

**TEXT OF PROPOSED REGULATIONS**

**In the following text, underlining indicates added or amended text.**

**Title 15. Crime Prevention and Corrections**

DIVISION 8. CALIFORNIA PRISON INDUSTRY AUTHORITY

CHAPTER 1. RULES AND REGULATIONS OF CALIFORNIA PRISON INDUSTRY AUTHORITY

**Article 1. Scope of Authority**

**Section 8000 is amended to adopt the definitions below and merge them alphabetically with those that exist in the regulations.**

**8000. Definitions**

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CALPIA employee means any individual hired under the authority of the CALPIA General Manager regardless of their location throughout the State, including but not limited to any CALPIA facility, Central Office, any CALPIA facility located on prison grounds, or any CDCR institution/facility.

Controlled Substance means any substance, drug, narcotic opiate, hallucinogen, depressant, or stimulant as defined by California Health and Safety Code section 11007. Also included are prescribed medications containing any of the substances identified in Health and Safety Code section 11007.

Drug means substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease, and as defined in Health and Safety Code section 11014.

Immediate Family Members means legal spouse; registered domestic partner, natural parents; adoptive parents, if the adoption occurred and a family relationship existed prior to the inmate's incarceration; step-parents or foster parents; grandparents; natural, step, or foster brothers or sisters; the inmate's natural and adoptive children; grandchildren; and legal stepchildren. Aunts, uncles and cousins are not immediate family members unless a verified foster relationship exists.

Institution means a Department of Corrections and Rehabilitation facility or complex of subfacilities with a secure (fenced or walled) perimeter headed by a warden.

Light Duty Assignment means a temporary work assignment for employees with documented medical restrictions arising out of a work-related injury or illness or a non-industrial injury or illness, who cannot perform the essential functions(s) of their job, for a limited duration.

Prescription means an oral order or electronic transmission prescription for a controlled substance given individually for the person(s) for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of a written order of the prescriber, and as defined in Health and Safety Code section 11027.

Reasonable Accommodation means any modifications or adjustments to a job or work environment that will enable a qualified applicant or employee with a disability to perform the essential functions of the job. Essential functions cannot be waived as a form of Reasonable Accommodation.

Sensitive Positions means positions within CALPIA which meet the criteria set forth in the California Code of Regulations, Title 2, Division 1, section 599.961 as determined by the General Manager.

Unauthorized cellular device means any cellular telephone, wireless Internet device, or pager that is not issued by the State of California and is not labeled with an “Authorized for State Use” sticker placed in or on the cellular device.

Under the influence means an employee’s physical or mental abilities are impaired to such a degree that they no longer have the ability to perform their duties with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances.

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NOTE: Authority cited: Section 2801 and 2808 Penal Code. Reference: Sections 2800, 2801, 2803, 2805, 2806, 2807, 2808, 2809 and 2811 Penal Code; Sections 6303 and 6304.3 Labor Code; Sections 11014 and 11027 Health and Safety Code.

**Title 15, Division 8, new Article 6 is adopted to read:**

**Article 6. Personnel**

**New sections 8100 through 8124 are adopted to read:**

**8100. Executive Staff.**

(a) The General Manager is the chief administrative officer for CALPIA and the appointing authority for all CALPIA staff.

(b) The General Manager shall establish an Executive Branch of the CALPIA which shall consist of Assistant General Managers, a General Counsel, and a Chief of External Affairs.

(c) The General Manager shall appoint the Prison Industry Manager - Lead or the Prison Industry Administrator of a CALPIA enterprise as the chief executive officer of that enterprise. The chief

executive officer of an enterprise is responsible for the oversight, training, and discipline of all CALPIA staff under his or her charge.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Section 2809 Penal Code.

