourly rate. Overtime pay applies after the hours for a standard workweek are reached and must be approved by the Chief of Industries/designee. For example, if the standard workday is 6.5 hours, overtime will be paid after 32.5 hours for the week is reached.

B. Inmate Pay Levels

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

<u>OPI Standard Levels</u>	<u>Hourly Pay Rate</u>	<u>Monthly Pay Avg. 22 Days @ 6.5 Hrs./Day</u>
5	\$0.21 cents	\$30.03
4	\$0.27 cents	\$38.61
3	\$0.35 cents	\$50.05
2	\$0.42 cents	\$60.06
1	\$0.47 cents	\$67.21

<u>OPI Incentive Levels</u>	<u>Hourly Pay Rate</u>	<u>Monthly Pay Avg. 16 Days @ 9 Hrs./Day</u>
7	\$1.00	\$144.00
8	\$1.12	\$161.28
9	\$1.23	\$177.12

C. Authorization for Overtime

1. Any OPI operation that requires overtime hours must first receive approval from their Product Manager and Warden/designee. The following information will be required before overtime will be approved:
 - a. Reason for overtime;
 - b. Estimated length of overtime (e.g., number of days);
 - c. Where overtime hours will occur (e.g., extend day or weekend);
 - d. Current production level; and
 - e. Estimated production levels with overtime.

This request will be submitted to the Regional Production Manager for approval, who will then forward a notification of overtime to the Chief of Industries/designee for final approval. The shop manager/crew supervisor must maintain hard/electronic copies of overtime approval.

2. If overtime is one or more weeks, a progress report will be submitted to the Product Manager, Regional Production Manager, and the Chief of Industries/designee via email by 2:00 p.m. each Friday.

D. Inmate Benefits

The purpose of benefits is to make OPI Shops similar to private industry and encourage proper inmate attitude and responsibility.

1. Personal Leave

- a. Personal leave credit can be earned after six (6) months in an industry assignment to 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. Inmates, whose shift operations are less than 5 hours per day, will receive 50 percent of the above credit.
- b. Personal leave time is authorized only if approved in advance by the Shop Industries Manager or designee. Leave can only be used to cover lost hours during the scheduled workday. Leave can be used for the following events, but is not limited to:
 - i. Visits;
 - ii. DRC approved religious services;
 - iii. Classification and reclassification committee meeting if the inmate 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. DRC approved sports activities;
 - ix. Shop closed due to staff illness;
 - x. Yard day;
 - xi. Warden 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 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 inmate is found guilty of rule infractions related to the security event.;

- xv. Project Related Transfer (Only to be used by crews identified in Section E of this policy);
 - xvi. Any events that are not listed are at the discretion of the Industry Manager or designee.
- c. With the expanded use of personal leave, the use of this leave could have an effect on those inmates that receive earned credit. It will be the responsibility of the inmate 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. Inmates can choose to use personal leave or be in an excused without pay status for an approved pass/absence. The inmate must have enough time to cover the pass/absence requested (specific hours/minutes or if a full morning session and/or afternoon session is requested). The inmate cannot use personal leave and excused without pay status 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 inmate who is released from incarceration will be paid, with prior ~~written~~ approval of the Chief of Industries, for any unused personal leave time, if the inmate is released while assigned to OPI.
 - i. If an inmate re-classes out of OPI, but is not released from incarceration, the inmate will not be paid for unused personal leave time, but such leave shall be maintained for six months unless the inmate left for educational/mandatory programming. In that event, the leave will be maintained if the inmate 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 inmate assigned to OPI will receive sick time on the basis of three hours per month for up to 36 hours total accumulation for the year. The inmate is required to provide a medical slip approving the absence from the appropriate medical or mental health staff showing time and date(s) of absence from work for the use of sick leave.
- b. If an inmate is unable to work due to illness or a non-work related injury and has used all available sick time, the inmate will not receive any compensation from OPI.
- c. If an inmate is injured on the job and has exhausted his sick leave, he/she will receive up to thirty (30) days of pay at current pay level, when substantiated by a physician and laid-in. This does not apply to routine medical passes. If the inmate is unable to

