


STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Earned Credit for Productive Program Participation	PAGE <u> 1 </u> OF <u> 7 </u> . NUMBER: 80-INC-02
RULE/CODE REFERENCE: AR 5120-2-06, and ORC section 2967.193 as enacted under House Bill 261, Effective 11/1/87, and ORC Section 2967.193 as amended by Senate Bill 2, and ORC 2967.193 as amended by HB 86.	SUPERSEDES: 80-INC-02 dated 11/1/10
RELATED ACA STANDARDS: 4-4441; 4-4461	EFFECTIVE DATE: November 25, 2011
	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 for the systematic and uniform application of earned credit to those inmates eligible for sentence reduction under ORC Section 2967.193 as enacted by House Bill 261 of the 117th General Assembly, ORC Section 2967.193 as amended by Senate Bill 2 121st General Assembly, ORC Section 2967.193 as amended by HB 86 of the 129th General Assembly and Administrative Rule 5120-2-06, Earned Credit for Productive Program Participation.

III. APPLICABILITY

This policy is applicable to all persons employed by the Department of Rehabilitation and Correction, independent contractors providing a service to the Department, inmates, and volunteers. This policy does not apply to the Corrections Training Academy. The procedures set forth are specifically directed to those employees involved in awarding earned credit to inmates eligible for such sentence reduction.

IV. DEFINITIONS

Unexcused Absence – Any failure to appear for a scheduled work or program session without a valid, verified excuse for the absence. Arrival for a scheduled work or program session more than 15 minutes after the start of the session without a valid, verified excuse shall also be considered as an unexcused absence. Placement in segregated status will only be counted as an unexcused absence upon a finding of guilty on a rule violation.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to award earned credit for productive prison participation to eligible inmates in an accurate and consistent manner and in compliance with applicable laws and administrative regulations.

VI. PROCEDURES

A. Program Approval for Earned Credit

1. Under Administrative Rule 5120-2-06, Earned Credit for Productive Program Participation, earned credit may only be awarded for participation in programming that has been approved by the Director of the Department of Rehabilitation and Correction from the listing of eligible programs in the above-referenced Administrative Rule. Program areas that have been approved by the Director to receive earned credit for productive participation include the following:
 - a. Educational/Academic Programs, to include:
 - i. Adult Basic Literacy Education;
 - ii. Pre-GED;
 - iii. GED and High school;
 - iv. Advanced Job Training Programs;
 - v. Career-Technical Education;
 - vi. Apprenticeship Programs;
 - vii. Work Extension Program Assignments;
 - viii. Career Enhancement;
 - vi. Vocational Programs (TEP).
 - b. Ohio Penal Industries
 - c. Alcohol and Drug Treatment Programs, to include:
 - i. Therapeutic Communities;
 - ii. Alcohol and other Drug Treatment Residential Units;
 - iii. Alcohol and other Drug Intensive Outpatient Program
 - iv. Alcohol and or other Drug Treatment Readiness Programs
 - d. Mental Health
 - e. Unit Management
 - i. Cognitive Behavioral Program
2. Prior to being authorized to award earned credit, the institutional program administrator for each individual program must submit a completed Earned Credit Program Plan (DRC4282) for review and approval by the Operation Support Center Administrator in charge of that particular area or use the standardized lists for Career Tech, Apprenticeship, OPI and Work Extension.

- a. The purpose of this review is to ensure that the program meets the acceptable professional standards of the discipline and that earned credit is awarded consistently throughout the Department. The Operation Support Center Administrator may require documentation in addition to the Earned Credit Program Plan.
- b. If approved, the Operation Support Center Administrator will then forward the proposal to the Office of Prisons to be approved by the Director or designee.
3. Each program administrator is responsible for ensuring that the Earned Credit Program Plan (DRC4282) for the earned credit approved program(s) is current and accurately reflects the manner in which earned credit is awarded for that program.
 - a. All changes to the program must be documented on an updated Earned Credit Program Plan (DRC4282) and be approved in advance.
 - b. Earned credit may not be awarded until the Director has approved the Approved Program Plan (DRC4282).
4. The Office of Prisons shall maintain a current list containing the specific names of each approved program at each institution.
 - a. A revised copy of the Director's approved program list shall be provided to the institution's Managing Officer each time a change is made.
 - b. The approved program list shall be made available on the intranet.
 - c. All current standardized approved program lists and institutional approved program lists shall be maintained in the institutional library and available for inmate review.
 - d. Under no circumstances shall an inmate be awarded earned credit for participating in a program not specifically named on the Director's approved list.

