



State of North Carolina
Department of Public Safety
Prisons

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Section: .0100
Title: Sentence Credits
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POLICY AND PROCEDURE

.0109 SCOPE

This policy establishes the rules and methods for computing sentence credits in the form of Good Time, Gain and Earned Time, and Meritorious Time. These rules apply to offenders sentenced to the custody of the Department of Public Safety who are housed in jail, private or North Carolina Prison facilities. This policy is not applicable to parole or post-release supervision release eligibility.

.0110 DEFINITIONS

The following definitions apply whenever these terms are used in this policy:

- (a) Sentence Credits - Time credits applied to the court-ordered term-of-years sentence of any inmate for the purpose of reducing the amount of time to be served. These credits are called Good Time, Gain Time, Earned Time and Meritorious Time.
- (b) Good Time – Good time is sentence credit awarded at the rate of one day deducted for each day served in custody for good behavior and/or without an infraction of inmate conducts rules, to eligible inmates sentenced for crimes committed prior to October 1, 1994. Inmates convicted of Driving While Impaired, regardless of offense date, are eligible for good time on that component of their sentence only. For inmates sentenced under the Fair Sentencing Act, Good Time reduces only the time required to be served for unconditional release from prison.
- (c) Gain Time Credit- Gain Time is a sentence credit that is awarded to eligible inmates sentenced for crimes committed prior to October 1, 1994, for their participation in approved work and/or program activities.
- (d) Earned Time Credit- Earned Time Credit is a sentence credit awarded to eligible inmates, who are sentenced for crimes committed on or after October 1, 1994, or who are sentenced under the Structured Sentencing Act, for their participation in full time work and program activities. Earned Time reduces only the maximum term of an inmate's sentence imposed by the court.
- (e) Meritorious Time - Meritorious Time is a sentence credit that is awarded to eligible inmates for their exemplary acts or for working under emergency conditions, working overtime, working in inclement weather and for achievements in apprenticeship training, educational or other type programs.

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- (f) Eligible Inmates - Inmates are eligible to earn sentence credits as outlined in Sections .0111, .0112, .0113, .0114, .0115, .0116, and .0117 of this policy.
 - (g) Fair Sentencing Act - Also known as presumptive sentencing, this sentencing act applies to felonies committed from July 1, 1981 through September 30, 1994.
 - (h) Structured Sentencing Act - This sentencing act determines the sentence received for crimes, except impaired driving offenses, committed on or after October 1, 1994.
 - (i) Disciplinary Infraction – violation of inmate conduct rules and/or disobedience to a lawful order of the Department of Public Safety, its agents or employees, as determined by conviction through the Disciplinary Process.
 - (j) Parole Eligibility Date - The date, provided to North Carolina Prisons by the NC Post-Release Supervision and Parole Commission, that an inmate becomes eligible for parole or Post-Release Supervision.
 - (k) Medically Unfit Gain or Earned Credits – Inmates are eligible for Gain or Earned Time sentence credits as outlined in Section .0117 of this policy. Medically Unfit status is an Accommodation under the Americans with Disability Act (ADA).

.0111 GOOD TIME

This section applies to inmates sentenced as felons for crimes they committed prior to October 1, 1994 and inmates convicted of Driving While Impaired, regardless of offense date.

- (a) Inmates are awarded Good Time at the rate of one day deducted from their prison or jail term for each day they spend in custody without a conviction through the Disciplinary Process of a violation of inmate conduct rules.
- (b) Forfeiture of Good Time: Good Time shall be subject to forfeiture when the inmate is found guilty of violating inmate conduct rule as determined by conviction through the Disciplinary Process. The amount of Good Time lost for a guilty finding for a violation of conduct rules shall not exceed the amount of good time the inmate has earned to date.
- (c) Restoration of Forfeited Good Time: Good time that is forfeited by an inmate may be restored to the inmate as set-forth in Section .0115 of this policy.
- (d) Ineligible Inmates: Inmates with sentences characterized as follows are not eligible for Good Time for the purpose of reducing their confinement or calculating an unconditional release date:
 - (1) Inmates sentenced under the Structured Sentencing Act;
 - (2) Inmates committed to custody for contempt of court;
 - (3) Health law violators;

