

**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:** 8001, 8004, 8004.1, 8004.2,  
8004.3, 8004.4, 8006, 8008,  
8100, 8102, 8104, 8105,  
8106, 8108, 8110, 8114,  
8115, 8116, 8116.1, 8117,  
8118, 8119, 8119.1, 8120,  
8122, 8201, 8208, 8212,  
8214, 8298, 8299, 8900,  
8901

**Repeal sections:**

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

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

**OAL Matter Number: 2021-1230-03**

**OAL Matter Type: Nonsubstantive (N)**

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This action, submitted as one to make changes without regulatory effect, changes instances of "shall" to "must" across many regulations.

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

**Date:** February 11, 2022



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**Mark Storm  
Senior Attorney**

**For: Kenneth J. Pogue  
Director**

**Original: William Davidson , Acting  
General Manager**

**Copy: Moira Doherty**

# NONSUBSTANTIVE

DocuSign Envelope ID: 7BC9C525-1026-4106-B3E4-1C7DA8C  
STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS <b>Z-</b>	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER <b>2021-1290-03 N</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		OFFICE OF ADMIN. LAW 2021 DEC 30 PM 1:24	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Prison Industry Authority			AGENCY FILE NUMBER (if any)

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

FEB 11 2022

2:33 pm

### 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)
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER
			PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Terms of Obligation - Usage of Shall and Must	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
-------------------------------------------------------------------------------	----------------------------------------------------------

#### 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND See attached page
	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 56660)	<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 <i>William Davidson</i>	DATE 12/29/2021
TYPED NAME AND TITLE OF SIGNATORY William Davidson, General Manager (A) and Prison Industry Board Chair Delegate	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

FEB 10 2022

Office of Administrative Law

Form 400 Attachment

Amend

8001, 8004, 8004.1, 8004.2, 8004.3, 8004.4, 8006, 8008, 8100, 8102, 8104, 8105, 8106, 8108, 8110,  
8114, 8115, 8116, 8116.1, 8117, 8118, 8119, 8119.1, 8120, 8122, 8201, 8208, 8212, 8214, 8298, 8299,  
8900, 8901

## Proposed Text

In the following text:

Single ~~strikeout~~ indicates deleted text.

Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority

## Proposed Text

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8001

### § 8001. California Prison Industry Authority.

(a) The California Prison Industry Authority (CALPIA) has the authority to develop and operate, and assumes jurisdiction over industrial, agricultural, and service enterprises employing incarcerated individuals which may be located within an institution or elsewhere, as may be determined by CALPIA.

(b) CALPIA operates a work program for incarcerated individuals which ~~shall~~must be self-supporting by generating sufficient funds from the sale of products and services to pay all program expenses, and provides goods and services which are or will be used by CDCR, thereby reducing the cost of CDCR's operation.

(c) Pursuant to PC sections 2804 and 2806 the Prison Industries Revolving Fund ~~shall~~must be used to meet the following list of operating expenses:

- (1) Purchasing of materials and equipment,
- (2) Salaries,
- (3) Construction,
- (4) Cost of administration of the prison industries program,
- (5) Refund deposits, and
- (6) The actual and necessary expenses of travel in the commission of PIB duties that ~~shall~~must be paid from the Prison Industries Revolving Fund.

(d) Pursuant to the Administrative Procedure Act, CALPIA ~~shall~~must create and maintain working conditions within the enterprises to assure employed incarcerated individuals the opportunity to work productively, earn funds and acquire or improve effective work habits and occupational skills.

(e) CALPIA operates under a General Manager, who is appointed or contracted by the PIB to serve as the chief executive officer.

Authority: Section 2808, Penal Code.

Reference: Sections 2801, 2804, 2805, 2806, 2807 and 2808, Penal Code.



## Proposed Text

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8004

### § 8004. Participation.

(a) Incarcerated individuals committed to the custody of the California Department of Corrections and Rehabilitation may apply to participate in CALPIA work and training programs. Incarcerated individuals who have met the requirements in Section 8004.1 may be assigned to an appropriate work position allowing the inmate to earn funds and acquire or improve effective work habits and occupational skills. CALPIA does not discriminate on the basis of disability in employment or in the admission and access to its program or activities. Incarcerated individuals with physical or developmental disabilities, or incarcerated individuals who participate in CDCR's Mental Health Services Delivery System, and who otherwise meet the hiring requirements, are not excluded from CALPIA job or training positions. CALPIA will afford incarcerated individuals reasonable accommodation to access programs as required by the American with Disabilities Act, the California Fair Employment and Housing Act, and applicable related non-discrimination laws.

(b) Incarcerated individuals ~~shall~~must not be eligible for a CALPIA assignment under the following circumstances:

(1) Incarcerated individuals serving life sentences without parole (LWOP); unless the inmate meets the exception found in 8004(d)(4).