### **8101. Emergencies.**

Regardless of an employee's civil service classification, in an emergency any employee shall perform any service if so directed by the General Manager, his or her designee, or the employee's supervisor. At any time an employee is contacted by telephone or is otherwise informed of an emergency situation at central office or an institution or facility where a CALPIA enterprise is located to which they are assigned, the employee shall report without delay to the on-site emergency coordinator.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8102. Identification Card.**

ALL CALPIA employees shall be issued an identification card. CALPIA employees who are assigned to or engaged in work at any CALPIA enterprise or CDCR institution/facility may be issued an identification card granting access to prison grounds as required for the performance of their duties. Employees shall, while on duty, carry such card upon their person and produce the card upon request. An employee shall promptly report the loss of his or her identification card to the General Manager, their immediate supervisor and the Chief of Human Resources.

NOTE: Authority cited: Section 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8103. Employees of Other Agencies.**

Persons who are not employed by CALPIA, but who are assigned to or engaged in work at any CALPIA enterprise or central office shall observe all rules, regulations and laws governing the conduct of CALPIA employees. Failure to do so may lead to exclusion from CDCR facilities or CALPIA central office.

NOTE: Authority cited: Section 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

#### **8103.1 CALPIA Employees within CDCR Facilities**

CALPIA employees who are assigned to or are engaged in work at any CDCR institution/facility shall observe all rules, regulations and laws governing the conduct of CDCR employees and the provisions of CCR, Title 15, Division 3 as it relates to their duties within the institution/facility. Failure to do so may lead to exclusion from the institution or other CDCR facilities and disciplinary action pursuant to the authority of the General Manager of CALPIA.

NOTE: Authority cited: Section 2801, 2808, 2809, and 4576 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8104. Hiring of Ex-Offenders.**

(a) The General Manager's written approval is required for appointment of an ex-offender.

(b) Ex-offenders shall not, without the General Manager's written approval, be assigned to areas which enable them to access:

(1) Employee records.

(2) Inmate personal or medical information.

(c) An ex-offender shall not be appointed to any position requiring a background clearance until such clearance is received.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

#### **8104.1 Approval of Ex-Offender Employee Transactions.**

Relationships involving business and financial transactions between CALPIA employees and ex-offenders of CDCR shall require the advance approval of the General Manager.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

#### **8105. Employee Conduct.**

(a) CALPIA employees shall be professional and courteous in their dealings with inmates, parolees, fellow employees, visitors and members of the public. Inmates and parolees shall be addressed by their proper names, and never by derogatory or slang reference.

(b) CALPIA employees or any individuals who are assigned to, engaged in or doing work on behalf of CALPIA at any CDCR institution/facility, shall observe all rules, regulations and laws governing the conduct of CDCR employees and the provisions of CCR, Title 15, Division 3 as it relates to their duties within the institution/facility. Failure to do so may lead to exclusion from the institution or other CDCR facilities and for CALPIA employees, disciplinary action may result, pursuant to the authority of the General Manager of CALPIA.

(c) An allegation made by any CALPIA staff or individual assigned to or engaged in work at CALPIA enterprises, other than an inmate or parolee, of misconduct by a CDCR peace officer while on institution grounds or other CALPIA location where a CDCR peace officer is

employed, shall be made in accordance with CCR, Title 15, Division 3, Section 3391, pursuant to PC section 832.5.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 832.5, 2801 and 2809 Penal Code.

**8106. Reporting of Arrest or Conviction, or Change in Driving Status.**

If an employee is arrested or convicted of any violations of law, the employee shall notify their supervisor of the fact. Suspension, revocation, or restrictions to an employee's driving privilege which prohibit the employee from performing any of their job duties, shall be reported to the employee's supervisor. Misconduct which impairs an employee's ability to do his or her job, causes discredit to, or affects or involves the CALPIA, may be cause for disciplinary action.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

**8107. Intoxicants and Drugs.**

(a) Employees shall not come onto the grounds of any state property, including but not limited to any CALPIA facility, regardless of location, or any CDCR institution/facility, or otherwise report for duty under the influence of intoxicants or drugs.

(b) Use of alcohol or drugs to the extent that an employee no longer has the ability to perform duties with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances, is grounds for disciplinary action up to and including dismissal from state service.

