

## **TITLE 170. DEPARTMENT OF CORRECTIONS**

### **CHAPTER 1. ORGANIZATION**

[Authority: 57 O.S., § 510(8); 75 O.S., § 302(A)]  
[Source: Codified 7-1-93]

#### **170:1-1-1. Purpose**

The rules in this Chapter establish the current organizational structure of the Oklahoma Department of Corrections.

[Source: Added at 10 Ok Reg 2663, eff 7-1-93]

#### **170:1-1-2. Oklahoma Department of Corrections**

The Oklahoma Department of Corrections is a law enforcement agency created by statute in 57 O. S. § 505. The department consists of divisions, subdivisions, institutions, centers, and such units, sections, offices, and positions as may be established by the director, subject to the approval of the Board of Corrections, or by law, as described below. A description of the current organizational structure of the department shall be maintained by the administrator of Personnel and shall be available at the principal office of the Oklahoma Department of Corrections. The organizational structure shall also be reflected on the department's website.

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 24 Ok Reg 2705, eff 7-26-07]

#### **170:1-1-3. Oklahoma Board of Corrections**

The Oklahoma Board of Corrections shall adopt rules and regulations for its internal government, and shall hold meetings in accordance with the Oklahoma Open Meeting Act. The Board of Corrections shall establish policies for the operation of the department and shall have the powers set forth in 57 O.S. § 504, as amended from time to time.

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 24 Ok Reg 2705, eff 7-26-07]

#### **170:1-1-4. Director [REVOKED]**

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 24 Ok Reg 2705, eff 7-26-07; Revoked at 37 Ok Reg 1169, eff 9-11-20]

#### **170:1-1-5. Chief of Staff [REVOKED]**

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Revoked at 11 Ok Reg 3135, eff 7-1-94]

#### **170:1-1-6. Chief of Operations [REVOKED]**

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 11 Ok Reg 3135, eff 7-1-94; Revoked at 24 Ok Reg 2705, eff 7-26-07]

#### **170:1-1-7. Divisions, subdivisions, institutions, units, sections, offices, and positions**

The Oklahoma Department of Corrections, as determined by the director, subject to the approval of the Board of Corrections, shall consist of a sufficient number of divisions, subdivisions, institutions, centers, units, sections, offices, and positions as deemed appropriate to effectively manage the department.

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 11 Ok Reg 3135, eff 7-1-94; Amended at 24 Ok Reg 2705, eff 7-26-07; Amended at 37 Ok Reg 1169, eff 9-11-20]

#### **170:1-1-8. Penal institutions [REVOKED]**

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 24 Ok Reg 2705, eff 7-26-07; Revoked at 37 Ok Reg 1169, eff 9-11-20]

#### **170:1-1-9. Community corrections centers [REVOKED]**

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 11 Ok Reg 3135, eff 7-1-94; Amended at 24 Ok Reg 2705, eff 7-26-07; Amended at 37 Ok Reg 1169, eff 9-11-20]

#### **170:1-1-10. Community work centers**

The director, pursuant to 57 O.S. § 563(B), is authorized to establish inmate work centers in locations where a need for labor to conduct public work projects is determined.

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 24 Ok Reg 2705, eff 7-26-07]

#### **170:1-1-11. Community corrections districts [REVOKED]**

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 24 Ok Reg 2705, eff 7-26-07; Revoked at 37 Ok Reg 1169, eff 9-11-20]

#### **170:1-1-12. Agri-Services and Oklahoma Correctional Industries**

The Oklahoma Department of Corrections shall operate prison agricultural and manufacturing and products industries to be known as Agri-Services and Oklahoma Correctional Industries, respectively.

- (1) Funds earned from the operation of Agri-Services and Oklahoma Correctional Industries shall be placed in an Industries Revolving Fund with the Oklahoma State Treasury for the Department of Corrections.
- (2) The Oklahoma Department of Corrections is authorized to purchase, in a manner prescribed by law, facilities, equipment, raw materials, and supplies, and to engage necessary personnel to establish and maintain at the penal institutions, under the control of the Department of Corrections, industries, and agricultural programs for the utilization of services of prisoners in the manufacture or production of such articles or products as may be needed for the construction, operation, maintenance, or the use of any office, department, or agency supported in whole or in part by the state or political subdivisions thereof.

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 24 Ok Reg 2705, eff 7-26-07]

#### **170:1-1-13. Oklahoma Criminal Justice Resource Center [REVOKED]**

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Revoked at 24 Ok Reg 2705, eff 7-26-07]

#### **170:1-1-14. Public access to public information [REVOKED]**

[Source: Added at 10 Ok Reg 2663, eff 7-1-93; Amended at 24 Ok Reg 2705, eff 7-26-07; Revoked at 37 Ok Reg 1169, eff 9-11-20]

#### **170:1-1-15. Principal office**

- (a) The principal office of the Oklahoma Department of Corrections is located at 3400 Martin Luther King Avenue, Oklahoma City, Oklahoma 73111.

- (b) An additional mailing address is P.O. Box 11400, Oklahoma City, OK 73136-0400.
- (c) The main telephone number is (405) 425-2500.
- (d) The website address is <http://www.doc.ok.gov>.
- (e) The regular business and office hours for the principal office shall be 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding state recognized holidays.

[Source: Added at 10 Ok Reg 2663, eff 7-15-93; Amended at 24 Ok Reg 2705, eff 7-26-07; Amended at 37 Ok Reg 1169, eff 9-11-20]

## **170:1-1-16. Rulemaking authority [EXPIRED]**

[Source: Added at 10 Ok Reg 2137, eff 5-5-93 through 7-15-94 (emergency)]

# **CHAPTER 10. PRISONER PUBLIC WORKS CONTRACTS**

[Authority: 57 O.S., § 215 et seq.; 57 O.S., § 510(15)]

[Source: Codified 7-1-93]

## **SUBCHAPTER 1. GENERAL PROVISIONS**

### **170:10-1-1. Purpose**

The rules of this Chapter establish the procedures for public works agencies requesting to obtain prisoner labor for public works projects.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

### **170:10-1-2. Scope**

The Prisoner Public Works Act, 57 O.S., Section 215 et seq, provides that the Oklahoma Department of Corrections may provide prisoner labor by contract to political subdivisions and agencies of the state and federal government. The purpose and scope of the rules and regulations of this Chapter are to provide standardized procedures whereby the contracting process is implemented and to provide guidelines and criteria for establishing the base costs between the department and the requesting public works agency.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

### **170:10-1-3. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Director"** means the director of the Oklahoma Department of Corrections or designee.

**"Department"** means the Oklahoma Department of Corrections, its facilities, divisions, offices, and institutions.

**"Fiscal year"** means the state of Oklahoma's fiscal year beginning July 1, and ending June 30 of every year.

**"Public works agency"** means any state agency or subdivision thereof, municipality, county, town, the United States or any subdivision or agency thereof, whose governing body or empowered authority has requested in writing that the Board or designee adopt their submitted project as a public works project.

**"Public purpose"** means a purpose affecting the inhabitants of the state or political subdivision utilizing the inmate labor, as a group, working on projects in the public interest and whose work shall not be on other than public property except that inmates may be assigned to projects on private property if it is for

benefit of the public or for the exercise of a governmental function.

**"Public works project"** means a work project that has been determined by the Board or designee to be of necessity for the public well-being conducive to rehabilitation of participating prisoners.

**"Prisoner"** means any person who is under the custody and control of the Oklahoma Department of Corrections who is not a threat to public safety nor who has escaped or has attempted to escape from a correctional institution or facility within the last ten years, as affirmed by the department.

**"Base costs"** mean those costs actually agreed to between the department and the public works agency pursuant to this Chapter.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93; Amended at 11 Ok Reg 3137, eff 7-1-94]

### **SUBCHAPTER 3. APPLICATION AND APPROVAL**

#### **170:10-3-1. Application process**

The public works agency shall submit a written request for a prisoner public works project contract to the department on or before March 31 of the current fiscal year for contracting the ensuing fiscal year. The request, at a minimum, shall contain the following:

- (1) A brief description of the public works project and the anticipated public benefit
- (2) The number of prisoners required for the project, any preferred special skills, and the kind of work the prisoners will perform
- (3) The location of each project work site and the duration of the project, transportation and security requirements if any, and whether the project will involve work on private property
- (4) Certification that prisoner labor shall not displace any employment opportunities for private citizens of the state
- (5) Certification that the applicant has insufficient funds available to perform the work set forth in the application
- (6) The contact person's name, address, and phone number of the local official who shall be the primary spokesperson between the public agency and the Department of Corrections.
- (7) The amount of the project

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

#### **170:10-3-2. Base costs**

(a) The department shall be reimbursed for its base costs plus ten percent for the provision of prisoner labor to the public works agency. The base costs may include, but are not limited to, the following, as agreed to between the parties:

- (1) The cost of the wages of the prisoner based on the highest level authorized by the department regardless of the actual prisoner wage level
- (2) The provision of meals by the department
- (3) The daily cost of transporting the inmates to and from the work site, based on the current mileage rate under state travel regulations
- (4) The salary and benefits of department employees assigned to the public works project
- (5) The cost of equipment, clothing, tools, materials and supplies, if any, provided by the department for use by the prisoner, or public works project, including any replacement

- (6) Other miscellaneous costs
- (b) These costs shall be contained in the Appendix to the contract between the parties and incorporated by reference.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

#### **170:10-3-3. Approval process**

The department shall approve or deny the application, according to the Location of the project, the availability of prisoner labor, the department's costs, and the Suitability of the project for inmate labor. The term of the contract shall not extend beyond the fiscal year. A standard contract shall be maintained by the general counsel for the Oklahoma Department of Corrections and shall be available at the principal office of the Oklahoma Department of Corrections. All contracts and leases shall be approved by the general counsel for the Oklahoma Department of Corrections.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93; Amended at 37 Ok Reg 1171, eff 9-11-20]

#### **170:10-3-4. Central processing for statewide agencies**

All state agencies may submit requests for public works contracts to the principal office located in Oklahoma City. All other public works agencies shall work with their local area facilities or regional offices.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93; Amended at 11 Ok Reg 3137, eff 7-1-94]