(2) Incarcerated individuals convicted of arson, elements of arson, or possession or use of explosive material, unless the arson conviction is more than 15 years prior to the date of application and all other eligibility requirements are met, then an exemption may be considered.

(3) Incarcerated individuals found in violation of Section 3016 and/or 3290(d); unless the inmate subsequently meets the following minimum requirements:

(A) six (6) months of disciplinary/drug/alcohol-free conduct; and

(B) ninety (90) days of satisfactory work as written on an institutional Work Supervisor's Report, CDC 101 (1/92), which is incorporated by reference, from inmate's work supervisor; and

(C) Successfully graduates from a substance abuse program.

(c) Incarcerated individuals who are otherwise eligible for a CALPIA assignment ~~shall~~must be restricted as follows:

(1) All incarcerated individuals assigned to a work/training position within CALPIA, pursuant to Penal Code (PC) Section 5071, ~~shall~~must not have access to personal information of private individuals.

(2) Incarcerated individuals convicted of a PC Section 290 offense ~~shall~~must not be assigned to the CALPIA optical program.

(3) Incarcerated individuals convicted of forgery, fraud, counterfeiting, or embezzlement ~~shall~~must not be assigned to the CALPIA Specialty Print Plants.

(4) Incarcerated individuals who have any of the following history ~~shall~~must not be placed in assignments that provide access to a computer:

- (A) Computer fraud or abuse, as defined in PC Section 502; or
- (B) Telephone fraud or abuse, as defined in PC Section 502.7(b); or
- (C) Any documented institutional disciplinary action, as described in sections 3000 and 3312 of Title 15, involving the use of a computer to conduct unauthorized activity not related to the intended work tasks of CDCR or CALPIA.
- (d) The following factors ~~shall~~must be taken into consideration on a case-by-case basis when determining the assignment or re-assignment of an incarcerated individual to a CALPIA program:
  - (1) Incarcerated individuals with prior history of disciplinary actions, or disciplinary measures that resulted in removal from a CALPIA program may be considered for a reassignment based upon the incarcerated individual's conduct of a minimum of six (6) months of disciplinary-free conduct.
  - (2) Incarcerated individuals with Close Custody designation may be considered for a CALPIA assignment that conforms with the requirements identified in California Code of Regulations (CCR), Title 15, Division 3, Section 3377.1(a)(2)(B) through (a)(2)(D) or (a)(3)(B) through (a)(3)(D) on a case-by-case basis, with the approval of the Warden at the institution/facility.
  - (3) Institutions/facilities with a transient population resulting in incarcerated individual worker unavailability may utilize incarcerated individuals with Life sentences, but ~~shall~~must not exceed twenty-five percent of the workforce per institution/facility.
  - (4) Institutions/facilities with a population resulting in incarcerated individual worker unavailability may utilize incarcerated individuals with LWOP sentences with the approval of the Warden at the institution/facility on a case-by-case basis.
- (e) Incarcerated individuals placed on Immigration and Customs Enforcement (ICE) Hold status by CDCR ~~shall~~must not be assigned to a CALPIA job without an approved exemption in writing from the General Manager.
  - (1) ICE Hold worker incarcerated individual assigned to CALPIA will not be eligible to receive external accredited certificates unless ICE Hold status is removed in the following two steps:
    - (A) Through administrative proceedings; and
    - (B) Prior to the end of accredited certificate program.

Authority: Sections 2801 and 2808, Penal Code.

Reference: Sections 2702, 2801, 2805 and 5071, Penal Code; *Armstrong v. Davis*, 318 F.3d 965, 968-9 (9th Cir. 2003); *Armstrong v. Davis*, 275 F.3d 849, 879 (9th Cir. 2001), cert. denied 2002 U.S. LEXIS 5480 (U.S. Oct. 2002); *Armstrong v. Wilson*, 124 F.3d 1019, 1020-21 (9th Cir. 1997); *Pa. Dep't of Corr. v. Yeskey*, 524 U.S. 206 (1998); and *Hecker v. CDCR*, Docket 2:05-CV-02441-LKK-JFM (E.D. Cal.).

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8004.1

### § 8004.1. CALPIA Incarcerated Individuals Worker Hiring Standards and Requirements.

(a) CALPIA ~~shall~~must fill vacant job/training positions based on the following standards:

(1) Skill level evidenced by the incarcerated individual's technical expertise, ability, and knowledge.

(2) Behavior and relationships with others evidenced by the incarcerated individual's ability to work with staff and other authority figures, work/training supervisors, and other incarcerated individuals.

(3) Attitude and adaptability evidenced by the incarcerated individual's willingness to learn, take directions, and orders.

(4) Work/training habits evidenced by the incarcerated individual's punctuality, dependability, care of equipment, and safety practices.

(5) Formal education and training evidenced by the incarcerated individual's preparation for the work/training assignment and the ability to read, write, and speak effectively.

(6) Ethnic Balance. Ethnic balance is achieved by assigning identified ethnicities for CALPIA work/training position in proportion to those represented within the incarcerated individual yards at the institution.