(c) Employees shall report to the Prison Industries Administrator/Manager or the employee's supervisor the presence of any person, including an employee on duty, or on standby for duty, who is or appears to be under the influence of intoxicants or drugs.

(d) Alcoholic beverages or any kind of illegal drugs or substances deemed illegal by operation of the law shall not be brought onto the grounds of any state property, including any CALPIA facility, regardless of location, or any CDCR institution/facility.

(e) Controlled substances or prescription drugs of any kind of shall not be brought onto the grounds of any state property, including any CALPIA facility, regardless of location, or any CDCR institution/facility, without a valid prescription prescribed by a physician for medical necessity.

(f) Any employee obtaining for, or delivering to, an inmate or parolee any alcoholic preparations of any kind, or a drug of any type, shall be subject to disciplinary action up to and including dismissal from state service and may be subject to prosecution by the district attorney.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8108. Employees Wireless Communication Devices**

(a) The use of unauthorized wireless communication devices by a CALPIA employee, including but not limited to a cellular telephone, wireless Internet device, or pager, on CALPIA facilities, including, but not limited to CDCR prison grounds, CALPIA facilities located within the secure perimeter of the CDCR facility, or any CALPIA facility where inmates are present, is prohibited.

(b) Any CALPIA employee who brings any unauthorized cellular device inside the secure perimeter of the CDCR is deemed to have consented to CDCR to prevent wireless

communication using available technology, in accordance with CCR, Title 15, Division 3, Section 3173.2(h).

(c) CALPIA employees shall maintain and lock any personal cellular devices in their personal or state vehicles while on CDCR prison grounds, CALPIA facilities located on prison grounds or any CALPIA facility where inmates are present.

(d) Unauthorized cellular devices shall be subject to confiscation.

NOTE: Authority cited: Sections 2801, and 2809 Penal Code. Reference: Section 2809 and 4576 Penal Code.

### **8108.1 Visitor Wireless Communication Devices**

Any CALPIA visitor while at CALPIA facilities that are located within the secure perimeter of the CDCR facility, shall be subject to CCR, Title 15, Division 3, sections 3170.1(h), 3172.1(b)(3)(B) and 3173.2(h) regarding the use of unauthorized wireless communication devices by any CALPIA visitor, including but not limited to a cellular telephone, wireless Internet device, or pager.

NOTE: Authority cited: Sections 2801 and 2808 Penal Code. Reference: Sections 2801, 2808 and 4576 Penal Code.

### **8109. Familiarity.**

Employees shall not engage in undue familiarity with inmates, parolees, or the family and friends of inmates or parolees. Whenever there is reason for an employee to have personal contact or discussions with an inmate or parolee or the family and friends of inmates and parolees, the employee shall maintain a helpful but professional attitude and demeanor. Employees shall not discuss their personal affairs with any inmate or parolee.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

**8110. Employee Sexual Misconduct.**

(a) For the purposes of this section, sexual misconduct means any sexual behavior by an employee, volunteer, agent or individual working on behalf of CALPIA which involves or is directed toward an inmate or parolee. The legal concept of “consent” does not exist between CALPIA staff and inmates/parolees; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary action and/or to prosecution under the law. Sexual misconduct includes, but is not limited to:

(1) Influencing or offering to influence an inmate’s/parolee’s safety, custody, housing, privileges, parole conditions or programming, or offering goods or services, in exchange for sexual favors; or

(2) Threatening an inmate’s/parolee’s safety, custody, housing, privileges, work detail, parole conditions or programming because the inmate/parolee has refused to engage in sexual behavior;  
or

(3) Engaging in sexual act(s) or contact, including:

(A) Sexual intercourse;

(B) Sodomy;

(C) Oral copulation;

(D) Penetration of genital or anal openings by a foreign object, substance, instrument or device for the purpose of sexual arousal, gratification, or manipulation;

(E) Rubbing or touching of the breasts or sexual organs of another or of oneself, in the presence of and with the knowledge of another, for the purpose of sexual arousal, gratification, or manipulation; or

(F) Invasion of privacy, beyond that reasonably necessary to maintain safety and security; or disrespectful, unduly familiar, or sexually threatening comments directed to, or within the hearing of, an inmate/parolee.