### **SUBCHAPTER 5. PROJECT ADMINISTRATION**

#### **170:10-5-1. Calculation of the monthly invoice**

- (a) The department shall maintain time sheets and records of prisoners who work on public works projects on a daily basis and shall prepare a monthly invoice.
- (b) Prisoner wages shall be calculated on a work month of 20 work days and in half-day increments.
- (c) The calculated monthly invoice shall be the total of the base costs times the number of prisoners provided, times the number of days worked, times 10 percent.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93; Amended at 37 Ok Reg 1171, eff 9-11-20]

#### **170:10-5-2. Billing and reimbursement**

- (a) The facility where the prisoners are housed shall be responsible for monthly billing and the deposit into the proper accounts of all reimbursements received.
- (b) Upon receipt of the monthly invoice, the public works agency shall promptly reimburse the department accordingly.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

#### **170:10-5-3. Workers' compensation and control**

- (a) Neither the department nor the public works agency shall be required to provide workers' compensation to any prisoner.
- (b) The prisoner shall not be considered an employee under the supervision and control of the public works agency or its employees, but shall at all times be under the jurisdiction and supervisory control of the department.
- (c) Civil rights of prisoners are not restored, and when any prisoner violates rules or regulations, or is unable or unwilling to adequately perform their work, they may be returned without cause to the department.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

#### **170:10-5-4. Miscellaneous requirements**

(a) A prisoner may be terminated for any reason or no reason. Wages earned are considered a gratuity from the department. No prisoner has any property interest in the position or work being performed.

(b) Prisoners assigned to a public works project shall be considered on trusty status for purposes of escape. The limits of the place of commitment are extended under the special conditions of the prisoner public works project contract pursuant to 57 O.S., Section 510.1(A)(4).

(c) Public works agencies shall not be liable nor responsible for any tort liability or damages caused by the prisoners while working on the project. Sovereign immunity shall not be waived by any public works agency nor by the department.

(d) Technical supervision shall be provided by public works employees, and security supervision shall be provided by department personnel as designated by the facility head.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93; Amended at 11 Ok Reg 3137, eff 7-1-94]

#### **170:10-5-5. Medical and dental care**

The department shall be responsible for the cost of medical and dental health care needs of the prisoners including emergencies while assigned to the public works project.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

#### **170:10-5-6. Mediation and venue**

If any disputes or conflicts arise between the department and public works agency the parties may agree to mediation under the Oklahoma Dispute Resolution Act, 12 O.S., Section 1801 et seq, as amended. The parties shall agree to use reasonable diligence to resolve any dispute or conflict between them. Oklahoma County shall be the proper venue of any action which may be filed between the parties.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

#### **170:10-5-7. Governmental disclaimer**

No member of or delegate to the Oklahoma Senate or House of Representatives nor any member or delegate to the United States Congress, or officer of the state or federal government shall be admitted to nor personally benefit from any part of public works contracts.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

#### **170:10-5-8. Public immunity**

(a) The laws of the state of Oklahoma shall be applicable, and the state courts shall be the proper forum in which to resolve any legal action if mediation has failed.

(b) The Oklahoma Governmental Torts Claims Act Title 51 O. S., Section 151 et seq, shall be applicable to the contracts and agencies shall not be held responsible for the actions or inactions resulting in tortious conduct of prisoners in any forum or for the decision to place any person in any public works project as defined in 57 O.S., Sections 227 and 228.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

#### **170:10-5-9. Community work centers and prisoner public works contracts**

Community work centers created under 57 O. S., Section 563(B) shall be governed by this Chapter in the provision of prisoner labor.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

#### **170:10-5-10. Service and maintenance work for other state agencies, counties, and municipalities**

Inmates assigned to a state agency, or to county or municipal jail for service and maintenance work in which inmates are provided lodging, food, and personal expense money, shall be governed by this Chapter in the provision of such prisoner labor.

[Source: Added at 10 Ok Reg 2667, eff 7-1-93]

### **CHAPTER 15. PRIVATE PRISON CONTRACTOR COMPLIANCE MONITORING**

[Authority: 57 O.S., § 563.3]

[Source: Codified 7-1-93]

#### **SUBCHAPTER 1. GENERAL PROVISIONS**

##### **170:15-1-1. Purpose**

The rules in this Chapter establish the procedures and standards for the Oklahoma Department of Corrections to monitor and evaluate private prison contractors operating in the state who house inmates under the custody of the Oklahoma Department of Corrections, inmates from out of state jurisdictions and inmates in federal custody who are housed in private prisons.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05]

##### **170:15-1-2. Scope: initial point of contact**

Section E of 57 O.S., Section 563.3 requires the Oklahoma Department of Corrections to promulgate and adopt rules for the implementation of this section. This Chapter is concerned with:

- (1) Approval by the department of internal and perimeter security;
- (2) Adequate food, housing, and medical care in the private prisons;
- (3) Financial condition of the private contractor;
- (4) The ability of the private prison contractor to comply with American Correctional Association standards; and
- (5) Adequate insurance coverage to indemnify the state, its political subdivisions, and its officers, agents, and employees for expenses or losses incurred in intervening in the operation of the private prison, and to indemnify and hold harmless the state, its political subdivisions, its officers and employees for acts resulting in liability by inmates, officers, and employees of the private contractor or stockholders;
- (6) Requirement to obtain written authorization for operation of a private prison from the governing board of the municipality in which the facility is located or from the county commissioners if the facility is located outside a municipality;
- (7) Conducting FBI and OSBI felony record searches of all employees;

- (8) Provision for regular on site monitoring by the Oklahoma Department of Corrections Private Prison Administration unit for statutory, contractual and operational compliance. Access shall be unrestricted;
- (9) Collection of fees for monitoring compliance with statutory requirements;
- (10) The creation of a continuing compliance process and a process for closing the private facility for noncompliance.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05; Amended at 37 Ok Reg 1172, eff 9-11-20]

### **170:15-1-3. Definitions**

The following words or terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

**"Audit team"** means those persons who have been appointed to evaluate the private prison contractor on a quarterly and annual basis pursuant to these rules.

**"Contract Monitor"** means those persons who have been assigned to monitor compliance of the private prison contractors and to coordinate actions and communication between the department and the operator.

**"Department"** means the Oklahoma Department of Corrections, its facilities, divisions, offices, and institutions.

**"Director"** means the director of the Oklahoma Department of Corrections or designee.

**"Operating Standards"** means applicable federal, state and local laws, codes, regulations constitutional requirements, court orders, American Correctional Association and local standards, applicable Department of Corrections Policies.

**"Prisoner, offender, inmate, or supervisee"** means:

- (A) Any person who has been convicted of a felony and contracted to the housing, care, and control of a private prison contractor; and
- (B) Out of state or federal inmates who do not have a history of escape from maximum or medium security for adult facilities, as defined by Oklahoma law, and who do not have histories of rioting, and have not been convicted of a crime which would be a capital offense if committed in this state, or a sex-related offense, or who are sentenced to federal or state facilities for conviction of a misdemeanor, other than a sex-related offense, or who are under arrest or detained for federal felony or misdemeanor violations, or detained for a violation of immigration laws, within a facility owned or operated by the private prison contractor unless such incarceration in the facility is consistent with American Correctional Association requirements relating to incarceration of inmates convicted of more serious offenses, or unless subject to the exception made in 170:15-3-2 (I).

**"Private prison administration"** means the unit within the Oklahoma Department of Corrections assigned to exercise regulatory oversight of private prisons and private prison contractors.

**"Private prison contractor"** means:

- (A) A non-governmental entity or public trust, which pursuant to a contract with the Oklahoma Department of Corrections, operates an institution within the department or provides for the housing, care, and control of medium and or minimum security inmates and performs other functions related to said responsibilities within a



minimum or medium security level facility not owned by the department, but operated by the contractor, or from other state jurisdictions; or

(B) A non-governmental entity or public trust, which pursuant to a contract with the United States Government or another state, provides for the housing, care, and control of minimum or medium security inmates in the custody of the United States Government or another state, and performs other functions related to said responsibilities within a facility owned or operated by the contractor.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05]

### **SUBCHAPTER 3. MONITORING PROCESS**

#### **170:15-3-1. Compliance monitoring**

(a) The Department of Corrections private prison administration unit is responsible for establishing inspection standards for new and existing private prison facilities. The private prison facilities will be monitored for compliance to applicable state laws, contractual requirements, Department of Corrections operations memoranda, facility post orders and American Correctional Association standards. Compliance monitoring audits will be conducted on a quarterly and annual basis for each private prison facility housing Oklahoma inmates, out of state inmates and inmates in federal custody.

(b) Appointment. The private prison administrator shall appoint not less than three but not more than 15 qualified persons to the audit team to complete the preliminary audit within a reasonable amount of time not to exceed 60 days pursuant to this Chapter. The private prison administrator shall appoint a chairperson of the audit team who shall supervise the completion of the report. The private prison administrator may appoint a full and/or part time contract monitor for contract and non-contract private prison oversight.

(c) Duties and Responsibilities. The audit team, as directed, shall be responsible for preliminary audits, and shall conduct periodic monitoring audits of the performance and continued compliance of the private prison contractor with the provisions of these rules and the standards set forth in this Chapter.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05]

#### **170:15-3-2. Standards**

(a) The department shall use the latest American Correctional Association standards as amended and updated applicable statutes, codes, and procedures. The department audit team may function in compliance with audit team roles and responsibilities pursuant to the American Correctional Association protocol for audit teams.

(b) The private prison administration shall monitor and evaluate the internal and perimeter security of the private prison contractor to ensure adequate protection of the public. Criteria for evaluation will include, but not be limited to facility post orders, applicable Department of Corrections Operations memoranda and American Correctional Association security standards. Specific areas audited during preliminary and subsequent quarterly / annual inspections are listed below.