- (4) Inmates sentenced under the Fair Sentencing Act for Class A & B felonies and inmates serving a life sentence for a Class C felony;
- (5) Inmates serving an active prison term followed by a period of Special Probation;
- (6) Safekeepers;
- (7) Inmates committed for a Presentence Diagnostic Study and
- (8) Any inmate serving a life sentence.

.0112 GAIN TIME

- (a) Gain Time is sentence credit awarded to eligible inmates, who are serving sentences for crimes they committed prior to October 1, 1994, for their participation in work and/or program activities. Inmates who work full-time, or participate in full-time programs or sentence credits rated programs that will assist their productive re-entry into the community, shall earn Gain Time Sentence Credits which shall be regulated as either Gain Time I, II, or III.

Gain Time shall be administered and assigned as follows:

- (1) Gain Time I. In addition to Good Time credits, eligible inmates who perform work assignments or participate in programs that are rated as Gain Time I may receive an additional two (2) days per month deducted from their sentence. A Gain Time I rating require the inmate to engage in a minimum of four (4) hours of unskilled or low level activity per day, but not to exceed six (6) hours per day, and to participate for the number of days per week as required by the assignment.
- (2) Gain Time II. In addition to Good Time credits, eligible inmates who perform work assignments and participate in programs that are rated as Gain Time II may receive an additional four (4) days per month deducted from their sentence. A Gain Time II rating requires the inmate to engage in a minimum of four (4) hours of semi-skilled or moderate level activity per day, but not to exceed eight (8) hours per day, and to participate for the number of days per week as required by the assignment.
- (3) Gain Time III. In addition to Good Time credits, eligible inmates who perform work assignments or participate in full time programs that are rated as Gain Time III may receive an additional six (6) days per month deducted from their sentence. A Gain Time III rating requires the inmate to engage in a minimum of six (6) hours of high skilled or high-level activity per day, but not to exceed eight (8) hours per day, and to participate for the number of days per week as required by the assignment. In addition to Good Time credits, all Gain Time eligible inmates who are assigned to full time educational (academic or vocational) programs may receive an additional six (6) days per month deducted from their maximum sentence. A Gain Time III rating for educational programs requires the inmate to engage in not less than twenty-eight (28) hours and not more than forty (40) hours

of instruction per week and to participate for the number of hours per week as required by the assignment.

- (b) Forfeiture of Gain Time: Under the Fair Sentencing Act, Gain Time shall not be subject to forfeiture for a guilty finding for a violation of inmate conduct rules.
- (c) Ineligible Inmates: Inmates with sentences characterized as follows are not eligible for Gain Time for the purpose of reducing their confinement or calculating an unconditional release date:
 - (1) Inmates sentenced under the Structured Sentencing Act;
 - (2) Inmates committed to custody for contempt of court;
 - (3) Health law violators;
 - (4) Inmates sentenced under the Fair Sentencing Act for Class A and B Felonies and inmates serving a life sentence for a Class C felony;
 - (5) Inmates serving an active prison term followed by a period of Special Probation;
 - (6) Safekeepers;
 - (7) Inmates committed for a Presentence Diagnostic Study and
 - (8) Any inmate serving a life sentence.
- (d) Assignment and Attendance: Facility staff are responsible and accountable for ensuring that inmates are assigned to an assignment and that inmates attend their assignments for the number of hours as specified by the rules of the Gain Time level that has been allocated to the assignment, unless an appropriately authorized exception has been made.