(b) Incarcerated individuals ~~shall~~must meet a minimum intake requirement of two (2) years and a maximum of five (5) years from their earliest possible release date (EPRD), on the date of application for all CALPIA assignments or apprenticeship/training positions.

(c) Incarcerated individuals assigned from the following locations, may utilize an alternate intake requirement of a minimum of two (2) months and a maximum of 60 months from their earliest EPRD, on the date of application:

(A) Reception Centers with a temporary or transient incarcerated individual population resulting in incarcerated individual worker unavailability.

(B) Institutions with a Level 1 incarcerated individual population.

(d) Incarcerated individuals ~~shall~~must meet the minimum qualifications to perform the essential job functions.

(e) Incarcerated individuals with qualified learning disabilities under the Americans with Disabilities Act of 1990 (ADA), as defined in Section 8000, and who have complied with CCR, Title 15, Division 3, Section 3085, may be accommodated with an exemption to 8004.1(d) unless the accommodation would result in financial or administrative burden, or unsafe working conditions for CALPIA.

(f) Prior to utilizing any of the above alternate intake requirements, a written waiver of authorization ~~shall~~must be obtained annually from the CALPIA General Manager by the Warden at each institution/facility in coordination with the CALPIA Administrator/Lead Manager at each specific enterprise.



(g) Within two years of initial CALPIA assignment, CALPIA incarcerated individual workers ~~shall~~must complete a General Education Diploma (GED), high school diploma, or Certificate of Attendance and Participation (CAP) unless that is not feasible due to disabling conditions documented in the incarcerated individual's C-File, in which case the incarcerated individual worker must be concurrently enrolled in classes to obtain a GED, high school diploma, or CAP while in a work assignment with CALPIA.

(h) CALPIA incarcerated individual workers ~~shall~~must remain in their current skill level, as specified in Section 8006(d)(1), while completing a GED or high school diploma and ~~shall~~must not be allowed to promote to a higher pay skill level until this educational requirement is satisfied.

Authority: Sections 2801 and 2808, Penal Code.

Reference: Sections 2801 and 2805, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 327; and Section 35.130, Title 28, Code of Federal Regulations.

## Proposed Text

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Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8004.2

### § 8004.2. Recruitment and Appointment Process.

- (a) The CALPIA Prison Industries Administrator/Lead Manager at each facility ~~shall~~must be responsible for coordinating the recruitment of incarcerated individuals with the institution/facility's correctional counseling staff or the classification services staff.
- (b) Incarcerated individuals ~~shall~~must obtain and complete the Worker Application and Intake IEP-F002/IEP-F003, 12/24/2015 Rev. H Form, which is incorporated by reference, to apply for a CALPIA work/training position. This form is made available by CALPIA staff to the incarcerated individual population throughout institutions with CALPIA enterprises.
- (c) Incarcerated individuals ~~shall~~must submit completed forms referenced in subsection (b) to the correctional counselor staff at the incarcerated individual's institution to begin initial screening process.
- (d) The Prison Industries Administrator/Lead Manager ~~shall~~must, in coordination with the correctional counselor staff, conduct a central file review, ensuring eligibility standards and requirements, in sections 8004 and 8004.1 are met.
- (e) Upon confirmation of program eligibility, incarcerated individuals who have applied for a CALPIA position and have been placed into CALPIA's Incarcerated Individual Candidate Pool (ICP) may be assigned to an appropriate work program in accordance with California Code of Regulations (CCR), Title 15, Division 3, Section 3040(c).
- (f) Upon the availability of a vacant CALPIA position, CALPIA enterprise staff ~~shall~~must:
- (1) Request a list of eligible incarcerated individuals from the ICP from the institution/facility Assignment Lieutenant responsible for maintaining the ICP list.
  - (2) Interview incarcerated individuals from the ICP list.
  - (3) Make the final selection of incarcerated individuals based on priority of the following educational achievements:
    - (A) High School Diploma, high school equivalency (HSE) or GED or Certificate of Attendance and Participation (CAP).
    - (B) Enrolled in GED program or prescribed high school alternative course of study.
    - (C) No Diploma/GED/HSE or CAP and not enrolled in an education program or prescribed high school alternative course of study.
  - (4) Submit a final list of successful incarcerated individual applicants on the Offender Job Change Request Form (CALPIA Form SOMS F001 (3/26/2016)), hereby incorporated by reference to the institution/facility's Assignment Lieutenant.
- (g) In addition to the priorities set forth in subsection (f)(3)(A) through (C), CALPIA will also give consideration to part time CALPIA incarcerated individuals who graduate from a substance abuse program or complete any other CDCR rehabilitating programs when filling full time assignments.

(h) A urinalysis test ~~shall~~must be requested on all incarcerated individuals newly assigned to CALPIA within 30 days of their start date. See subsection 8004.3(a) for requesting guidelines.