(b) Penalties. All allegations of sexual misconduct shall be subject to investigation, which may lead to disciplinary action and/or criminal prosecution.

(c) Reporting Requirements. Any employee or individual assigned to or engaged in work at CALPIA enterprises who observes or who receives information from any source concerning sexual misconduct, shall immediately report the information or incident directly to the Prison Industries Administrator/Manager, his or her supervisor or the highest-ranking official on duty at CALPIA central office, who shall then immediately report to the CDCR Office of Internal Affairs. Failure to accurately and promptly report any incident, information or facts which would lead a reasonable person to believe sexual misconduct has occurred may subject the employee who failed to report it to disciplinary action.

(d) Confidentiality. Alleged victims who report criminal sexual misconduct falling into one of the Penal Code sections set forth in Government Code section 6254(f)(2) shall be advised that their identity may be kept confidential pursuant to Penal Code section 293.5, upon their request.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 289.6, 293.5, 2801 and 2809 Penal Code: Section 6254 Government Code.

**8111. Employee and Inmate/Parolee Transactions.**

(a) Employees shall not directly or indirectly trade, barter, lend or otherwise engage in any personal transactions with any inmate, parolee or person known by the employee to be a relative of an inmate or parolee. Employees shall not, directly or indirectly give to or receive from any inmate, parolee or person known by the employee to be a relative of an inmate or parolee, anything in the nature of a tip, gift, reward, or promise of a gift.

(b) Except as provided in (e) below, employees shall not take, deliver or otherwise transmit, either to or from any inmate or member of an inmate's family, an verbal or written message, document, item, article or substance.

(c) Except as provided in (e) below, employees shall not contact, correspond or otherwise communicate with any inmate, parolee or member of an inmate's or parolee's family.

(d) If an employee is contacted by any inmate, parolee or member of an inmate's or parolee's family, other than under circumstances specified in (e) below, or is asked, coerced or otherwise contacted by any person to transmit, take or relay any message, item or substance, either to or from any inmate, parolee or member of an inmate's or parolee's family, by other than approved means or circumstances, they shall immediately notify, in writing, their supervisor, the Prison Industries Administrator/Manager or the Branch Manager of that fact.

(e) Exceptions to the above prohibitions are as follows:

(1) In the execution of their assigned duties, employees shall issue, or receive from inmates any mail, packages, supplies and other items due or permitted them according to department policy and local procedures.

(2) In the execution of their assigned duties, employees shall interact with any inmate, parolee or member of an inmate's or parolee's family as necessary.

(3) While off-duty, CALPIA employees may conduct relationships with any inmate, parolee or member of an inmate's or parolee's family who is either the employee's immediate family member, as defined in section 8000, or the employee's aunt, uncle, niece, nephew, or first cousin.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8112. Committed Relatives and Friends of Employees.**

Employees shall notify their supervisor in writing if any relative or person with whom the employee has or has had either a personal or business relationship is committed to or transferred to the jurisdiction of the CDCR. Notice of the relationship shall also be provided to the institution head at the employee's assigned work place and the appropriate CDCR Director/Assistant Secretary.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8113. Vacations.**

Employee vacations will be granted at times convenient for the continued operations of CALPIA, subject to the approval of the employee's immediate supervisor. Approved time off may be revoked if it is deemed mission essential or the employee's time off would result in a significant financial loss for CALPIA and no other provisions to accommodate the vacation can be made.

NOTE: Authority cited: Section 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8114. Hours of Employment.**

Hours of employment will be in accordance with state civil service rules and shall be subject to approval. The immediate supervisor, with the approval of the General Manager or his or her designee shall determine the hours of employment for all employees under their authority.