.0113 EARNED TIME CREDITS

- (a) Earned Time Credit is a sentence credit awarded to eligible inmates sentenced for crimes committed on or after October 1, 1994, except those sentenced on or after October 1, 1994, under G. S. 20-138.1 for impaired driving. Eligible inmates are those who work full-time, participate in full-time programs or sentence credits rated programs that would assist their productive re-entry into the community. In addition, eligible inmates are those inmates who have completed diagnostic processing and are in an Assignment Pending **or** Protective Control Eligible inmates shall be awarded Earned Time Sentence Credits that shall be regulated as either Earned Time Credit Level I, II, or III.
- (b) Eligible Inmates serving Misdemeanant Sentences shall not be awarded or receive more than a total of four (4) days of Earned Time Sentence Credits per month.
- (c) Eligible inmates serving Felon Sentences shall not be awarded or receive more than a total of nine (9) days Earned Time Sentence Credits per month. Total credit awards are applied to reduce the inmate's maximum sentence and shall not reduce a felon inmate's incarceration period below his or her minimum sentence imposed by the court.

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- (1) Earned Time Credit Level I. Eligible inmates who perform work assignments or participate in programs that are rated as Earned Time I may receive three (3) days per month deducted from their maximum sentence. An Earned Time Credit Level I rating requires the inmate to engage in a minimum of four (4) hours of unskilled or low level activity per day, but no more than (6) hours per day, and to participate for the number of days per week as required by the assignment.
- (A) All Assignment Pending inmates in regular population and Protective Control are eligible to receive Earned Time Credit Level I. The inmates must be serving structured sentences for felony classes A through I, and they must not have been found guilty of a violation of inmate conduct rules within the previous four (4) months. Assignment Pending and Protective Control inmates who have been found guilty of infractions of inmate conduct rules, but who are infraction-free for four (4) consecutive months from the date of the disciplinary hearing, are eligible to receive Earned Time Credit Level I. However, having been found guilty of infractions does not preclude Assignment Pending inmates from being assigned to an appropriate regular full-time job or program activity at any time. When the facility has a full-time job, ~~or~~ program, activity, **or service** available for assignment, the Assignment Pending inmate may not elect to remain in an Assignment Pending status and refuse to be assigned to the available job or program. Refusal by the inmate to participate in a program or job assignment may result in a disciplinary infraction. OPUS automatically credits eligible Assignment Pending and Protective Control inmates with Earned Time Credit Level I.
- (B) Eligible inmates assigned to the Security Threat Group Management Unit (STGMU) Phase 1 will be awarded Earned Time Credit Level I.
- (2) Earned Time Credit Level II. Eligible Inmates who perform work assignments or participate in programs rated Earned Time Credit Level II may receive six (6) days per month deducted from their maximum sentence. An Earned Time Credit Level II rating requires the inmate to engage in a minimum of four (4) hours of skilled or moderate level activity per day, but not to exceed eight (8) hours per day, and to participate for the number of days per week as required by the assignment.
- Eligible inmates assigned to the Security Threat Group Management Unit Phase 2 will be awarded Earned Time Credit Level II.
- (3) Earned Time Credit Level III. Eligible inmates who perform work assignments or participate in programs that are rated Earned Time Credit Level III may receive nine (9) days per month deducted from their maximum sentence. An Earned Time Credit Level III rating requires the inmate to engage in a minimum of six (6) hours of high skilled or high level activity per day, but no more than eight (8)

hours per day, and to participate for the number of days per week as required by the assignment.