(i) As part of the appointment process, the incarcerated individual's supervisor will provide to the inmate acknowledgement(s) of policies, procedures, and appointment documents for review and signature on the Acknowledgement form (CALPIA FORM IEP F029 (8/1/2020)), hereby incorporated by reference. Failure or refusal to sign an acknowledgement of receipt of these documents ~~shall~~must result in immediate removal and being unassigned from the CALPIA work program.

Authority: Sections 2801 and 2808, Penal Code.

Reference: Sections 2801 and 2805, Penal Code.

## Proposed Text

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Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8004.3

### § 8004.3. Inmate Worker Controlled Substances/Alcohol Use.

(a) To request testing for the presence of controlled substances or for the use of alcohol by an inmate assigned to CALPIA, Administrator/Lead Manager ~~shall~~must contact the institution's Investigative Services Unit (ISU) Lieutenant in the following circumstances:

- (1) new hires pursuant to Section 8004.2(h); or
- (2) random drug testing for the duration of incarcerated individual's work assignment; or
- (3) When there is reasonable suspicion to believe that an inmate is under the influence of a controlled substance or alcohol;
- (4) in the event of an industrial accident involving the inmate.

(b) The following circumstances ~~shall~~must determine if an inmate is un-assigned from CALPIA when testing under subdivision (a):

(1) If a laboratory test is conducted, the suspected inmate ~~shall~~must leave CALPIA until test results are complete. The laboratory test results will determine if the inmate may return to CALPIA.

(2) If an on-site testing of urine sample is conducted and the results are positive, the inmate ~~shall~~must leave CALPIA until further laboratory testing determines the following:

(A) Confirms the results of a positive, on-site, urine sample. Inmate ~~shall~~must be unassigned from CALPIA.

(B) Indicates on-site, urine sample is negative. The inmate may return to work at CALPIA.

(3) Any inmate refusing to submit to testing for controlled substance or alcohol pursuant to a direction by CALPIA or CDCR ~~shall~~must be immediately unassigned from the CALPIA work/training program and treated as though a positive test was determined.

(c) Any CALPIA inmate found in violation of Title 15, CCR, Section 3016 and/or 3290(d) ~~shall~~must be immediately removed from the CALPIA work/training program and required to meet minimum requirements pursuant to subsection 8004(b)(3) prior to reapplying for a CALPIA position. Any inmate found to be in violation of Title 15, CCR, Section 3016 and/or 3290(d) ~~shall~~must be immediately removed from the CALPIA work/training program, and may be subject to the provisions of Title 15, CCR, Section 3315, Serious Rule Violations.

Authority: Sections 2801 and 2808, Penal Code.

Reference: Sections 2801, 2805 and 2808, Penal Code.

## Proposed Text

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Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8004.4

### § 8004.4. Inmate Workforce Allocation.

(a) Prison Industries Administrators/Lead Managers at each facility ~~shall~~must be responsible to determine the inmate workforce allocation for each enterprise within their scope of authority.

(b) To maintain adequate production levels that support the volume of sales orders and service contracts, inmate positions ~~shall~~must be staffed in accordance with inmate worker hiring standards in Section 8004.1.

(c) A workforce allocation plan ~~shall~~must be submitted each fiscal year through the CALPIA budget process.

(d) The establishment of new or the revising of existing CALPIA incarcerated individual workforce allocations ~~shall~~must be accomplished as follows:

(1) New Enterprises. Prior to the activation of a new enterprise the Prison Industries Administrator/Lead Manager ~~shall~~must submit an inmate workforce allocation plan to the CALPIA Assistant General Manager, Operations Division via their CALPIA Enterprise Branch Manager for approval. The plan ~~shall~~must be jointly approved by the institution/facility's Warden or designee, and the CALPIA Assistant General Manager, Operations Division. The plan ~~shall~~must include:

(A) The projected total allocation of incarcerated individual workers required for each shift;  
(B) A listing of positions designating no more than 25 percent of the total allocation of incarcerated individuals in each of the skill level categories as specified in Section 8006(d)(1);  
and

(C) The job description based on the Federal Bureau of Labor Statistics' Standard Occupational Classification (SOC) for each position.

(2) Existing Enterprises with changes of 15 percent or more. Prior to any changes of an existing incarcerated individual workforce allocation plan of 15 percent or more, the Prison Industries Administrator/Lead Manager ~~shall~~must submit changes to the CALPIA Enterprise Branch Manager for approval. The plan ~~shall~~must include:

(A) The allocation of incarcerated individual workers required for each shift;  
(B) The SOC job description for each position; and  
(C) The justification for revising an existing allocation.

(3) Existing Enterprises with changes of less than 15 percent. Prior to any changes of an existing incarcerated individual workforce allocation plan of less than 15 percent, the Prison Industries Administrator/Lead Manager ~~shall~~must submit an informational copy of the changes justifying the revision in the incarcerated individual workforce allocation plan to their CALPIA Enterprise Branch Manager.