(1) Internal Security/Inmate Accountability Procedures

(A) Frequency of Counts

(B) Post Orders

- (C) Security Inspections
- (D) Key Control
- (E) Emergency Keys
- (F) Locking Mechanisms
- (G) Tool Control
- (H) Security Equipment
- (I) Inmate Physical Identification
- (J) Staff /Visitor Identification
- (K) Visitor Searches
- (L) Communication Devices
- (M) Contraband Control
- (N) Segregation Unit
- (O) Internal Patrols
- (P) Surveillance
- (Q) Intelligence program
- (2) External Security
  - (A) Security Sensing Devices
  - (B) Double Fences With Razor Wire Barriers
  - (C) Sensing Devices
  - (D) Perimeter and Emergency Lighting
  - (E) Sally Ports/Gates
  - (F) Video Surveillance
  - (G) Transportation
  - (H) External Patrols
  - (I) Armory
  - (J) Firearms/Chemical Agents
  - (K) Fence and Footing Construction
  - (L) Emergency Procedures

(c) The private prison administration shall monitor and evaluate the food, housing, and medical care provided to the inmates. Food service menus shall meet average daily requirements and be certified by a registered dietician. Health care shall be equivalent to community department standards. Annual inspections by local and state authorities shall be conducted by the Office of the State Fire Marshal, State Health Department, State Boiler Inspector and other State agencies, where applicable. These inspections and subsequent corrective action shall be monitored for compliance to approved plans of action.

(d) The private prison administration shall evaluate the private prison contractor to ensure sufficient, qualified personnel are able to deliver twenty-four hours care and supervision to the inmates, as well as administrative, treatment and support service personnel for the overall operation of the facility according to their staffing pattern, submitted and approved by the Department of Corrections.

(e) The audit team shall evaluate the financial condition of the private prison contractor to ensure that the private prison can be operated adequately.

(f) The audit team shall evaluate the private prison facility to ensure it has the capacity and ability to comply with court orders.

(g) The audit team shall evaluate the private prison facility to ensure it has the capacity and ability to comply with the American Correctional Association standards for accreditation within three years of commencing operation.

(h) The audit team shall evaluate and certify that the private prison contractor has sufficient insurance to indemnify and reimburse the state or political subdivision for expenses arising from any incident which may occur that requires intervention

by the state or political subdivision, and in addition to indemnify this state, its officers, and employees, for any liability or other loss, including property damage, judgments, costs, attorney fees, or other expenses arising from the operation of the facility. If the private prison contractor operates more than one facility, separate insurance coverage shall be obtained or provided for each facility.

(i) The audit team shall evaluate and certify that the private prison contractor has, regardless of insurance or other indemnification, agreed to hold harmless this state and its officers and employees, for any and all acts of prison inmates, and/or officers, employees, and stockholders of such private prison contractor for any liability arising out of acts of prison inmates, officers, employees, and stockholders of the private prison contractor in relation to the operation of the facility.

(j) The audit team shall certify that written authorization for the private prison has been received from the governing board of the municipality or board of county commissioners, as applicable, where the prison is to be located. Furthermore, the authorizing authority, shall certify the prison location is more than one mile from the nearest public or private elementary school or secondary school.

(k) The audit team shall certify that felony record searches will be conducted before employment for new employees, and yearly thereafter for current employees.

Searches will be based upon fingerprints and shall be conducted through the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation.

(l) The process for determining security classification level of inmates as referenced in 57 O.S., Section 563.2.J shall be those found in the department operations policies and memoranda security and classification sections. Copies of the operations policy and memoranda may be obtained from the Department of Corrections web site, [www.doc.state.ok.us](http://www.doc.state.ok.us). A private prison contractor operating a facility on January 1, 2004, at twenty-five percent (25%) or less capacity may contract with the federal government or another state to provide housing, care and control of minimum or medium security level inmates provided the facility would be allowed to house the same type of inmates if contracting with this state.

(m) The private prison administration shall review and evaluate instruction and training of personnel authorized to use firearms, pursuant to Title 70 Section 3311, in the performance of their duties and responsibilities. The training must follow the approved Council of Law Enforcement Education and Training guidelines.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05]

### **170:15-3-3. Preliminary audit**

(a) Within two months of commencing operations, a private prison contractor, shall notify the director and request a preliminary audit to determine whether commencing operations of the new private facility constitutes a threat to the public safety. If the audit finds deficiencies which constitute a threat to the public safety, the Director shall notify the private prison contractor of intentions to order the facility to cease operations within 60 days of receipt of the notice of intent, unless the deficiencies are remedied.

(b) The private prison contractor, upon receiving notice from the director of an intention to order a cessation of operations, may appeal and prepare a plan to correct the deficiencies within the 60 day notice period. If no plan is submitted and/or the deficiencies are not corrected within the 60-day notice period, the director may order a private prison contractor to cease operations within 30 days after receipt of the notice to cease. Any order of the director to cease operations shall be enforced by injunction issued by a district court of this state. Any and all such legal costs of procuring and enforcing such order shall be assessed against the

private prison contractor.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05]

#### **170:15-3-4. American Correctional Association audit**

(a) The private prison contractor shall stipulate in its accreditation audit contract a requirement that the Commission on Accreditation of the American Correctional Association notify the director within ten days of its final determination on accreditation. If denied, the director shall, within five days, send notice to the private prison contractor to cease its operations within 30 days.

(b) Any order of the director to cease operations shall be enforced by injunction issued by a district court of this state. Any and all such legal costs of procuring and enforcing such order shall be assessed against the private prison contractor.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05]

#### **170:15-3-4.1. Annual Compliance audits**

(a) The private prison administrator shall appoint an audit team of up to 15 persons to conduct an annual audit of the performance and continued compliance of a contractor with the provision of rules and standards as set forth in OS 57.563.2 and OS 57.563.3 and with the facility operational plan. The department will utilize the Standards for Adult Correctional Institutions as amended and published by the American Correctional Association, applicable Department of Corrections operations memoranda, contractual requirements and pertinent state statutes.

(b) Private contractors will prepare corrective action plans for deficiencies found by the audit team. The private prison administrator will monitor corrective action plans for completion within time frames established in the approved corrective action plan.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

#### **170:15-3-5. American Correctional Association accreditation**

Every private prison contractor shall, at its own expense, take steps to achieve accreditation by the Commission on Accreditation for Corrections of the American Correctional Association standards. Accreditation shall be achieved within three years of commencing operation and must be maintained (S/S 57-561.1.).

(1) The private prison shall be accredited as to the type of facility it is operating. If the facility is a jail, then the standards applicable to jails shall be used. For prisons, the standards applicable to institutions shall be utilized.

(2) The private prison contractor shall notify the director when an audit by American Correctional Association has been scheduled and shall send a copy of the American Correctional Association audit team report to the director within five working days of receipt of the final report.

(3) The private prison contractor shall notify the director within five working days of receiving the final action by the Commission on Accreditation.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05]

### **SUBCHAPTER 5. APPEAL OF AUDITS**

#### **170:15-5-1. Appeal and review of department audits**

- (a) The department audit team shall submit a report of its findings and recommendations to the private prison contractor and the director.
- (b) The private prison contractor shall have 30 days in which to review the audit report and appeal any findings or conclusions in writing to the private prison administrator. The private prison administrator, after consultation with the Deputy Director of Operations Support, shall review any appeals and render a decision, which shall be final, as to the findings and conclusion of the audit team. The provision of rule 170:15-3-3 shall apply.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05]

## **SUBCHAPTER 7. COSTS**

### **170:15-7-1. Costs for monitoring activities**

- (a) The department shall charge the private prison contractor for costs incurred in conducting the preliminary and annual audit for monitoring compliance with the requirements of 57 O.S. Section 563.3, (A)(1) and (2).
- (b) The department shall charge the private prison contractor for costs incurred in monitoring compliance with state statutes.
  - (1) Costs shall include, but not be limited to:
    - (A) The salary of monitoring team members;
    - (B) Per diem (if any) for the team members;
    - (C) Operational costs associated with the preparation and publication of their report;
  - (2) The department shall submit an invoice or statement to the private prison contractor for costs incurred listing the line item costs and total.
  - (3) The private prison contractor shall reimburse the department within 30 days of receipt of the invoice or statement.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93; Amended at 22 Ok Reg 2350, eff 7-11-05]

### **170:15-7-2. Costs for training**

The department may contract with the private prison contractor to provide training for the private prison staff. The costs incurred for the training shall be borne by the private prison contractor. Such costs may include, but shall not be limited to, room and board, costs of supplies, such as ammunition, paper, pencils, testing media, and other administrative costs required to present the training, as agreed to between the parties.

[Source: Added at 10 Ok Reg 2669, eff 7-1-93]

### **170:15-7-3. [RESERVED]**

[Source: Reserved at 22 Ok Reg 2350, eff 7-11-05]

### **170:15-7-4. Loss of services**

- (a) If at any time during the contract period the contractor does not provide services as listed in the contract, the contractor shall be notified in writing by the private prison administrator to remedy the failed sections of the contract. Failure shall be based upon documented evidence obtained through contract monitor inspections, statutory compliance, contractual agreements, American Correctional Association Standards, State Health Department regulations and Office of the State Fire Marshal regulations.

(b) In the event the Department of Corrections expends funds to provide services, which the contractor has failed to provide, the Department of Corrections may recover the funds by assessing fees for the loss of services. The fees assessed will not exceed actual expenses. An invoice or statement shall be submitted to the contractor for costs incurred listing the line item costs and total.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

#### **170:15-7-5. Liquidated damages**

In the event of non-compliance by the private prison contractor to adhere to the provisions of the contract, the Department of Corrections may assess liquidated damages for each day the breach of contract remains unresolved.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

### **SUBCHAPTER 9. PRIVATE PRISON CUSTODY**

#### **170:15-9-1. Federal and out of state inmates**

(a) A private prison contractor under the provisions of OS 57-563.2. may be approved to house inmates under federal jurisdiction or inmates from an out of state jurisdiction.

(b) The State of Oklahoma shall not assume jurisdiction or custody of federal or out of state inmates.

(c) If an inmate is to be released, discharged, placed on probation or paroled, the sending state or federal jurisdiction will make arrangements to transfer the inmate back to the respective legal authority.