- (A) Eligible inmates who are assigned to full time educational (academic or a vocational) programs may receive nine (9) days per month deducted from their maximum sentence. Earned Time Credit Level III rating for educational programs requires the inmate to engage in not less than twenty-eight (28) hours and not more than forty (40) hours of instruction per week and to participate for the number of hours per week as required by the assignment.
 - (B) Eligible inmates assigned to the Security Threat Group Management Unit Phase 3 will be awarded Earned Time Credit Level III.
- (d) Forfeiture of Earned Time Credit: Earned Time Credit is subject to forfeiture when the inmate is found guilty of a violation of inmate conduct rules if the inmate is sentenced under the Structured Sentencing Act. The amount of Earned Time Credit lost as a result of the infraction of inmate conduct rules shall not exceed the amount of time the inmate has earned to date.
- (e) Restoration of Forfeited Earned Time Credit: Restoration of forfeited Earned Time Credit may occur as set-forth in Section .0115 of this policy.
- (f) Ineligible Inmates: Inmates with characterized structured as follows are not eligible for Earned Time for the purpose of reducing their confinement or calculating an unconditional release date:
- (1) Inmates committed to custody for contempt of court;
 - (2) Health law violators;
 - (3) Inmates serving an active prison term followed by a period of Special Probation;
 - (4) Safekeepers;
 - (5) Inmates committed for a Presentence Diagnostic Study;
 - (6) Inmates whose crimes occurred prior to October 1, 1994;
 - (7) Inmates convicted of DWI and
 - (8) Any inmate serving a life sentence.
- (g) Assignment and Attendance: Facility staffs are responsible and accountable for ensuring that eligible inmates are assigned to an assignment and that inmates attend their assignments for the number of hours as specified by the rules of the Earned Time level that has been allocated to the assignment, unless an appropriately authorized exception has been made.

.0114 MERITORIOUS TIME

- (a) All inmates who are eligible for Gain or Earned Time Sentence Credit are also eligible for Meritorious Time Sentence Credit awards. Recommendations for Meritorious Sentence Credit awards will only be entered in OPUS by the facility where the inmate is housed. A recommendation for a Meritorious Time award for an inmate by a temporary housing facility for the inmate will be forwarded to the inmate's facility of permanent or regular housing by the temporary housing facility. The prison facility of permanent or regular housing for the inmate will receive, review, approve or disapprove and enter in OPUS the final actions on the recommended Meritorious Time award. The Facility Head or his or her designee is guided by this policy in making awards of Meritorious Time Sentence Credits to eligible inmates.
- (b) Meritorious Time credit awards for misdemeanants sentenced for crimes occurring on or after October 1, 1994, shall not exceed four (4) days per month. A facility cannot award more than 30 days per month of Meritorious Time Credit awards for felons sentenced for crimes occurring on or after October 1, 1994. The Facility Head or designee must approve Meritorious Time awards of 30 days or less. The Prisons Section Chief or his or her designee must approve meritorious Time Credit awards that exceed 30 days during a calendar month. Meritorious Time Credit awards cannot reduce a felon's period of incarceration below his or her minimum sentence.
- (c) Eligible inmates may be awarded Meritorious Time credit for working overtime, working in emergency conditions, working in inclement weather, exemplary acts, apprenticeship training, and for program and educational achievements.
- (d) Recommendations and approval of Meritorious Time Awards will be guided by and based upon the following:
 - (1) Exemplary Acts and Emergency Conditions
 - (A) Meritorious Time Awards for Exemplary Acts. Meritorious Time awards for exemplary acts must be approved by the facility head and should not exceed thirty days for each act. Exemplary acts are to be construed as acts that demonstrate going well above or beyond the normal expectations and for acts of heroism.
 - (B) Meritorious Time Awards for Emergency Conditions. Inmates are eligible for Meritorious Time awards for work performed during emergency conditions. Facility Heads will determine when an emergency condition exists. Such emergency conditions may include, but are not limited to, power failures, forest fires, work stoppages, riots, and statewide emergencies as established by the State Emergency Response Network or the Governor.

