

**State of California
Office of Administrative Law**

In re:
California Prison Industry Authority

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections:

Amend sections: 8106

Repeal sections:

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

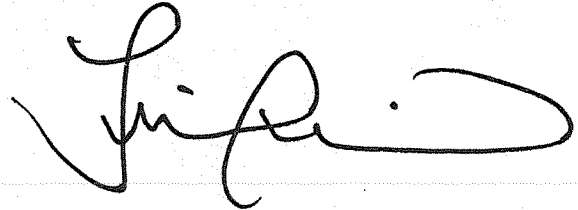
**California Code of Regulations, Title 1,
Section 100**

OAL Matter Number: 2022-0607-04

OAL Matter Type: Nonsubstantive (N)

This change without regulatory effect filing by the California Prison Industry Authority amends section 8106 to improve grammar, syntax, and diction.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.



Date: July 18, 2022

**Lindsey S. McNeill
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: William Davidson, General
Manager**

Copy: Moira Doherty

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2022-0607-04	EMERGENCY NUMBER N
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JUL 18 2022

OFFICE OF ADMIN. LAW
2022 JUN 7 PM4:27

3:24 pm

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Prison Industry Authority

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Sensitive Positions	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 8106
	REPEAL
TITLE(S) 15	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON M. Doherty	TELEPHONE NUMBER 916-413-1140	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) moira.doherty@calpia.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE William Davidson	DATE 5/26/2022
TYPED NAME AND TITLE OF SIGNATORY William Davidson, General Manager and Prison Industry Board Chair Delegate	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 18 2022

Office of Administrative Law

Proposed Text

In the following text:

Single strikeout indicates deleted text.

Single underline indicates added text.

Title 15 Crime Prevention and Corrections
Division 8 California Prison Industry Authority
Section 8106

§ 8106. Sensitive Positions.

- (a) This section ~~must~~prescribes the process for determining sensitive positions for CALPIA employees.
- (b) CALPIA positions ~~that are~~ designated as sensitive ~~will be~~are subject to drug and alcohol testing when reasonable suspicion ~~occurs~~exists.
- (c) The General Manager must designate sensitive positions under his/her jurisdiction that meet the following standards:
- (1) their duties involve a greater than normal level of trust, responsibility for or impact on the health and safety of others; and
 - (2) errors in judgment, inattentiveness or diminished coordination, dexterity or composure while performing their duties could clearly result in mistakes that would endanger the health and safety of others; and
 - (3) employees in these positions work with such independence, or, perform such tasks that it cannot be safely assumed that mistakes such as those described in subsection (2) could be prevented by a supervisor or another employee.
- (d) Filled positions must be identified as sensitive through the following process:
- (1) Employees serving in positions that will become designated as sensitive must receive an initial notice from CALPIA. Employees must be given 30 days to respond to the notice.
 - (2) After considering responses to the initial notice, CALPIA must issue a final notice to the employees serving in the positions that have been identified as sensitive. This notice must include all regulations that will affect the designated employee in the event of a substance abuse testing. Existing practices in this area must not change for any position until 60 days after the final notice concerning it is issued and the requirements of section (g) have been satisfied.
- (e) Vacant positions must be identified as sensitive through the procedures specified in subsection (c).
- (f) Once a position has been designated sensitive, the General Manager must take measures to reasonably ensure that future appointees to it are aware that it is sensitive and are informed of the provisions of this article.
- (g) All positions ~~that are~~ designated by the General Manager as sensitive must be listed on CALPIA's website.

Authority: Sections 2808 and 2809, Penal Code.

Reference: Sections 2808 and 2809, Penal Code.