(4) For existing enterprises, changes to the workforce allocation plan ~~shall~~must be jointly approved by the institution/facility's Warden or their designee, and the Prison Industries Administrator/Lead Manager.

(e) Exceptions to the workforce staffing allocation include:

- (1) Increase or decrease in the volume of sales orders or service contracts;
- (2) Emergency facility lockdowns which prevent incarcerated individuals from an entire skill level or security level from working at a specific enterprise; or
- (3) Any security situations deemed as unsafe working conditions by CALPIA staff, including the facility Prison Industries Administrators/Lead Managers, Branch Managers, Assistant General Manager, Operations Division, General Manager, or the institution/facility staff including the Warden/Chief Deputy Warden or their designee.

Authority: Sections 2801 and 2808, Penal Code.

Reference: Sections 2801 and 2805, Penal Code.

**Proposed Text**

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Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8006

**§ 8006. Incarcerated individuals Pay Rates, Schedule and Movement.**

(a) Incarcerated individuals assigned to work programs within CALPIA ~~shall~~must receive compensation as determined by the General Manager and reviewed by the Prison Industry Board (PIB). Compensation ~~shall~~must be paid from the Prison Industries Revolving Fund, and ~~shall~~must be in accord with the graduated pay schedule, and based on quality and quantity of work performed, and technical skills and abilities required for its performance.

(b) Any proposed changes to the Incarcerated Individual Pay Schedule ~~shall~~must be submitted by the General Manager to the PIB for review.

(c) Final determination of any disputes or interpretations of the Incarcerated Individual Pay Schedule ~~shall~~must be made by the General Manager.

(d) CALPIA incarcerated individual pay rates ~~shall~~must be in accord with the following skill and step levels:

(1) Incarcerated Individual Pay Schedule:

<b>Skill Level</b>	<b>Step I Step II Step III</b>		
Level 1			
Leadperson (AA)	\$.80	\$.90	\$1.00
Level 2			
Special Skills (A)	.70	.75	.80
Level 3			
Technician (B)	.60	.65	.70
Level 4			
Semi-Skill (C)	.50	.55	.60
Level 5			
Laborer/Entry Trainee (D)	.35	.40	.45

(e) The Prison Industries Administrator/Lead Manager at each facility ~~shall~~must be responsible for the administration of the CALPIA incarcerated individual pay program, ensuring pay positions are properly classified and allocated.

(f) Movement between one pay rate to another pay rate ~~shall~~must be based upon the following:

(1) Pay increases. Increases in the pay rate ~~shall~~must be based on the incarcerated individual's productivity (quantity and quality of work performed), the supervisor's recommendation, the work/training performance report, and ~~shall~~must be subject to the review and approval of the Prison Industries Administrator/Lead Manager.

(A) Incarcerated individuals may receive a pay increase for satisfactory performance after they complete three months of work in each step level, as described in subsection (d)(1) above.

(B) Incarcerated individuals pay increases from Step I to Step II and finally Step III ~~shall~~must be effective upon the Prison Industries Administrator/Lead Manager approval on the first day of the following month after the pay increase is administratively processed.

(2) Pay decreases. Reduction in pay ~~shall~~must be based on the immediate supervisor's recommendation, incarcerated individual's less than satisfactory work performance, or incarcerated individual misconduct as described in Title 15, California Code of Regulations (CCR), Division 3, Sections 3312, 3314, or 3315.

(A) Incarcerated individual pay decreases ~~shall~~must be effective upon the Prison Industries Administrator/Lead Manager review and approval on the first day of the following month after the pay decrease is administratively processed.

(3) Advancement. incarcerated individuals may advance to a higher skill level, as described in subsection (d)(1), with the immediate supervisor's recommendation and based upon the incarcerated individual's demonstration of increased skill level, their work/training performance report, and ~~shall~~must be subject to the review and approval of the Prison Industries Administrator/Lead Manager.

(A) Incarcerated individuals may advance from one skill level to the next, after they complete one month of work in their current skill level, as described in subsection (d)(1) above.

(B) Incarcerated individual's advancement ~~shall~~must be effective upon the Prison Administrator/Lead Manager approval on the first day of the following month after the pay increase is administratively processed.

(C) An incarcerated individual's longevity ~~shall~~must not be used as criteria for the purpose of upgrading skill level.

(4) Removal beyond an incarcerated individual's control. Incarcerated individuals removed from their work assignment for reasons beyond their control, including, but not limited to out-to-court or lengthy hospital stay, may return to a CALPIA assignment at the same or closest level of pay to their former position, if a position is available, via the institution classification committee process, CCR, Title 15, Division 3, Section 3040.

(g) Overtime pay will be provided for inmates when an inmate works more hours than that inmate's scheduled workable hours in a single month.

(1) Overtime pay will be calculated at 1.5 times the rate of straight time pay.