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- (2) Work Performed.
- (A) Overtime. Inmates are eligible to receive Meritorious Time for hours worked overtime. Overtime is defined as satisfactory performance by the inmate, as determined by the judgment of the supervisor, on a regular job or a special assignment, beyond a 40-hour workweek. Meritorious Time is awarded at the rate of one (1) day of sentence credit for each eight (8) hours of performance over forty (40) hours. Work Release Programs are not eligible to receive Meritorious Time for hours worked overtime on a Work Release job.
 - (B) Inclement Weather. Inmates are eligible for Meritorious Time sentence credit for working in inclement weather. Inclement weather is defined as a chill factor of below 20 degrees Fahrenheit or temperature above 95 degrees Fahrenheit. In addition, such conditions as rain, sleet, snow, and/or other unusual or abnormal weather circumstances may be determined by the Facility Head to meet the requirements of Inclement Weather.
- (3) Apprenticeship Program.
- (A) Inmates are eligible for Meritorious Time for achievements in Apprenticeship Training. Only inmates participating in an Apprenticeship Training that has been rated and approved as an Apprenticeship Program by the Chief of Program Services, has been certified by the North Carolina Department of Labor (NCDOL) and has been issued an Apprentice Agreement form (AOP 4.09.03-Rev1) by the NCDOL, will be eligible to receive sentence credits for their achievements.
 - (B) Inmates may be awarded 15 days Meritorious Time for each successful completion of 500 hours of On the Job Training (OJT) in the Apprenticeship Program. Inmates may be awarded 30 days of Meritorious Time sentence credits for each successful completion of the Journeyman Certification in the Apprenticeship Program and/or the successful completion of the Master Craftsman Certification in the Apprenticeship Program.
- (4) Educational Program Completion.
- (A) Inmates identified as special education students by educational authorities may be awarded 5 days Meritorious Time per month for progress towards established educational goals in keeping with their educational plans.
 - (B) Inmates who complete a full-time Community College continuing education vocational program, as verified by a certificate of completion

for the program, are eligible for Meritorious Time sentence credits at a rate of 5 days per achievement.

- (C) Inmates who achieve a Community College Certificate upon successful completion of a vocational assignment are eligible for and may receive 10 days of Meritorious Time sentence credits. Inmates who achieve a Community College Diploma upon successful completion of a vocational assignment are eligible and may receive 15 days Meritorious Time sentence credits. Inmates are not to be awarded Meritorious Time sentence credits for completion of a portion or individual component of a vocational course curriculum or vocational assignment.
- (D) Inmates are eligible for Meritorious Time sentence credit for each educational degree achieved. The awarding of sentence credits for the successful completion and attainment of an educational degree is limited to the type of degrees and the amount of time awards as follows: 20 days Meritorious Time for Associate of Arts and/or Associate of Science Degree (AA, AS); 30 days Meritorious Time for Bachelor of Arts, Bachelor of Science (BA, BS) and/or Graduate Degree (MA, MS, Ph.D., etc); and 30 days Meritorious Time for achievement of the GED.
- (E) Inmates can only be awarded Meritorious Time Sentence Credit once for successful completion of the same vocational program assignment during his or her current incarceration period. This restriction would not apply to the completion of the same vocational program during a succeeding period of incarceration.

(5) Other Program Completion and/or Achievement

The Chief of Program Services, at his or her discretion, may authorize other inmate assignments, acts, conditions and achievements to be eligible for Meritorious Time Sentence Credit.

- (e) Forfeiture of Meritorious Time. Meritorious Time is subject to forfeiture for those inmates sentenced under the Fair Sentencing and the Structured Sentencing Acts when they have been found guilty of an infraction of conduct rules. The amount of Meritorious Time lost for a guilty finding of an infraction of conduct rules shall not exceed the amount of Meritorious Time the inmate has earned to date.