(d) Federal inmates or inmates from out of state shall not be allowed to leave the premises of the facility except to comply with a court order, receive medical care or work in approved minimum-security public works projects. To gain approval of minimum-security public works projects, contractors must follow the conditions listed below.

(1) The public works project is in or adjacent to the county or municipality in which the facility is located.

(2) Security procedures will ensure the safety of the public and the Department of Corrections has approved the procedures. Complete security procedures including post orders, supervision requirements, and transportation procedures will be reviewed by the Department of Corrections prior to approval of minimum-security work crews operating in the community or outside private prison property.

(3) The Department of Corrections and county or municipal authorities approve the public works project.

(4) The private contractor has procured and has in force liability insurance in the amount of \$1,000,000 per incident. This liability insurance shall cover any loss resulting in participation in said project for any injuries occurring to inmates or employees.

(5) Use of federal inmates for public works projects will be in strict compliance with the provisions of Section 4002 of Title 18 of the United States Code and other applicable provisions of federal law.

(e) Unless federal custody status is specified, security level restrictions shall refer to the security level restrictions applicable to inmates in institutions within the Department of Corrections, as determined by policy of the Department of Corrections, unless the Department of Corrections approves more restrictive levels

of security as prescribed by the private prison contractor. Private prison contractors housing federal inmates or inmates of another state shall be bound by department approved security level classifications.

(f) A private prison contractor shall not house inmates from this state with federal inmates or inmates from another state, unless segregated or otherwise housed in such a manner as to satisfy the Director of the Department of Corrections.

(g) A private prison contractor housing federal inmates or inmates of another state shall not accept any of the following inmates except as provided for in statute:

(1) An inmate who would be incarcerated in the facility for conviction of a misdemeanor, unless incarceration in the facility is consistent with

American Correctional Association requirements and as determined by Oklahoma Department of Corrections Sentence Administration.

(2) Any maximum-security level inmate as determined by Department of Corrections classification standards.

(3) Any inmates with an escape history.

(4) Any inmate with a capital conviction.

(5) Any inmate with a sex-related conviction.

(h) This state shall not be liable for loss resulting from the acts of such inmates, employees, officers, citizens or other individuals nor shall this state be liable for any injuries to the inmates.

(i) The private prison contractors shall be responsible for all costs and expenses arising from legal actions against the state of Oklahoma including court costs, sheriff mileage fees, witness fees, district attorney expenses, expenses of the office of Attorney General, Legal Division of the Oklahoma Department of Corrections, indigent or public defender fees and costs, judicial expenses, court reporter expenses and any other costs, fees or expenses associated with the proceedings or actions.

(j) Section 2 of Article 73 of the Oklahoma Constitution limits the use of inmate labor by agencies or sources other than the Oklahoma Department of Corrections to PPW and makes violation of this law a crime. Private prison contractors shall submit inmate work plans to the Private Prison Administration to review for compliance with this law.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

#### **170:15-9-2. Private prison personnel**

(a) A private prison contractor will not employ any personnel convicted of a felony if the person has been incarcerated in the private prison facility for which an application for employment is being considered; however a private prison contractor may employ personnel convicted of drug-related felonies who have completed a drug or other substance abuse program, deemed rehabilitated and free from supervision a minimum of one year to provide substance abuse programming for inmates of the facility.

(1) Ex-offender status will not prevent employment unless prohibited by law.

(2) Prior to appointment of an ex-felon, written approval must be obtained from the director.

(b) A felony record search of fingerprints of the employee or prospective employee of the private prison contractor will be required. The search will be based on fingerprints and will be conducted by the Federal Bureau of Investigation and Oklahoma State Bureau of Investigation. The contractor will maintain the search records of each employee as long as the employee works for the contractor. The

personnel records and background investigation records will be subject to inspection by the Department of Corrections.

(c) Any personnel of a private prison facility, except any person convicted of a felony offense, shall be authorized to carry and use firearms while in the performance of their official duties only after completing training approved by the Department of Corrections. Private prison training plans must be previously approved and must follow the Council of Law Enforcement and Education Training (C.L.E.E.T.) lesson plan and be taught by a certified C.L.E.E.T instructor. Such personnel shall only be authorized to use firearms for the following purposes:

- (1) To prevent escape from the facility or from custody while being transported.
- (2) To prevent an act which would cause death or serious bodily injury to any person.
- (3) If an inmate escapes from the facility, the Department of Public Safety, county sheriff, city police department and the private prison administration officer will be notified immediately.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

### **170:15-9-3. Personnel qualifications**

The private prison contractor shall designate employee positions for each job task required to operate the facility. The qualifications for each employee position shall have the same minimum qualifications or requirements as in comparable Office of Personnel management positions for the Department of Corrections.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

## **SUBCHAPTER 11. PRIVATE PRISON CONTRACT APPLICATION**

### **170:15-11-1. Private prison contract application**

(a) Title 57 Section 561 authorizes the Department of Corrections under the auspices of the Board of Corrections to contract with private prison contractors for the operation of a prison. The process of contracting for a prison is described below.

(b) Services expected from a private prison are more extensive than expected from a typical contract jail or detention facility. Private prisons shall include provisions for:

- (1) American Correctional Association accreditation
- (2) Accounting of inmate funds
- (3) Approved dietary regiment
- (4) Canteen/Commissary Services
- (5) Case management/classification services
- (6) Counseling services
- (7) Disciplinary process
- (8) Religious services
- (9) Law library, access to courts
- (10) Outdoor recreation
- (11) Programs (e.g., rehabilitative, substance abuse)
- (12) Health Services including medical, mental health, dental
- (13) Laundry/Clothing/Property
- (14) Transportation



- (15) Mail/Legal Mail
- (16) Religious Services
- (17) Security and Control
- (18) Visitation
- (19) Records Management/Sentence Computation
- (20) Work Activities
- (21) Library
- (22) Drug Testing
- (23) Education (e.g. literacy, GED Vo-Tech)
- (24) Quality Assurance Plan
- (25) Emergency Procedures
- (26) Any other services listed specifically in the agreement

(c) Prospective vendors will complete an application packet containing all of the basic elements listed above for submission to the private prison administrator. The application will be evaluated and maintained in a comprehensive file. Applications will be purged from the comprehensive file after one year.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

#### **170:15-11-2. Request for proposal**

(a) The private prison administrator shall develop a Request for Proposal (RFP), which contains a statement of purpose and defines the need for the proposed contract. When finalized, the RFP shall be mailed to qualified vendors. Returned applications will be evaluated and maintained in a comprehensive file. The private prison administration unit will maintain the comprehensive file listing qualified vendors.

(b) The private prison administration unit in the Operations Support Division and Department of Corrections' Legal Division shall prepare a contract draft which best serves the needs of Oklahoma, striving for lowest cost, best service and protection of the public, employee and offender.

(c) Upon approval of the bids by the Board of Corrections, contracts will be finalized with the private prison contractors that have met and agreed to all statutory, board and department standards as stipulated in the RFP. The director or the director's designee shall notify the successful vendor of the approval of the contract upon final review and certification by the Department of Central Services.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

### **SUBCHAPTER 13. PRIVATE PRISON EMERGENCY PLANS**

#### **170:15-13-1. Development of emergency plans**

Each private prison contractor shall prepare emergency plans that address facility riots, disturbances, natural disasters, escapes, hostage situations, job actions or walkouts, and utility failures. The emergency plans must be submitted for review and approval to the private prison administration unit thirty (30) days prior to the date that the contract is signed. Revisions, if required, must be enacted before commencement of operations.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

#### **170:15-13-2. Emergency response**

(a) In the event of a serious incident as defined by the Department of Corrections policy, personnel from the facility shall immediately inform the Department of

Corrections if there is any riot or other serious incident, or if an inmate escapes. The Department of Corrections shall be directed to respond on behalf of the public safety of this state.

(b) The Department shall charge the private prison contractor for the costs incurred as a result of investigation and responding to serious incidents at private prisons.

(c) Reasonable force may be used as required and as authorized by applicable law and pursuant to applicable Department procedures.

(1) The contractor will comply with department policy regarding use of force and serious incidents as to the definition of serious incident notification, and reporting.

(2) The contractor will notify the private prison administration duty officer immediately by telephone of all serious incidents and will e-mail or fax copies of all serious incident reports prepared as required by department policy.

(3) The contractor shall establish a serious incident report log that shall reflect every serious incident report number, incident date, and a brief summary of the contents of the incident reports. A copy of the incident log will be provided to the private prison administrator monthly. The private prison administrator will have access to all investigative reports in regard to serious incidents.

(d) All private prisons in Oklahoma shall prepare a written mutual aid agreement between the private prison facility and state and local entities to include the Department of Corrections. Specific Department of Corrections facilities shall be designated to provide support in the event of a riot, escape, other serious incident, and emergency situation.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

### **170:15-13-3. Departmental emergency response reimbursement**

Any emergency response, to include serious incident investigation, provided by the Oklahoma Department of Corrections and/or state and/or local law enforcement agencies will be at the sole expense of the private prison contractor/operator. Each responding agency will submit a written invoice detailing costs incurred which will be paid within 30 days of receipt by the private prison contractor/operator.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05; Amended at 37 Ok Reg 1172, eff 9-11-20]

## **SUBCHAPTER 15. INDEMNIFICATION AND INSURANCE**

### **170:15-15-1. Indemnification and insurance**

(a) The Contractor must have adequate insurance coverage to indemnify the state, its political subdivisions, and its officers, agents, and employees for expenses or losses incurred in intervening in the operation of the private prison, and to indemnify and hold harmless the state, its political subdivisions, its officers and employees for acts resulting in liability by inmates, officers, and employees of the private contractor or stockholders.

(b) The private contractor shall be responsible for all claims arising from the provisions of the individual contracts. Claims shall be defined as:

(1) Any breach or default by the owner/operator in performance of the contract.

(2) Claims or losses for services rendered by the owner/operator.