NOTE: Authority cited: Section 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8115. Personal Information Record Access and Amendment.**

(a) Any person on whom CALPIA maintains a record or file containing personal information has the right to inspect their record or authorize any person to inspect such records on their behalf and to request amendment to correct outdated, inaccurate or incomplete information.

(1) Requests to inspect a record shall be submitted in writing to CALPIA Human Resources responsible for maintaining the record.

(2) Requests to amend a record or file shall be submitted in writing, including documentary evidence to support the proposed amendment, to the source of the contested information, or if the source is not available, to CALPIA Human Resources.

(b) The denial of a request to amend information may be appealed in writing first to the Assistant General Manager of the subject employee reporting chain of command and then to the General Manager, and shall include all documentation pertaining to the requested amendment.

(c) When an individual's appeal of the requested decision is denied, they may submit to CALPIA Human Resources a statement of disagreement for placement in the record or file. The statement shall remain a part of the record for as long as the disputed information is retained.

NOTE: Authority cited: Section 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8116. In-Service Training.**

All employees shall participate in CALPIA's inmate/employee relations training as directed by the General Manager. CALPIA employees working on CDCR institutional grounds are required to participate in the CDCR in-service training program as prescribed by the institutional head. When work schedules permit, employees may attend training classes on state time during their regular working hours.

NOTE: Authority cited: Section 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

**8117. Light Duty Assignments/Reasonable Accommodations.**

(a) All Light Duty Assignments or Reasonable Accommodations for CALPIA employees shall be under the authority of the General Manager or his or her designee.

(b) CALPIA employees throughout the State, regardless of their physical location, shall report any requests for Light Duty Assignment or Reasonable Accommodations to their CALPIA supervisor.

(c) Upon receipt of the employee's request, the CALPIA supervisor shall immediately contact the CALPIA Return-to-Work Coordinator (RTWC) at CALPIA Central Office with the employee's request. The CALPIA supervisor and the CALPIA RTWC shall work cooperatively to immediately begin the interactive process with the employee for the Light Duty Assignment or Reasonable Accommodation request.

NOTE: Authority cited: Sections 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

**8118. Limited Term Light Duty Assignments.**

(a) The Hiring Authority may utilize Limited Term Light Duty assignments to allow employees with documented medical limitations to work. The employee shall be placed in a vacant

budgeted position within the employee's bargaining unit, or allow the employee to continue working in their current position, while temporarily waiving the essential functions of the job.

(b) No position will be permanently identified as a "light duty" position. Limited Term Light Duty for any one employee shall not extend beyond 60 days in a 6-month period for any medical condition(s). In addition, Limited Term Light Duty shall only be offered for the duration of the vacant budgeted position (not to exceed 60 days).

NOTE: Authority cited: Section 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

**8119. Incompatible Activity.**

(a) Employees of CALPIA shall not engage in any other employment or activity inconsistent or incompatible with employment by CALPIA. Conduct deemed to fall within such categories includes, but is not limited to the following:

(1) Using the prestige or influence of the state or CALPIA for private gain or advantage.

(2) Employment or participation in any activity of an illegal nature.

(3) Any employment or activity which will prevent the employee from doing his or her job as an employee of CALPIA in an efficient and capable manner, or represents a potential conflict of interest or the appearance of a conflict of interest with his or her job.

(4) Employment which will prevent a prompt response to a call to report to duty in an emergency or when otherwise required to be present by his or her supervisor or the General Manager.

(5) Using for private gain the time, facilities, equipment or supplies of the state.

(6) Using workgroup computer technologies to do any of the following:

(A) Publish, display, or transmit information that:

1. Violates or infringes on the rights of other persons, including the right of privacy.

2. Contains defamatory, intentionally false, obscene, pornographic, profane, sexually harassing, threatening, racially offensive, or other unlawfully discriminatory material.

3. Encourages the use of controlled substances.

(B) Conduct activities not related to the mission or work tasks of CALPIA.

(C) Solicit the performance of activities prohibited by law.

(D) Transmit material, information, or software in violation of CALPIA policies, or local, State, or Federal Law.