.0115 RESTORATION OF FORFEITED GOOD TIME, EARNED TIME, AND MERITORIOUS TIME

- (a) Sentence Credits that can be forfeited are Good Time, Earned Time, and Meritorious Time. Sentence credits forfeited through disciplinary action may be restored by facility heads if 30 days or less for a calendar month and by the Prisons Section Chief or his or

- her designee if more than 30 days for a calendar month; and in the case of inmates confined to local confinement facilities, the sheriff or administrator of a regional confinement facility. Such restorations shall be based upon incidents of improved behavior by the inmate. Restoration of forfeited time cannot exceed the total time lost.
- (b) Each facility will post an Inmate Notice in areas accessible by all inmates to ensure all inmates are familiar with the requirements for restoration.
 - (c) Restoration of forfeited sentence credits will be based on an inmate remaining infraction free for a specific period of time and may require compliance with an established Case Management Plan for the inmate. An inmate shall not be penalized if there are not sufficient jobs or programs at his or her facility for him or her to be assigned, as long as the inmate is on a waiting list for a job, program, activity or service the inmate may have time restored.
 - (d) Forfeited sentence credits may be restored at the discretion of the Facility Head for infractions occurring prior to August 1, 2007. The waiting period for restoring sentence credits forfeited as a result of an infraction occurring on or after August 1, 2007, will be as follows:
 - (1) Class A infractions: Any sentence credit forfeited as a result of an A class disciplinary infraction will not be eligible for restoration of forfeited time.
 - (2) Class B infractions: An inmate may request restoration after remaining infraction free for one year from the date of the disciplinary hearing. The request must be in writing to the assigned case manager who will establish a behavior agreement specifying the amount of time to be restored each month, as well as the jobs or programs the inmate must either be participating in or awaiting assignment to in order to be restored. Facility staff must enter the restored time in the Offender Population Unified System (OPUS) using the Sentence Credit/Penalty screen (OT61).
 - (3) Class C or D infractions: Sentence credits forfeited due to C or D class infractions will be automatically restored after six months if the inmate has incurred no additional rule violations. OPUS will restore the credits in increments not to exceed 10 days per month. This automated process will apply to infraction(s) with an applied date on or after August 1, 2007. Restoration of time for infraction(s) occurring before August 1, 2007, must be requested in writing by the inmate and if approved, staff must enter in OPUS using the Sentence Credit/Penalty screen (OT61). Additional credits may be restored if the inmate makes a request in writing to the assigned case manager who will establish a behavior agreement specifying the amount of time to be restored each month, as well as the jobs/programs the inmate must either be participating in or awaiting assignment to in order to be restored.

- (e) Restored Time Limits: The restoration of forfeited time for infraction classes B, C and D will be at a rate not to exceed 30 days per month. The total amount of restored time shall not exceed the number of days lost as a result of being found guilty of an infraction of conduct rules. No restorations of sentence credits shall occur that will reduce an inmate's release date to less than 30 days from the date the time is being restored. Time lost during one period of incarceration cannot be restored during a subsequent period of incarceration. Time lost during a period of incarceration for consecutive sentences can only be restored during that period of incarceration.

.0116 PROCEDURES FOR AWARDING AND CREDITING TIME

- (a) Recording Sentence Credits
- (1) Good Time. Good Time awarding is automatically recorded and managed through OPUS for eligible inmates.
 - (2) Gain or Earned Time Credit. Gain or Earned Time Credit is automatically recorded and managed for the inmate by OPUS when the responsible staff accurately records the inmate's activity assignment in OPUS.
 - (3) Meritorious Time for Overtime. Overtime hours are entered along with regular hours of work on the Inmate Attendance Record in OPUS. OPUS maintains a record of hours entered over forty (40) hours per week. Every eight (8) hours over forty (40) hours, OPUS automatically awards the inmate one (1) day of Meritorious Time Sentence Credit.
 - (4) Award Limits for Overtime Meritorious Time: Staff are responsible and accountable for ensuring that inmates do not receive, on a consistent and frequently reoccurring basis, more than two (2) days per week of Meritorious Time Sentence Credit for work assignments that have been established as a seven (7) day, eight (8) hour a day assignment. It is essential that the staff person, who is responsible for entering the number of hours worked by an inmate, enter the actual number of hours worked by the inmate. Staff must not just enter the established hours for the work assignment, but must enter the actual hours worked by the inmate.
 - (5) Meritorious Acts and Emergency Conditions. The Facility Head or designee reviews and approves a Meritorious Act or Emergency Condition recommendation for Meritorious Time Sentence Credit that does not exceed 30 days or when the award does not cause the total amount of sentence credit the inmate will received during a calendar month to exceed 30 days. Awards that will exceed 30 days for a calendar month must be approved by the Prisons Section Chief or his or her designee. The recommendation, review, and final action for Meritorious Time are recorded on the OPUS Sentence Credit Award screens (OT60 and OT61).