- (3) Claims or losses to any person injured or property damage.
  - (4) Claims or losses by any person or firm injured or damaged by the owner/operator.
  - (5) Failure by the owner/operator, agents, or employees to observe the Constitution or laws of the United States and the State of Oklahoma.
- (c) The owner/operator shall continuously maintain and pay for such insurance and shall protect the owner/operator, the state, the department and the board, officer, agents and employees in accordance with paragraph D.
- (d) Prior to service commencement date and upon annual renewal the owner/operator shall provide insurance policies and endorsements to the private prison administration unit evidencing insurance coverage for review. The private prison administration unit will forward documentation to the Risk Management administration for evaluation. Insurance coverage shall cover the following types and amounts:
- (1) Workmen's compensation insurance approved by the State Worker's Compensation Board with coverage limit of \$1,000,000 for each accident or disease per employee with a \$5,000,000 annual aggregate.
  - (2) Comprehensive General Liability, Civil Rights Violation Liability and Medical Malpractice/Professional Liability coverage in an amount not less than \$1,000,000 for each occurrence with an annual aggregate of \$2,000,000 with a total umbrella of \$5,000,000.
  - (3) Automobile and other vehicle liability insurance in an amount not less than \$1,000,000 per accident or occurrence.
  - (4) Business interruption insurance in the amount of \$7,000,000.
  - (5) Fire, with uniform standard extended coverage, endorsements including damage, destruction hazard insurance and vandalism and malicious mischief, riot and insurrections insurance in a coverage amount equal to the replacement value of the facility.
  - (6) All policies and certificates of insurance shall not be canceled, reduced or allowed to lapse unless and until the State has received at least ten days written notice.
- (e) The State shall have the right, but not the obligation, to advance money to prevent the required insurance from lapsing for nonpayment of premiums. If the State advances such amount, the owner/operator shall be obligated to repay the State the amount of any advance plus interest at the maximum legal rate. The State shall set off and deduct such amount from any amounts owed to the owner/operator. No election to advance money to pay insurance premiums shall be deemed to cure default by the owner/operator of its obligation to provide insurance.
- (f) At least thirty days prior to each policy anniversary date, the owner/operator shall provide the private prison administration unit with renewal information and any changes in coverage.

[Source: Added at 22 Ok Reg 2350, eff 7-11-05]

## **CHAPTER 20. COMMUNITY WORK CENTERS**

[Authority: 57 O.S., § 563]

[Source: Codified 7-1-93]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **170:20-1-1. Purpose**

The rules of this Chapter set forth the procedures for the establishment of community work centers.

[Source: Added at 10 Ok Reg 2673, eff 7-1-93; Amended at 11 Ok Reg 3139, eff 7-1-94]

### **170:20-1-2. Scope**

The Oklahoma legislature authorized the Oklahoma Department of Corrections to establish community work centers in locations where there is a need to provide inmate labor for public works projects. 57 O.S., Section 563.B.

[Source: Added at 10 Ok Reg 2673, eff 7-1-93]

### **170:20-1-3. Definitions**

The following words or terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

**"Base costs"** mean those costs actually agreed to between the department and the public agency pursuant to this chapter.

**"Board of Corrections"** means the seven-member board appointed by the Governor which is responsible for governing the Department of Corrections. The board's responsibilities include establishing and reviewing the department's policies and operations.

**"Community"** means any city, town, or county in Oklahoma.

**"Community work center"** means a Department of Corrections community corrections level facility which houses no more than 150 inmates to perform public works projects.

**"Consensus"** means an agreement reached when all members of the group are willing to support the recommendations made because the process used for making the recommendations was understandable and executed fairly and consistently.

**"Department"** means the Oklahoma Department of Corrections, its facilities, divisions, and offices.

**"Director"** means the director of the Oklahoma Department of Corrections or designee.

**"Fiscal year"** means the state of Oklahoma's fiscal year beginning July 1 and ending June 30 of every year.

**"Inducements"** mean money, equipment, buildings, services, etc., offered to supplement the site proposal.

**"Net costs"** mean those costs for construction, start-up, and yearly operating costs less inducements.

**"Prisoner"** means any person who is under the custody and control of the Oklahoma Department of Corrections who is not a threat to public safety nor who has escaped or has attempted to escape from a correctional institution or facility within the last ten years, as affirmed by the department.

**"Public agency"** means any state agency or subdivision thereof, municipality, county, town, the United States or any subdivision or agency thereof whose governing body or empowered authority has requested in writing a public works project.

**"Public purpose or benefit"** means a purpose or benefit affecting the inhabitants or constituents of the public agency utilizing the inmate labor, as a group, and not merely as individuals, and whose work will be essentially public and for the general good of the inhabitants or constituents of the public agency. The purpose of the work performed will be to aid and assist the public agency in the exercise of a governmental function including the eradication of graffiti on public

buildings as defined in 57 O.S., Section 222, B.1.

**"Public works project"** means a project that has been determined by the director or designee to be necessary for the public well-being and conducive to rehabilitation of participating prisoners. Public works projects will also mean any prisoner or inmate work release program.

**"Selection committee"** means the cross-functional committee formed to oversee the selection process and make recommendations to the director. The committee will include representation from the Board of Corrections and departmental representatives to include the deputy director of Community Corrections or designee and representatives from Finance and Accounting, Information Technology, Institutions, and Treatment and Rehabilitative Services division.

**"Support costs"** mean indirect costs such as transportation of inmates and goods to and from the facility, information support costs, staff travel costs, etc., the Department of Corrections will have to bear.

[Source: Added at 10 Ok Reg 2673, eff 7-1-93; Amended at 11 Ok Reg 3139, eff 7-1-94; Amended at 11 Ok Reg 4453, eff 7-21-94 through 7-14-95 (emergency); Amended at 24 Ok Reg 2709, eff 7-26-07]

### **SUBCHAPTER 3. APPLICATION AND APPROVAL**

#### **170:20-3-1. Application for establishment**

To be considered for a community work center site, a community will submit a proposal to the selection committee of the Oklahoma Department of Corrections. The site will not be considered unless the following prerequisites are met:

- (1) Site selection determined. A decision shall be made on the actual structure to house the work center. The structure shall be owned by the government entity or shall be prior to signing of the work center contract. A copy of ownership proof or an explanation of when and how ownership shall occur shall be provided.
- (2) Community acceptance. The level of community acceptance will not be rated; however, the department's regional directors will advise the selection committee as to their judgements regarding community acceptance of a community work center. The site will not be considered unless the community is predominantly accepting of the facility.
- (3) Physical adequacy. The site must be adequate to support the facility (perimeter security, sizes and types of buildings, utilities, water, sewage, and grounds), as determined by the department's chief of Construction.
- (4) Volunteer resources. Potential volunteer resources and ability to assist with volunteer recruitment and retention for services to staff and inmates shall be provided.
- (5) Recreational resources. Information regarding potential recreational activities and facilities for inmate use and description of any indoor or outdoor recreational possibilities at the work center site shall be provided.
- (6) Capacity. The site will be capable of supporting a facility with at least a 25-bed capacity, not to exceed a 150-bed capacity.
- (7) Availability of emergency medical services. There will be adequate emergency medical services available, as determined by the department's health services coordinator.

[Source: Added at 10 Ok Reg 2673, eff 7-1-93; Amended at 11 Ok Reg 3139, eff 7-1-94; Amended at 11 Ok Reg 4453, eff 7-21-94 through 7-14-95 (emergency); Amended at 24 Ok Reg 2709, eff 7-26-07]

### **170:20-3-2. Selection criteria**

Proposals which comply with all prerequisites will be further evaluated using a system of weighted criteria. Sites will receive a rating on each criterion, which will then be multiplied by its weight to determine the score.

(1) Net costs. Cost is the most important criterion and carries a weight of seven. The proposal will include sufficient information for the department to estimate first and subsequent year rent, start-up cost, and operating cost. If the community can offer any inducements, the inducements will be clearly stated along with estimates of their value. The department will verify estimates. Inducements will not be considered unless there is proof that they will be forthcoming. The department will calculate the net present value of the costs of each site, less inducements, for a ten year period. The site with the lowest net present value will receive the highest rating. The site with the highest net present value will receive the lowest rating. The sites in between will be rated proportionately to their position on the range continuum.

(2) Support costs. The support costs criterion carries a weight of two. Judgements will be made whether the support costs are low, medium, or high. Low will carry a rating of ten; medium a rating of five; and high a rating of zero.

(3) Inmate jobs. The inmate jobs criterion carries a weight of two. All proposals will have sufficient public works potential for a 150-bed community work center. Some sites may be able to employ more inmates full-time than others. Sites will be rated proportionately according to the number of full-time jobs projected to be available.

(4) Impact of work. The impact of work criterion carries a weight of three. To be considered, sites must provide adequate prisoner public works opportunities. However, some sites may provide better or worse opportunities than average. Due to the nature of this criterion, judgements will be made whether the projects are superior, good, or fair. Superior will carry a rating of ten, good a rating of five, and fair a rating of zero.

(5) Number of Department of Corrections facilities in the area. The number of Department of Corrections facilities in the area criterion carries a weight of two. A radius will be determined with which to evaluate proximity. Sites further removed from Department of Corrections facilities will receive higher ratings than sites closer to Department of Corrections facilities.

(6) Department of Corrections budget in the site area. The Department of Corrections budget in the site area criterion carries a weight of two. Using the same radius as indicated in 170:25-3-2 (5) of this Chapter, the total department budget for correctional facilities in each site area will be calculated. Proportional ratings will then be assigned to each site with the lower values receiving higher ratings.