return to work after 30 consecutive days, he/she will be re-classed 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 months. Accumulated sick leave shall not be paid upon release from incarceration or OPI service. An inmate must be assigned to an OPI operation in order to use their sick leave.
- e. If an inmate is re-classed out of OPI for any program other than an educational program and the break-in-service exceeds six months, the inmate will lose any accumulated sick leave. If the break-in-service is less than six months, the accumulated sick leave will be maintained. If an inmate is in an educational/mandatory program which exceeds the six-month limit, his/her sick leave will be retained as long as the inmate returns to OPI immediately following his/her 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 inmate will be allowed to use personal leave or may request to be placed in an excused without pay status for medical/psychological passes. The inmate must have enough time to cover the pass/absence requested (specific hours/minutes or if a full morning session and/or afternoon session is requested). The inmate cannot use personal leave and excused without pay status for the same absence.

3. No Pay Status

Once an inmate has exhausted their leave (sick and personal), they will be in a "No Pay" status. If the inmate receives a pass, he/she will be permitted to honor the pass, but will not receive any compensation for the time missed. This will be considered an excused absence. If an event occurs which closes the OPI shop operation the inmates may choose not to use their personal leave; however, they may request to be placed in an excused without pay status. An inmate must have enough time to cover the pass/absence requested (specific hours/minutes or if a full morning session and/or afternoon session is requested). An inmate cannot use personal leave and excused without pay status for the same absence.

4. Holiday Pay

Industry inmates 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, then inmates will receive regular pay for hours worked in addition to holiday pay (i.e., standard pay rate, not including longevity).

5. Longevity

- a. Inmates who have completed a minimum of fifteen 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 to twenty-nine months - \$0.04 cents.
 - ii. Thirty to forty-four months - \$0.08 cents.
 - iii. Forty-five 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 inmate 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 inmate is re-classed out of OPI for any program other than educational program and the break-in-service exceeds six months, the inmate will lose all longevity steps.
- c. If an inmate is released from incarceration, longevity is lost and if recommitted, he/she does not receive longevity credit for service prior to release.

6. Return From Education Program

OPI provides inmates 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 inmates will not retain their former pay grade level. OPI will neither demote any inmate presently working in OPI, nor expand their table of organization to accommodate inmates returning from educational leave.

7. Records of Inmate Work Hours And All Types Of Leave

All OPI operations will use the OPI payroll system/scanner, 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 will be as follows:

- a. Post leave type to payroll;
- b. Complete and print out leave slip indicating the type of leave or unexcused absence;
- c. Have leave slip signed by inmate and staff; and
- d. Place signed leave slip in file.

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

- a. Regular;
- b. Sick;
- c. Personal;
- d. Unexcused; and
- e. No pay.

E. Inmate Incentives

The Chief of Industries or designee will identify the special groups (e.g., construction, asbestos, modular installation and any other workgroup) that are approved for this incentive program. Inmates who participate in approved special groups will be paid at the appropriate incentive level pay rates identified in Section B of this policy. The level shall be based on the required skill level.

All eligible participants for levels 7, 8, and 9 are as follows: Construction, asbestos and modular installation due to temporary assignments to other institutions, travel statewide, hardships, and special skills.

All eligible participants for level 7 are as follows: Vehicle Service Center (Lead Mechanics), modular installation, McKinley CAD Operator, Meat Processing Career Center (Harvest Floor and Fabrication Floor) due to training and skill required for these positions, but restricted to a single county without travel.

F. Eligibility of Compensation and Benefits

1. Only inmates assigned to an OPI operation are entitled to the benefits set forth in this policy.
2. Once an inmate is re-classed from an OPI operation, only the identified benefits can be recovered in accordance with timeframes described in this policy.
3. When an inmate is released from incarceration, all compensation and benefits end on the date of re-class from the OPI operation.
4. Inmates removed from OPI for disciplinary reasons are not eligible for job placement consideration until they are in general population and conduct report free for six (6) months.