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- (b) Jails and Contractual Facilities Sentence Credits Management.
- (1) Sentence credits may be awarded only to inmates who are currently serving active sentences in North Carolina Prisons or who are serving an active prison sentences but are housed in jail facilities or contractual housing facilities. When an inmate who is sentenced to prison, but is housed in jail pursuant to a Court Commitment, the Sheriff or Administrator of the local confinement facility shall establish procedures for granting, approving, and documenting any and all sentence credit awarded the inmate. In the case of inmates housed in jails or contractual housing facilities, the Sheriff or Administrator shall forward recommendations for any and all Meritorious Sentence Credit awards to the Chief of Program Services or designee for final review and approval.
 - (2) Documentation for authorized sentence credit awards for inmates housed in a local confinement facility are recorded, reviewed, and given final approval by North Carolina Prisons and recorded through the OPUS system.

.0117 MEDICALLY UNFIT GAIN AND EARNED TIME CREDIT

- (a) If through the Americans with Disability Act (ADA) process, a determination is made that an inmate with a disability who is housed in regular population or protective control can not be given a reasonable accommodation to enable him or her to participate in a Gain or Earned Time job, ~~or~~ program, activity or service the inmate will receive Medically Unfit Gain or Earned Time Sentence Credits. Medically Unfit Gain Time eligible inmates are awarded sentence credits as Gain Time Credit Level III at the rate of six days (6) days per month. Medically Unfit Earned Time eligible inmates are granted sentence credits as Earned Time Credit Level III at the rate of nine (9) days per month.
- (b) Medically Unfit Sentence Credits will continue for identified inmates when transferred to a community hospital for treatment purposes.
- (c) Medically Unfit Sentence Credits will continue to be awarded to the identified inmate unless the inmate is determined to be no longer eligible to receive the credits through the ADA or Disciplinary process.
- (d) The following inmate behaviors and/or statuses are not eligible for awarding Medically Unfit Sentence Credits:
 - (1) An inmate who refuses to participate in jobs, programs, activities or services that has been determined to be appropriate for his or her medical and/or mental health condition or physical disability.
 - (2) An inmate whose medical and/or mental health condition or physical disability is the result of self-injurious behavior while in prison.

- (3) Inmate on a control or segregation status (other than Protective Control).
- (4) An inmate who can be given a reasonable accommodation that enables him or her to be assigned to a full time job, program, activity or service.
- (e) Medically Unfit status applies to eligible inmates, as defined above, who are serving sentences under any sentencing act.

.0118 ADA ACCOMMODATION GAIN AND EARNED TIME CREDIT

- (a) If through the Americans with Disability Act (ADA) process, a determination is made that an inmate with a disability who is housed in regular population or protective control can be given a reasonable accommodation to enable him or her to participate in a Gain or Earned Time job, program, activity or service, the inmate will be eligible to be assigned to the job, program, activity or service. The ADA Accommodated inmate will be awarded sentence credits at the rate that is allotted for the job, program, activity or service he or she is assigned.
- (b) The ADA Accommodated Earned Time eligible inmate who is pending a job, program, activity or service assignment, and who meets the requirements of Assignment Pending Earned Time, will be placed in Assignment Pending Status when a job or program is not available for their assignment and will receive Earned Time Credit Level 1 until such time he or she is actually assigned to a job, program, activity or service.

George Poloman 9/5/13
Director of Prisons Date

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