[Source: Added at 10 Ok Reg 2673, eff 7-1-93; Amended at 11 Ok Reg 3139, eff 7-1-94; Amended at 11 Ok Reg 4453, eff 7-21-94 through 7-14-95 (emergency); Amended at 24 Ok Reg 2709, eff 7-26-07]

### **170:20-3-3. Approval process [REVOKED]**

[Source: Added at 10 Ok Reg 2673, eff 7-1-93; Revoked at 11 Ok Reg 3139, eff 7-1-94]

### **170:20-3-4. Inspections [REVOKED]**

[Source: Added at 10 Ok Reg 2673, eff 7-1-93; Revoked at 11 Ok Reg 3139, eff 7-1-94]

#### **170:20-3-5. Staffing pattern [REVOKED]**

[Source: Added at 10 Ok Reg 2673, eff 7-1-93; Revoked at 11 Ok Reg 3139, eff 7-1-94]

#### **170:20-3-6. Requests for proposal**

The Department of Corrections will issue a request for proposal which will have clear definitions of the prerequisites and selection criteria outlined in 170:20-3-1 and 170:20-3-2 and information required for rating each site. Requests for proposal will be distributed to any community expressing an interest in competing for a community work center. Communities will be given adequate amount of time to prepare their proposals.

[Source: Added at 11 Ok Reg 3139, eff 7-1-94]

#### **170:20-3-7. Review and evaluation of proposals**

The site selection committee will review all proposals submitted by the due date. Once proposals have been received, there will be no further contact with submitters except to clarify information. The committee will not solicit additional information if a proposal is incomplete. Sites will be visited only if necessary to obtain technical information related to construction and operating costs or to verify inducements. All proposals will remain confidential.

[Source: Added at 11 Ok Reg 3139, eff 7-1-94]

#### **170:20-3-8. Selection of sites for final consideration**

Should two or more sites have scores that are fairly close, the selection committee will review their overall merits and if possible pick one to recommend to the director. An effort will be made to achieve consensus. The director will review the committee's recommendation before making a selection. The director's selection must be approved by the Board of Corrections before it becomes final. However, the final recommendation or selection need not be based solely on the highest rated proposal but based on the best interests of the Department of Corrections.

[Source: Added at 11 Ok Reg 3139, eff 7-1-94; Amended at 11 Ok Reg 4453, eff 7-21-94 through 7-14-95 (emergency)]

### **SUBCHAPTER 5. PRISONER PUBLIC WORKS CONTRACT ADMINISTRATION**

#### **170:20-5-1. Contract [REVOKED]**

[Source: Added at 10 Ok Reg 2673, eff 7-1-93; Revoked at 11 Ok Reg 3139, eff 7-1-94]

#### **170:20-5-2. Mediation and venue**

If any disputes or conflicts arise between the department and public agency, the parties may agree to mediation under the Oklahoma Dispute Resolution Act, as amended. The parties shall agree to use reasonable diligence in resolving any disputes. Oklahoma County shall be the proper venue of any action which may be filed between the parties.

[Source: Added at 10 Ok Reg 2673, eff 7-1-93]

#### **170:20-5-3. Governmental disclaimer**

No member of or delegate to the Oklahoma Senate or House of Representatives nor any member or delegate to the United States Congress, or officer of the state or federal government shall be admitted to nor personally benefit from any part of public works contracts.

[Source: Added at 10 Ok Reg 2673, eff 7-1-93]

#### **170:20-5-4. Public immunity**

(a) The laws of the state of Oklahoma shall be applicable and the state courts shall be the proper forum in which to resolve any legal action mediation has failed to resolve.

(b) The Oklahoma Governmental Tort Claims Act Title 51 O. S. Section 151 et seq. shall be applicable to the contracts, and public works communities shall not be held responsible for the actions or inactions resulting in tortious conduct of prisoners in any forum or for the decision to place a prisoner in any public works project as defined in 57 O.S., Sections 227 and 228.

[Source: Added at 10 Ok Reg 2673, eff 7-1-93]

## **CHAPTER 25. COMMUNITY SENTENCING**

[Authority: 22 O.S., §§ 1 et seq. and §988.1 et. seq.]

[Source: Codified 9-13-99]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **170:25-1-1. Purpose**

The rules of this chapter will establish the procedures for implementation of the Oklahoma Community Sentencing Act.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99]

#### **170:25-1-2. Scope**

The Oklahoma Community Sentencing Act provides for a statewide community sentencing system developed through local community sentencing systems. Each local community sentencing system will develop its own plan. The local community sentencing systems are established by local community sentencing planning councils. The scope of the rules of this chapter is to provide standards for the local community sentencing system planning councils to develop and implement a plan for a local community sentencing system for correctional punishment and treatment of eligible felony offenders and to provide standards for the operations of local sentencing systems.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99]

#### **170:25-1-3. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Assessment"** means an objective evaluation instrument validated for Oklahoma offenders designed to predict an offender's risk for reoffending and to identify service needs.

**"Department"** means the Oklahoma Department of Corrections.

**"Deputy Director"** means the Deputy Director, Community Sentencing Division, within the Oklahoma Department of Corrections.



**"Division"** means the Community Sentencing Division, within the Oklahoma Department of Corrections.

**"Local Planning Council"** means the single or multi-county local community sentencing system planning council.

**"Local System"** means the local community sentencing system that is compiled of one or more counties defined by the district judges to use public and private entities to deliver services to the court for punishment of eligible felony offenders receiving a community sentence.

**"Plan"** means the local system plan designed and approved by the Deputy Director, Community Sentencing Division, that describes the services and sanctions of a local community sentencing system and the funding requested for administration and operation of the system.

**"Plan Year"** means the fiscal year in which services and sanctions are provided to offenders sentenced to a community sentence.

**"Local Administrator"** means an employee of the Community Sentencing Division responsible for assisting the local planning system in the administration and operation of the system.

**"Moderate Range"** means the middle range of an objective assessment instrument using scores validated for Oklahoma offenders.

**"Supervision Plan"** means a report compiled from an assessment and other objective information presented to the court prior to sentencing to identify an appropriate community punishment.

**"Systemwide"** means the statewide community sentencing system comprised of a network of local community sentencing systems.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 17 Ok Reg 3333, eff 9-11-00]

#### **170:25-1-4. Funding method**

The Deputy Director, Community Sentencing Division, will submit to the Legislature a statewide budget based upon all Local Planning Council budgets. In the event appropriations are insufficient to meet all of the requested budgets, the Deputy Director will allocate a percentage of the funds made available by the legislature to each local sentencing system. Funds will be disbursed based on data reflecting local and statewide felony convictions, the characteristics of offenders receiving a community sentence and the sentencing practices of the courts.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 20 Ok Reg 2334, eff 7-11-03]

### **SUBCHAPTER 3. APPLICATION AND APPROVAL**

#### **170:25-3-1. Submission of local plan**

(a) When a Local Planning Council is established, the chairman will notify the Division in writing of the names, addresses, and occupations of the members, and such other information as the Division may require. Multi-county planning councils will advise the Division of the geographic areas contained within their local system. The Local Planning Council will notify the Division in writing of any changes in membership or geographic area.

(b) Each Local Planning Council will submit a copy of its local rules and procedures to the Division prior to submission of the plan.

(c) Each Local Planning Council seeking funds will submit a detailed Plan to the Division on or before February 1 of each fiscal year. The Deputy Director will prescribe the format for the Plans. The Plan format will allow Planning Councils to

demonstrate conformance with the goals and funding priorities for the Community Sentencing Act.

(d) Any Plans requiring more funding than is allocated to the Local System will be returned to the Local Planning Council for modification in accordance with funds available. The Division will notify the Local Planning Council within 45 days of any recommended modifications.

(e) Plans which do not include all information required by law, or which do not comply with the format prescribed by the Deputy Director, or to the goals and provisions of the Community Sentencing Act will be returned to the Local Planning Council for modification.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 17 Ok Reg 3333, eff 9-11-00; Amended at 20 Ok Reg 2334, eff 7-11-03]

#### **170:25-3-2. Request for capital expenditures**

(a) Requests for allowable capital expenditures in support of the Local System will be made by a request which is separate from the Plan.

(b) Requests for capital expenditures will be made in a format prescribed by the Deputy Director and will include information sufficient to identify the purpose and need for such expenditures.

(c) Requests for capital expenditures will be made at the time the Plan is submitted. Requests not granted will not be carried forward to the next Plan Year.

(d) The Division will make a separate budget request to the Legislature for capital expenditure requests. No capital expenditures will be approved without the approval of the Legislature.

(e) Purchases for capital expenditures will be in accordance with the provisions of the Oklahoma Central Purchasing Act.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99]

#### **170:25-3-3. Departmental evaluation, additional criteria, and onsite evaluation**

(a) The Local Planning Council and all service providers contracting for services pursuant to the Plan will maintain records relating to community sentence offenders and will make such records available to the Department for the purpose of inspection, evaluation, and audit.

(b) Service providers contracting for the provision of services for community sentence offenders pursuant to the Plan will allow Division representatives to inspect the premises of any establishment providing services and allow access to employees, offenders, and offender records for the purpose of evaluating services provided.

(c) Local Planning Councils and service providers will obtain any necessary waivers from offenders to allow the Division to evaluate services provided.

(d) Public, private, and non-profit agencies entering into agreements to provide services, sanctions, housing, and confinement to community sentence offenders will meet all legal requirements mandated by local, state, and federal authorities to ensure the health, safety and welfare of community sentence offenders.

(e) Records of inspections, audits, certification, and licensure of staff that affects the health, and safety, and welfare of offenders will be made available to the Division for review.

(f) Service providers who have demonstrated deficiencies in services or facilities will be reported to the Deputy Director by the local administrator. The Deputy Director will advise the Local Planning Councils and the service provider of any deficiencies and require corrective action or termination of the contract if the

health, safety, or welfare of community sentence offenders is in jeopardy.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 17 Ok Reg 3333, eff 9-11-00; Amended at 20 Ok Reg 2334, eff 7-11-03]

#### **170:25-3-4. Continuing existing programs**

- (a) Local Planning Councils may include existing county funded programs in their Plan if they provide services to community sentence offenders.
- (b) The Division will collaborate with and assist county employees in programs included in the Plan as with other programs providing services provided to community sentence offenders.
- (c) Appropriated funds may be provided to continue an existing county program only for services provided to community sentence offenders.
- (d) All county funded programs included in the Plan will be subject to auditing, evaluating, and inspection procedures of the Division.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 17 Ok Reg 3333, eff 9-11-00]

#### **170:25-3-5. Active Councils**

- (a) To remain active, a Local Planning Council shall ensure that membership complies with the legislation and that meetings, with the required quorum, are held every six months during the fiscal year.
- (b) Should a Local Planning Council cease to actively function, the Deputy Director will provide written notification to the Chief District Judge of the Judicial District before June 30 of the fiscal year.
- (c) If the Chief Judge will not serve or make appointments, the Deputy Director will notify the Chief Justice of the Supreme Court.