B. Inmate Eligibility for Earned Credit

1. It is the responsibility of the Bureau of Sentence Computation (BOSC) to determine each inmate's eligibility to earn credit towards sentence reduction under the guidelines set forth in ORC Section 2967.193, as enacted by House Bill 261 of the 117th General Assembly, ORC Section 2967.193, as amended by Senate Bill 2 of the 121st General Assembly, ORC 2967.193, as amended by HB 86 of the 129th General Assembly and Administrative Rule 5120-2-06, Earned Credit for Productive Program Participation. The BOSC staff shall indicate each inmate's eligibility for earned credit in DOTS Portal.
2. Inmates earning credit pursuant to ORC Section 2967.193, as enacted by House Bill 261 of the 117th General Assembly, may earn two days of credit for participating in an approved educational program or prison industries program. The inmates may also earn two days of credit for participating in an alcohol and drug or mental health treatment program. In no case are inmates sentenced under ORC Section 2967.193 as enacted

under House Bill 261, to be awarded more than four days of earned credit for productive program participation in any given month.

3. The awarding of earned credit for productive program participation under House Bill 261 in no way impacts days of credit for maintaining minimum security, as referenced in Administrative Regulation 5120-2-07, Days of Credit for Maintaining Minimum Security.
4. Inmates earning credit pursuant to ORC Section 2967.193, amended by Senate Bill 2 of the 121st General Assembly, may earn one day of credit per month for productive program participation, regardless of the number of programs in which the inmate is enrolled.
5. Inmates earning credit pursuant to ORC Section 2967.193 as amended by HB 86 of the 129th General Assembly, may earn one day or five days of credit per month for productive program participation as prescribed in Administrative Rule 5120-2-06, Earned Credit for Productive Participation. In addition they may earn an additional five days, one time, for their second program completion.
6. Inmates earning credit pursuant to ORC Section 2967.163 as amended by Senate Bill 2 of the 121st General Assembly or HB 86 of the 129th General Assembly may have previously awarded earned credit withdrawn.
7. Each inmate, regardless of eligibility for sentence reduction, must conform to the following program conditions prior to being awarded earned credit:
 - a. The inmate must enter the program on or before the first calendar day of the month and continue participation in the program through the last calendar day of the month.
 - i. If a program ends prior to the end of the month, and all other conditions are adhered to for that month, the inmate shall be awarded earned credit.
 - ii. If an inmates moves from one program to another within the same approved program area (i.e. going from Pre-GED straight into a vocational program within the education department or moving from one OPI shop straight to another), and all other conditions are adhered to for that month, the inmate shall be awarded earned credit.
8. An inmate who successfully completes a formal program resulting in the issuance of a completion certificate during a given month shall be awarded earned credit, if all other conditions are adhered to for that month.
9. Reclassification into a program-related job title is not required as a condition of awarding earned credit. When the reclassification process is not used as the enrollment process, dates of enrollment shall be documented within each inmate's program file.
10. The inmate must attend 75% of the available program sessions during the month, regardless of the reason for absence.