(E) Conduct electioneering or engage in political activities.

(F) Engage in non-government related fund raising or public relations activities.

(G) Conduct personal business activities or activities for personal monetary gain.

(H) Purchase or sell unauthorized goods or services.

(7) Providing confidential information to persons to whom issuance of such information has not been authorized, or using such information for private gain or advantage.

(8) Receiving or accepting money or any other consideration from anyone other than the state for performance of an act which the employee would be required or expected to render in the regular course or hours of his or her employment, or as part of his or her duties as a state employee.

(9) Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value, from anyone who is doing or is seeking to do business of any kind with the state or whose activities are regulated or controlled in anyway by the state, under circumstances from which it reasonably could be inferred that the gift was intended as a reward or for the purpose of influencing any official action on the employee's part.

(10) Consulting or testifying as a specialist or an expert witness, based on expertise gained in the course of their duties, in any administrative, civil, or criminal action without having given reasonable notice, as defined in section 8117(a)(10)(A), to the CALPIA General Counsel.

(A) An employee who is contacted by a fellow employee and/or their representative and/or attorney regarding ongoing or anticipated administrative, civil, or criminal proceedings for the purpose of eliciting expert testimony, as defined in Evidence Code section 720, shall, within one business day, notify in writing CALPIA's General Counsel, Legal Services. The written notification shall include all relevant information concerning the contact and a synopsis of their anticipated testimony. The employee whose testimony is sought shall also forward any subpoena served upon them within one business day of service to the CALPIA General Counsel.

(B) CALPIA's General Counsel, or his or her designee retains the discretion to seek to quash the subpoena on any substantive or procedural grounds before the judicial body through whose authority the subpoena was issued.

(C) This subsection shall not apply when an employee has been requested to testify regarding an event or transaction which he or she has perceived or investigated in the course of his or her duties or when an employee has been requested to testify as an expert witness by the CALPIA.

(b) Before engaging in any outside employment, activity or enterprise, including self-employment, the employee must submit a statement to the General Manager through his or her supervisor, naming the prospective employer, if any, the employer's address and phone number, and an outline of the proposed duties or activities. This statement must be in sufficient detail to enable the General Manager to determine whether the proposed activity falls within a prohibited class. The General Manager must notify the employee of his or her findings.

(c) Violation of these provisions may result in disciplinary actions up to and including termination of employment with CALPIA. Criminal prosecution may result from conduct, which violates Penal Code Section 502.

NOTE: Authority cited: Section 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.

### **8120. Compensation for Witnesses.**

(a) Compensation, pursuant to Government Code (GC) section 68097.2 shall be provided to any CALPIA employee who is obligated by a subpoena to attend as a witness before any court or other tribunal in any civil action or proceeding in connection with a matter, event, or transaction which they have expertise gained in the course of their duties.

(b) In accordance with GC section 68097.2, reimbursement in the form of a check or money order made payable to CALPIA, shall be tendered at the time of the issuance of the subpoena.

(c) Any employee who meets the requirements of subsection (a) shall submit to their immediate supervisor an itemized travel expense claim within two business days following his or her testimony.

(d) Any employee who is subpoenaed to testify as to what they witnessed, not for their expertise gained in the course of their employment with CALPIA and received witness fees pursuant to GC section 68093, shall relinquish those fees to the department if the employee has been on pay status during the duration of their testimony.

NOTE: Authority cited: Section 2801, 2808 and 2809, Penal Code. Reference: Sections 68097.2 and 68093, Government Code; Section 2801, 2808, and 2809 Penal Code.

### **8121. Grievances.**

All employees have the right to appeal to the General Manager from any grievance relating to their employment with CALPIA. Such grievances must be submitted through CALPIA's and grievance procedure. This in no way interferes with the right of a civil service employee to appeal or otherwise contest actions as provided by law, the State Personnel Board, or civil service regulations.

NOTE: Authority cited: Section 2801, 2808 and 2809 Penal Code. Reference: Sections 2801 and 2809 Penal Code.