[Source: Added at 17 Ok Reg 3333, eff 9-11-00]

### **SUBCHAPTER 5. PLAN ADMINISTRATION**

#### **170:25-5-1. Performance based evaluation**

The Department will utilize a performance based evaluation of each program. All service agreements will specify evaluation standards. Evaluations will be used to determine how closely a treatment program meets known principles of effective correctional treatment. Completed evaluations will be provided to the court and the Local Planning Council for review. Failure of the program to meet evaluation standards or failure of the program to undergo evaluation will result in discontinuation of the program. In the event a program is terminated prior to evaluation, it may not be utilized thereafter until an corrective action is approved by the Deputy Director.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 17 Ok Reg 3333, eff 9-11-00; Amended at 20 Ok Reg 2334, eff 7-11-03]

#### **170:25-5-2. Expansion or modification of plan**

- (a) The Division will notify Local Planning Councils whenever funding in addition to regular legislative appropriations becomes available to expand Plans. Local Planning Councils may then submit proposals to the Division for expanded plans.
- (b) All Plans submitted for approval will be reviewed to ensure that the proposed budget is adequate to support the Local System during the Plan Year. If the Division determines the proposed budget will not be adequate, the Plan will be returned to the Local Planning Council for modification.

(c) Modification of Plans during a Plan Year shall require the approval of a majority of the total membership of the Local Planning Council. Modifications during the Plan Year will be in writing and will not be effective until submitted and approved by the Deputy Director. Modifications during the Plan Year will specify the reasons for any changes and will comply in all respects with the requirements for submission of the original plan.

(d) The Chief Judge of the Judicial District may create a multi-county sentencing system from single county systems within the same judicial district during a Plan Year by filing notification of the change with the Division and submitting a modified Plan.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 17 Ok Reg 3333, eff 9-11-00; Amended at 20 Ok Reg 2334, eff 7-11-03]

#### **170:25-5-3. Medical treatment and payment of costs in funded local systems**

(a) The Department will pay all required medical expenses for community sentence offenders confined as part of a disciplinary sanction. The Department will reimburse health care providers under contract with the county for all necessary medical expenses or reimburse the county if the county has made payment to the provider.

(b) Whenever an offender who is confined by the court as part of a disciplinary sanction requires extensive medical treatment, the court may enter an order for transfer of the offender to the Department for treatment. In such cases, the Division will notify the Deputy Director of Medical Services of the Department. The Division will obtain the approval of any medical services prior to any movement of the offender and will advise the court of the approved medical arrangements. The Deputy Director of Medical Services will notify the Division upon completion of medical treatment. In the event time remains on the disciplinary sanction, the Division will arrange for the return of the offender to the facility which was holding the offender prior treatment.

[Source: Added at 171 Ok Reg 3333, eff 9-11-00; Amended at 20 Ok Reg 2334, eff 7-11-03]

#### **170:25-5-4. Mediation of disputes, proper forum, and venue**

(a) If any disputes arise between the Department and any Local Planning Council the parties may agree to mediation pursuant to the provisions of the Oklahoma Dispute Resolution Act. The parties will use reasonable diligence to resolve any dispute between them.

(b) The laws of the state of Oklahoma will be applicable and the courts of this state will be the proper forum in which to resolve any legal action if mediation fails to resolve legal disputes.

(c) Oklahoma County will be the proper venue for any action between the Department and any Local Planning Council or the Department and any service provider.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99]

#### **170:25-5-6. Public immunity**

The Oklahoma Governmental Tort Claims Act will be applicable to any actions which may arise from the administration of the Oklahoma Community Sentencing Act.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99]

## **SUBCHAPTER 7. TECHNICAL ASSISTANCE AND TRAINING**

### **170:25-7-1. Technical assistance and training**

(a) The Division will, when necessary, assist in compiling the required data for Plans and assist the Local Planning Council in the preparation, submission, and administration of Plans and budgets. The Division will provide training to Local Planning Councils regarding the administration of Plans, budgeting, and evaluation of Local Systems.

(b) Local Planning Councils may make special requests for training or technical assistance which relate to issues specific to their jurisdiction. Special training or technical assistance requests will be submitted to the Division and will include a statement of the issues or problems presented and anticipated outcome of the training or technical assistance requested. The Deputy Director will notify the Local Planning Council whether such requests can be granted.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 17 Ok Reg 3333, eff 9-11-00]

## **SUBCHAPTER 9. FISCAL MANAGEMENT**

### **170:25-9-1. Funding process**

(a) Each Local Planning Council will prepare a budget in a format prescribed by the Deputy Director. The budget will include all expenses necessary to meet the plan objectives and will identify local resources utilized in addition to funding requested. The Deputy Director will prescribe a format for preparation of the Local Planning Council budgets.

(b) Plans which do not require state funding for implementation will specify the amount and source of resources utilized in lieu of state resources and will comply with all Plan requirements.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 17 Ok Reg 3333, eff 9-11-00]

### **170:25-9-2. Accounting of funded accounts**

(a) The Division will establish a designated account for each Local System. Credits to each account will include the share of the legislative appropriations and any discretionary funds for each Local System.

(b) The Division will pay all expenditures directly on behalf of the Local System. No state funds will be maintained by the local community sentencing system.

(c) The Division will furnish a periodic statement informing each Local System of the status of their account.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99]

### **170:25-9-3. Funds accrued by local systems**

(a) All appropriated funds accruing from funds carried forward from prior years, fees, collected from offenders, grant awards to the Planning Councils, or funds which are otherwise received to support or expand specific Local Systems will be deposited in the Oklahoma Community Sentencing Revolving Fund to the credit of the Local System and become an appropriated fund.

(b) Prior to the expenditure of funds accrued, the Local Planning Council will submit a Plan to the Deputy Director for such expenditures. The Plan will specify how the funds will be expended to support or expand the Local System and how the program or service will further statewide goals.

- (c) The Division will pay all expenditures directly on behalf of the Local System.
- (d) The Division will furnish a periodic statement informing Local Planning Councils of the status of the account.

[Source: Added at 17 Ok Reg 3333, eff 9-11-00]

#### **170:25-9-4. Grants**

Whenever a grant is awarded to the Local Planning Council for the specific use by the Local System, funds will be deposited in the Oklahoma Community Sentencing Revolving Fund to the credit of the Local System. A copy of the grant award will be furnished to the Division to assure payment of expenditures in accordance with the grant provisions.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99]

#### **170:25-9-5. Penalties**

Whenever a Local Planning Council withdraws resources from a program which was in existence prior to January 1, 2000, there will be assessed a penalty equal to the value of the resources which have been withdrawn. The Division will deduct the value of the resources withdrawn from the current year budget and will notify the Local Planning Council in writing.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 20 Ok Reg 2334, eff 7-11-03]

#### **170:25-9-6. Waiver of supervision fees**

The service providing supervision to community sentenced offenders may ask the court to reduce or waive the supervision fee for a 90-day period any time during the course of supervision if a legitimate hardship can be verified. The reduction in fees will be reviewed by the provider every 90 days to verify that the hardship continues to exist unless the hardship can be determined to be permanent. The service provider will report all waivers or reduction of fees to the Local Administrator within ten working days of action.

[Source: Added at 20 Ok Reg 2334, eff 7-11-03]

### **SUBCHAPTER 11. REVOCATION TO DEPARTMENT OF CORRECTIONS**

#### **170:25-11-1. Revocation to Department of Corrections**

Whenever the court revokes a community sentence and imposes a sentence to Department custody, the sheriff will take the offender into custody and will arrange for reception to prison at the Lexington Assessment and Reception Center in the same manner as other offenders sentenced to Department custody. The sheriff will receive the statutory rate of reimbursement from the Department for the time such offenders are in jail awaiting reception.

[Source: Added at 16 Ok Reg 3523, eff 9-13-99; Amended at 20 Ok Reg 2334, eff 7-11-03]

## **CHAPTER 30. TUITION ASSISTANCE PROGRAM**

[Authority: 57 O. S. § 510(A)(17)]

[Source: Codified 7-25-02]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **170:30-1-1. [RESERVED]**

[Source: Reserved at 19 Ok Reg 2785, eff 7-25-02]

### **170:30-1-2. Scope**

Senate Bill 796, effective July 1, 2001, amended Title 57 Section 510 of the statutes of the State of Oklahoma empowers the director of Corrections to promulgate rules which establish an Employee Tuition Assistance Program. The scope of the rules and regulations of this chapter is to provide standards whereby the Oklahoma Department of Corrections provides tuition assistance for its employees.

[Source: Added at 19 Ok Reg 2785, eff 7-25-02]

### **170:30-1-3. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Application for tuition assistance and participation agreement"** A signed binding agreement between the Oklahoma Department of Corrections and the participating employee which describes the terms of the tuition assistance provided.

**"Career applicable"** An educational program is career applicable if it is undertaken for the purpose of preparing the individual, through skill enhancement, for advancement in the Oklahoma Department of Corrections.

**"Educational program"** A formal degree, certificate, or licensure program for which the employee is required to complete an established set of courses and receive credit for them.

**"Eligible academic institution"** Any accredited college, university, community college, or technical institution, offering academic or vocational courses that provide credit hours to enrolled students for course completion.

**"Eligible courses"** Courses that, upon completion, accumulate credit hours toward an education program and are job-related and/or career applicable.

**"Eligible employee"** Any permanent, classified or unclassified, full-time employee of the Oklahoma Department of Corrections who has received no formal discipline within one year of making application to the program, who has received a "meets" or "exceeds standards" on his/her current performance appraisal, and who has indicated in writing his/her intentions to remain employed with the Oklahoma Department of Corrections for a minimum of 24 months from the date payment for tuition assistance was issued.