(2) "Workable hours" are defined as the scheduled hours an inmate is assigned to work in a single month.

a. Example: a 5-day a week factory with 6.5 hours of scheduled work shift for an inmate in a month with 22 work days in a month has 143 scheduled workable hours. This inmate ~~shall~~must be paid overtime for all hours worked in that same month in excess of the inmate's 143 workable hours.

b. Example: an inmate working four (4) ten (10) hour shifts per week in a month with 16 working days scheduled in that month, has 160 workable hours in that month. This inmate will be paid overtime for hours worked in that same month in excess of the inmate's 160 workable hours.

c. Example: an inmate scheduled to work four (4) hours a day in a 5-day a week factory, with 20 working days scheduled in a month, has 80 hours of scheduled workable hours. This inmate will be paid overtime for hours worked in that same month in excess of the inmate's 80 workable hours.

(3) "Factory workable hours" is defined as the number of working hours per day and working days in a month for the factory.



(4) There will be one exception for calculating overtime, but not lost hours, for an impact to an inmate that prevents them to come to work due to safety and security of the prison or factory (S time) ~~shall~~must be counted as worked hours. S hours are hours for which the inmate does not work in the inmate's CALPIA assignment due to reasons beyond the inmate's control for example, a CALPIA factory is not operating due to direction from the General Manager, or the CDCR Institution has stopped all inmate movement from housing units precluding movement of inmates to their CALPIA assignments.

Authority: Sections 2801, 2808 and 2811, Penal Code.

Reference: Sections 2806 and 2811, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8008

### § 8008. CALPIA Health or Safety Complaints.

- (a) A health or safety complaint, as defined in Section 8000, ~~shall~~must not be submitted using the regular appeal process, Title 15, Division 3, Chapter 1, Article 8 of the CCR.
- (b) Any urgent health or safety situation requiring immediate response should be reported to any CALPIA staff upon the incarcerated individual's initial discovery of the situation. A written health or safety complaint should not be used by incarcerated individuals as a substitute for verbally or otherwise informing staff of any urgent situation.
- (c) A CALPIA incarcerated individuals alleging a health or safety hazard exists in a prison industry operation ~~shall~~must submit a written complaint, pursuant to Labor Code (LC) 6304.3(b). The written complaint ~~shall~~must be deposited in a readily accessible complaint box or by the complainant personally presenting the written complaint to any CALPIA staff member.
- (d) Any CALPIA staff member receiving a written health or safety complaint ~~shall~~must personally present the complaint to a member of the local CALPIA Safety Committee.
- (e) The CALPIA Safety Committee ~~shall~~must review and respond to the complaint within 15 calendar days of its filing. Any action taken by the Committee ~~shall~~must be in accordance with Title 8, CCR, Section 344.42.
- (f) If the incarcerated individual complainant is not satisfied with the CALPIA Safety Committee response, the complainant may request the complaint be forwarded to the Division of Occupational Safety and Health, pursuant to LC 6304.3(b).

Authority: Sections 2801 and 2808,

Penal Code. Reference: Sections 2801, 2805 and 2807, Penal Code; and Section 6304.3, Labor Code.

## Proposed Text

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Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8100

### § 8100. Executive Staff.

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

(b) The General Manager ~~shall~~must establish an Executive Staff for CALPIA, which ~~shall~~must consist of Assistant General Managers, a General Counsel, a Chief Financial Officer, Chief Administrative Officer, and a Chief of External Affairs.

(c) The General Manager ~~shall~~must appoint the Prison Industry Manager or the Prison Industry Administrator of an enterprise as the local administrative officer of that enterprise. The local administrative officer of an enterprise is responsible for the oversight, training, and discipline of all employees under his or her charge.

Authority: Sections 2801 and 2809,

Penal Code. Reference: Section 2809, Penal Code.

## Proposed Text

In the following text:

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Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8102

### § 8102. Identification Card.

(a) Each employee ~~shall~~must be issued an identification card granting access to institutions and workplaces as required for the performance of his or her duties. While on duty, each employee ~~shall~~must carry his or her identification card and produce the card upon request. An employee ~~shall~~must promptly report the loss of his or her identification card to his or her supervisor who ~~shall~~must immediately do one of the following:

- (1) When the employee is assigned to a workplace located at an institution, follow CDCR local rules and notify Human Resources at Central Office.
- (2) When the employee is assigned to a workplace not located at an institution, notify Human Resources at Central Office.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8104

### § 8104. Employee Conduct.

- (a) Employees ~~shall~~must be professional and courteous in their dealings with incarcerated individuals, paroled individuals, fellow employees, visitors, and members of the public. Incarcerated individuals and paroled individuals ~~shall~~must be addressed by their proper names. Incarcerated and paroled individuals ~~shall~~must must be addressed by derogatory or slang reference.
- (b) Allegations made by employees regarding the misconduct of a CDCR Peace Officer ~~shall~~must be made in accordance with CCR, Title 15, Section 3391.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

In the following text:

Single ~~strikeout~~ indicates deleted text.

Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8105

### **§ 8105. Reporting of Arrest, Conviction, or Change in Driving Status.**

- (a) If an employee is arrested for or convicted of a violation of law, the employee ~~shall~~must notify his or her supervisor.
- (b) Restrictions to an employee's driving privilege that interfere with his or her job duties ~~shall~~must be reported by the employee to his or her supervisor.
- (c) Reports made pursuant to subdivisions (a) or (b) of this section ~~shall~~must be communicated up the chain of command to the General Manager within one working day.
- (d) Misconduct that impairs an employee's ability to do his or her job, causes discredit to, or affects or involves CALPIA may be cause for disciplinary action.

Authority: Sections 2801, 2808 and 2809,

Penal Code. Reference: Sections 2801, 2808 and 2809, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8106

### § 8106. Sensitive Positions.

- (a) This section ~~shall~~must prescribe the process for determining sensitive positions for CALPIA employees.
- (b) CALPIA positions that are designated as sensitive will be subject to drug and alcohol testing when reasonable suspicion occurs.
- (c) The General Manager ~~shall~~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 ~~shall~~must be identified as sensitive through the following process:
- (1) Employees serving in positions that will become designated as sensitive ~~shall~~must receive an initial notice from CALPIA. Employees ~~shall~~must be given 30 days to respond to the notice.
  - (2) After considering responses to the initial notice, CALPIA ~~shall~~must issue a final notice to the employees serving in the positions that have been identified as sensitive. This notice ~~shall~~must include all regulations that will affect the designated employee in the event of a substance abuse testing. Existing practices in this area ~~shall~~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 ~~shall~~must be identified as sensitive through the procedures specified in subsection (c).
- (f) Once a position has been designated sensitive, the General Manager ~~shall~~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 ~~shall~~must be listed on CALPIA's website.

Authority: Sections 2808 and 2809, Penal Code.

Reference: Sections 2808 and 2809, Penal Code.

## Proposed Text

In the following text:

Single ~~strikeout~~ indicates deleted text.

Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8108

### **§ 8108. Unauthorized Electronic Communication Devices.**

- (a) The possession or use of an unauthorized electronic communication device by an employee or visitor inside a workplace or within the secure perimeter of an institution is prohibited.
- (b) Employees and visitors ~~shall~~must maintain and lock their unauthorized electronic communication devices in their personal or state vehicles while on institution grounds or in workplaces.
- (c) Unauthorized electronic communication devices ~~shall~~must be subject to confiscation.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Section 2809, Penal Code.



## Proposed Text

In the following text:

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Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8110

### **§ 8110. Employee Work Schedules.**

Each immediate supervisor, with the approval of the General Manager or the General Manager's designee, ~~shall~~must determine the work schedules for all employees under his or her authority. Employee work schedules will be in accordance with state civil service rules.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                      8114

### **§ 8114. Legal Matters.**

(a) An employee who is subpoenaed to testify before a court or other tribunal in connection with a matter, event, or transaction of which he or she gained knowledge during the course of his or her duties ~~shall~~must notify CALPIA's General Counsel, Legal Services in writing within one business day. The written notification ~~shall~~must include all relevant information concerning the contact, copy of any subpoena, and a summary of his or her anticipated testimony.

(b) No employee ~~shall~~must consult or testify as a specialist or an expert witness, based on expertise gained in the course of his or her duties, in an administrative, civil, or criminal action without giving reasonable notice, as defined in subdivision (a), to the CALPIA General Counsel.

(1) An employee who is contacted for the purpose of eliciting expert testimony, as defined in Evidence Code Section 720, ~~shall~~must notify CALPIA's General Counsel, Legal Services in writing within one business day. The written notification ~~shall~~must include all relevant information concerning the contact, copy of any subpoena, and a summary of his or her anticipated testimony.

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

Authority: Sections 2801 and 2809, Penal Code.

Reference: Section 720, Evidence Code; and Sections 2801 and 2809, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                      8115

### **§ 8115. Familiarity.**

(a) For the purposes of this section, “familiarity” means engaging in conversation or any type of communication that includes personal topics.

(b) With exception to Section 8116, no employee ~~shall~~must engage in familiarity with incarcerated individuals or paroled individual who are under the jurisdiction of CDCR.

(c) For work related purposes, an employee may converse with incarcerated individuals or paroled individuals; conversations ~~shall~~must be limited to work related topics only.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8116

### **§ 8116. Employee Relations with Family Members under CDCR Jurisdiction.**

(a) "Family member" as defined in Section 8000, applies to this section.

(b) An employee may conduct a relationship with an incarcerated individual if all of the following exist:

- (1) the incarcerated individual or paroled individual is the employee's family member;
- (2) interactions are conducted during employee's off-duty hours and away from the workplace; and
- (3) pursuant to disclosure set forth in subdivision (c) of this section.