11. Earned credit will not be granted for any month in which the inmate obtains one or more unexcused absences to the program, as defined in this policy.
 - a. With the exception of Ohio Penal Industries, attendance of all earned credit programs shall be documented on the Monthly Attendance Record (DRC4299) or 3-Shift Monthly Attendance Record (DRC4328).
 - b. Ohio Penal Industries attendance will be documented using the DRC computerized payroll system.
 - c. Attendance of inmates enrolled in an Ohio Penal Industries Apprenticeship program must be documented on the Monthly Attendance Record (DRC4299) or 3-Shift Monthly Attendance Record (DRC4328) per Department Policy 57-EDU-07, Apprenticeship Programs.
 - d. The inmate must exhibit acceptable behavior that complies with institutional rules and regulations while participating in the program. An inmate who exhibits behavior considered being a hindrance to the program, such as excessive noise, disruption, sleeping, or tardiness, shall be issued a conduct report by the program facilitator. A guilty finding on this program-related ticket by the Rules Infraction Board shall cause the inmate to be denied earned credit for the month in which the conduct report was considered and resolved.
 - e. It is the responsibility of the appropriate program facilitator to determine the outcome of the disciplinary hearing prior to awarding or denying the earned credit.
 - f. The Conduct Report Disposition (DRC4397) form shall be used for tracking conduct report outcomes.

C. Process to Award Earned Credit

1. No later than the first working day of every month, the designated staff person, shall distribute to approved program areas the report of inmates who are eligible to receive earned credit.
2. The program administrator for each approved program shall review the list, verify documented attendance records, disciplinary reports, and other appropriate records and indicate those inmates who have met all of the requirements to receive earned credit. The reason for denying earned credit to any eligible inmate shall be clearly noted on the earned credit report.

3. The program administrator shall then sign the earned credit report and immediately return it to the designated staff person.
4. The designated staff shall be responsible for entering the appropriate number of earned credit days into the information system for each eligible inmate no later than the end of the first working day of the month.
5. The designated staff person shall be responsible for entering program completions into the appropriate screen to ensure five day, one-time, credit for those earning credit under ORC Section 2967.193 as amended by HB 86 of the 129th General Assembly. Completion information shall be entered as it occurs.

D. Forfeiture of Earned Credit

1. Earned credit properly awarded pursuant to ORC Section 2967.193, as enacted under House Bill 261, shall not be forfeited for any reason.
2. Earned credit properly awarded to inmates sentenced under ORC Section 2967.193, as amended by Senate Bill 2 of the 121st General Assembly or as amended by HB 86 of the 129th General Assembly, may be forfeited for rule violations.
 - a. The Rules Infraction Board may recommend the withdrawing of earned credit awarded from previous months for violations including, but not limited to, absenteeism, tardiness, excessive noise, or disruption of the program.
 - i. The Rules Infraction Board Chairperson shall complete the Forfeiture of Earned Credit Report (DRC4281) and forward it to the Managing Officer or designee for review.
 - ii. The Managing Officer or designee shall review the recommendation and ensure that the inmate does not have more than fifty percent (50%) of previously awarded earned credit days withdrawn during any calendar month. The Managing Officer or designee may then approve, disapprove, or modify the forfeiture of earned credit.
 - iii. If approved, the Managing Officer or designee shall forward the Forfeiture of Earned Credit Report to the BOSC for processing. The original Forfeiture of Earned Credit Report shall remain in the inmate's Record Office File.
 - b. The restriction on forfeiture of earned credit does not prohibit staff from completing an addendum to withdraw earned credit that has been improperly awarded. Such withdrawals do not constitute a forfeiture of earned credit but may only be conducted upon the approval of the Managing Officer or designee when it is verified that the earned credit was erroneously awarded in violation with the provisions of this policy.

- c. The Earned Credit Addendum (DRC4395) form shall be used for awarding or withdrawing erroneous earned credit. It shall also be used to award earned credit, which was earned but not given.

E. Annual Audit of Earned Credit

1. The Office of Prisons shall ensure that each institution reviews and updates their Approved Program List annually.
2. Each institution shall be responsible for maintaining a historical file of the changes in the Approved Program List and all Earned Credit Program Plans (DRC4282).
3. Earned credit records shall be reviewed annually during the institution's internal management audit.
4. The Program Administrator shall maintain all earned credit documentation in accordance with the DRC Record Retention Schedule. Documentation will be reviewed upon receiving inmate inquiries concerning personal earned credit awards or denial.

Related Department Forms:

Forfeiture of Earned Credit Report	DRC4281
Earned Credit Program Plan	DRC4282
Monthly Attendance Record	DRC4299
3-Shift Monthly Attendance Record	DRC4328
Earned Credit Addendum	DRC4395
Conduct Report Disposition	DRC4397