**"Job related"** An education program is job related if the curriculum content is designed to contribute to performance improvement in the current job in terms of efficiency and increased skills.

**"Participating employee"** Any employee who has satisfied all program criteria and has been approved for participation in the Oklahoma Department of Corrections Employee Tuition Assistance Program.

**"Satisfactory program participation"** Participating employees will provide an academic transcript documenting satisfactory program participation within 60 days of course completion. Satisfactory program participation shall be documented by proof that the participating employee has earned a passing grade and a cumulative grade point average of 2.5 or above. Any participating employee who fails to submit documentation of satisfactory course participation will be considered ineligible for further tuition assistance until such time as the employee has satisfactorily completed the course or reimbursed the agency for the amount of tuition assistance provided for the course.

**"Tuition assistance"** Payment of tuition provided to an eligible academic institution by the Oklahoma Department of Corrections for participating employees.

[Source: Added at 19 Ok Reg 2785, eff 7-25-02; Amended at 23 Ok Reg 3113, eff 8-11-06]

#### **170:30-1-4. Program purpose**

The purpose of the Oklahoma Department of Corrections Employee Tuition Assistance Program is to promote workforce planning and professional development. The program provides the agency a means of providing tuition assistance to employees for their selected job-related and/or career-applicable educational pursuits which will enhance their job performance, encourage job promotion, and provide an incentive to continue employment with the Oklahoma Department of Corrections.

[Source: Added at 19 Ok Reg 2785, eff 7-25-02]

#### **170:30-1-5. Eligibility requirements**

The Oklahoma Department of Corrections may pay tuition assistance for any eligible employee, to any eligible academic institution, and for any eligible course as defined in this chapter provided sufficient funds are available and all program criteria have been satisfied.

[Source: Added at 19 Ok Reg 2785, eff 7-25-02]

#### **170:30-1-6. Use of tuition assistance**

- (a) Payment of tuition assistance will be made directly from the Oklahoma Department of Corrections to the eligible academic institution as defined in this chapter.
- (b) Tuition assistance will not be provided in cases where funding is not available or the Oklahoma Department of Corrections determines that neither the course, nor the degree pursued, is job-related and/or career applicable.
- (c) Tuition assistance will not be provided for single day seminars, noncredit workshops, non credit evening classes, or classes or programs which are otherwise available through the Oklahoma Department of Corrections.

[Source: Added at 19 Ok Reg 2785, eff 7-25-02]

#### **170:30-1-7. Tuition assistance amounts and limitations**

- (a) The Oklahoma Department of Corrections will pay 100 percent of the tuition for each eligible course.
- (b) Tuition assistance will be paid for the cost of tuition only. Course fees, books, or other assessments are the responsibility of the participating employee and are not covered within the guidelines of the Oklahoma Department of Corrections Employee Tuition Assistance Program.

[Source: Added at 19 Ok Reg 2785, eff 7-25-02; Amended at 23 Ok Reg 3113, eff 8-11-06]

#### **170:30-1-8. Application and approval**

- (a) It is the responsibility of the eligible employee to make application and be accepted by the eligible academic institution prior to making application for the Employee Tuition Assistance Program.
- (b) Employees will make application for the program in accordance with operational procedures prescribed by the Oklahoma Department of Corrections.



(c) Applications will be reviewed in accordance with specific operational procedures prescribed by the Oklahoma Department of Corrections and may be approved or denied contingent upon available funding and compliance with program guidelines.

(d) Employees approved for program participation will provide documentation of satisfactory participation. Any employee who fails to submit such documentation will be ineligible for further tuition assistance until the employee has satisfactorily completed the course and documented such completion.

(e) Payments for tuition assistance will be made upon invoice from the eligible academic institution and will comply with the Oklahoma Central Purchasing Act.

[Source: Added at 19 Ok Reg 2785, eff 7-25-02]

#### **170:30-1-9. Service/Reimbursement commitment**

Oklahoma Department of Corrections participating employees will contractually agree to repay all tuition assistance they receive if they terminate employment within 24 months of the date the tuition assistance payment was issued. Repayment will be computed on a pro-rated basis based upon the ratio of months employed to 24 months.

[Source: Added at 19 Ok Reg 2785, eff 7-25-02]

#### **170:30-1-10. Record keeping**

The Oklahoma Department of Corrections will maintain records related to program administration as prescribed by agency operational procedures and with sufficient information to document the expenditure of public funds.

[Source: Added at 19 Ok Reg 2785, eff 7-25-02]

### **CHAPTER 35. EMPLOYEE RECRUITMENT REFERRAL INCENTIVE PROGRAM**

[Authority: 57 O.S.,510(A)(18)]

[Source: Codified 7-11-05]

#### **170:35-1-1. Scope**

Oklahoma State Statutes Title 57 Section 510 empowers the director of the Oklahoma Department of Corrections to promulgate rules which establish an Employee Recruitment Referral Incentive Program. The scope of the rules and regulations of this chapter is to provide standard procedures whereby the Oklahoma Department of Corrections establishes and administers the Employee Recruitment Referral Incentive Program.

[Source: Added at 22 Ok Reg 2358, eff 7-11-05]

#### **170:35-1-2. Definitions**

The following words or terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

**"Eligible Applicant"** means any person who is not a current Oklahoma Department of Corrections employee applying for an eligible position.

**"Eligible Employee"** means any permanent, classified or unclassified, full or part-time employee.

**"Eligible Retiree/Volunteer"** means any person retiring from, or volunteering with, the Oklahoma Department of Corrections.

**"Eligible Position"** means positions that have received Director's approval to fill.

**"Referral Incentive"** means payment made, in the form of a payroll incentive or United States Savings Bonds, to any eligible employee whose referral of an eligible applicant results in hiring and the eligible applicant remaining with the agency for two full years.

**"Referred Employee"** means an eligible applicant referred by an eligible employee/retiree and subsequently employed by the Oklahoma Department of Corrections in an eligible position.

**"Referring Employee"** means an eligible employee making a referral.

[Source: Added at 22 Ok Reg 2358, eff 7-11-05; Amended at 24 Ok Reg 2711, eff 7-26-07; Amended at 26 Ok Reg 2811, eff 8-13-09]

### **170:35-1-3. Program purpose**

The purpose of the Oklahoma Department of Corrections Employee Recruitment Referral Incentive Program is to augment the department's recruitment program by encouraging department employees, retirees and volunteers, through the provision of incentives, to recruit the best qualified, skilled, and diverse workforce.

[Source: Added at 22 Ok Reg 2358, eff 7-11-05; Amended at 24 Ok Reg 2711, eff 7-26-07; Amended at 26 Ok Reg 2811, eff 8-13-09]

### **170:35-1-4. Eligibility requirements**

The Oklahoma Department of Corrections may pay a recruitment referral incentive to any eligible employee/retiree/volunteer whose referred eligible applicant is hired and remains with the agency for three months. There is no limit to the number of referrals an eligible employee/retiree/volunteer may make.

[Source: Added at 22 Ok Reg 2358, eff 7-11-05; Amended at 24 Ok Reg 2711, eff 7-26-07; Amended at 26 Ok Reg 2811, eff 8-13-09]

### **170:35-1-5. Payment conditions and amounts**

- (a) The Oklahoma Department of Corrections will make a one-time payment of \$200 to the referring eligible employee when the referred eligible applicant has been hired and remains with the agency for three months.
- (b) The Oklahoma Department of Corrections will make a one-time payment of a \$100 United States Savings Bond to the referring eligible retiree/volunteer when the referred eligible applicant has been hired and remains with the agency for three months.
- (c) Special incentives may be offered, upon approval of the director, for referral of applicants with specialized skills identified as a special agency need.
- (d) Participants in the Employee Recruitment Referral Incentive Program prior to July 1, 2009, will continue in the program as if this amendment had not been enacted, and the former rule related to payment conditions and amounts is continued in effect for those participants.

[Source: Added at 22 Ok Reg 2358, eff 7-11-05; Amended at 24 Ok Reg 2711, eff 7-26-07; Amended at 26 Ok Reg 2811, eff 8-13-09]

### **170:35-1-6. Limitations**

- (a) If a referring employee earns a referral incentive(s) but leaves employment, with the Oklahoma Department of Corrections, in a manner other than retirement, prior to receiving the payment(s), the incentive(s) will be forfeited.

- (b) If a referring employee earns a referral incentive(s) but is deceased prior to receiving the payment(s), the incentive(s) will be forwarded to the beneficiary of any final wages owed as specified on the employee's Data Summary Sheet.
- (c) Referral incentives may be approved or denied contingent upon available funding and compliance with all criteria set forth in these administrative rules.
- (d) Payments for referral incentives will be made, upon approval by the director or designee.
- (e) If funding is not available at the time of initial hire or at any time during the scheduled payment period, incentive payments will be discontinued and will not be paid retroactively.

[Source: Added at 22 Ok Reg 2358, eff 7-11-05; Amended at 24 Ok Reg 2711, eff 7-26-07; Amended at 26 Ok Reg 2811, eff 8-13-09]

#### **170:35-1-7. Application and approval**

- (a) Application for recruitment referral incentive payments will be made in accordance with specific operational guidelines set forth by the Oklahoma Department of Corrections.
- (b) Applications will be reviewed in accordance with specific operational guidelines prescribed by the Oklahoma Department of Corrections.
- (c) Referral incentive payments may be approved or denied contingent upon available funding and compliance with program guidelines.

[Source: Added at 22 Ok Reg 2358, eff 7-11-05]

#### **170:35-1-8. Program evaluation**

The effectiveness of the program will be evaluated annually based on fiscal year in accordance with specific operational guidelines prescribed by the Oklahoma Department of Corrections.

[Source: Added at 22 Ok Reg 2358, eff 7-11-05]

#### **170:35-1-9. Record keeping**

The Oklahoma Department of Corrections will maintain and publish records related to program administration sufficient to document the expenditure of public funds.

[Source: Added at 22 Ok Reg 2358, eff 7-11-05]