(c) An employee shall~~must~~ notify his or her supervisor in writing of relationships described in subdivision (b). The supervisor shall~~must~~ provide the written notice to the General Manager, who will ensure notice is forwarded to the warden at the employee's assigned workplace and the appropriate CDCR Director.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8116.1

### **§ 8116.1. Disclosure of Persons Known under CDCR Jurisdiction, Incarcerated individual or Paroled Individuals.**

(a) For the purpose of this section, "any person known by an employee" includes:

- (1) Family members as defined in Section 8000;
- (2) Current or past co-workers, clients, business partners, or anyone an employee works with or has worked with in a business setting; or
- (3) Current or past neighbors, friends, associates, or companions.

(b) If an employee is aware of any person described in subsection 8116.1(a) who was previously or is currently committed to the jurisdiction of CDCR, an incarcerated individual, or a paroled individual, the employee ~~shall~~must make a disclosure as described in subdivision (c) of this section.

(c) An employee ~~shall~~must notify his or her supervisor in writing of anyone described in subdivisions (a) and (b). The supervisor ~~shall~~must provide the written notice to the General Manager who will ensure notice is forwarded to the warden at the employee's assigned workplace and the appropriate CDCR Director.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

In the following text:

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Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8117

### **§ 8117. Employee Transactions with Incarcerated Individuals and Paroled Individuals.**

(a) Except as provided in Sections 8116, 8119, subdivisions (a) and (c), and 8119.1, no employee ~~shall~~must engage in any of the following transactions with an incarcerated individual or paroled individual:

(1) directly or indirectly trade, barter, lend, give, promise to give or otherwise engage in transactions;

(2) convey or transmit any type of messages;

(3) take or deliver any unauthorized items.

(b) If an employee is contacted, asked, or coerced, other than under circumstances specified in subdivision (a) of this section, to engage in transactions described in subdivisions (a)(1), (2), and (3) of this section, the employee ~~shall~~must immediately notify his or her supervisor, the Prison Industries Administrator, Manager, or Branch Manager verbally and in writing.

(c) Exceptions to subdivision (a) above are as follows:

(1) In the execution of their assigned duties, employees may interact with incarcerated individuals and paroled individuals as necessary and deliver authorized items and messages according to institution policy and local procedures.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8118

### **§ 8118. Sexual Misconduct with Incarcerated Individual or Paroled Individual.**

- (a) Sexual Misconduct. For the purposes of this section, "sexual misconduct" means sexual behavior by a non-incarcerated individual who is on prison grounds on behalf of CALPIA that involves or is directed toward an incarcerated individual or paroled individual.
- (b) All sexual behavior between an employee and an incarcerated individual or paroled individual constitutes sexual misconduct and ~~shall~~must subject the employee to disciplinary action.
- (c) Any person engaging in sexual misconduct may be subject to possible prosecution under the law.
- (d) Sexual misconduct includes, but is not limited to:
- (1) Influencing or offering to influence an incarcerated individual or paroled individual's safety, custody, housing, privileges, work detail, parole conditions or programming, or offering goods or services, in exchange for sexual favors;
  - (2) Threatening an incarcerated individual or paroled individual's safety, custody, housing, privileges, work detail, parole conditions or programming because the incarcerated individual or paroled individual has refused to engage in sexual behavior;
  - (3) Invading privacy beyond that reasonably necessary to maintain safety and security;
  - (4) Disrespectful or sexually threatening comments directed to, or within the hearing of, an incarcerated individual or paroled individual or
  - (5) 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; and
    - (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.
- (e) Penalties. All allegations of sexual misconduct ~~shall~~must be subject to investigation.
- (f) Reporting Requirements. An employee who observes or receives information concerning sexual misconduct ~~shall~~must immediately report the information or incident directly to the Prison Industries Administrator, Manager, supervisor, or the highest-ranking official on duty at CALPIA Central Office, who ~~shall~~must then immediately report to the CDCR Office of Internal Affairs. An employee who fails to accurately and promptly report an incident, information, or

facts that would lead a reasonable person to believe sexual misconduct has occurred may be subject to disciplinary action.

(g) Confidentiality. An alleged victim who reports criminal sexual misconduct ~~shall~~must be advised that his or her identity may be kept confidential from the public as described in Government Code Section 6254(f)(2). The alleged victim may request his or her identity to be kept confidential in court proceedings as described in Penal Code Section 293.5.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 289.6, 293.5, 2801 and 2809, Penal Code; and Section 6254, Government Code.



## Proposed Text

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Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8119

### **§ 8119. Hiring of Previously Incarcerated or Paroled Individuals at CALPIA.**

(a) The General Manager's written approval is required to offer employment at CALPIA to a previously incarcerated or paroled individual.

(b) Previously incarcerated or paroled individuals employed at CALPIA ~~shall~~must not, without the General Manager's written approval, be assigned to areas that enable them to access:

(1) Employee records.

(2) Incarcerated individual personal or medical information.

(c) A previously incarcerated or paroled individual ~~shall~~must not be appointed to any position until his or her background clearance is received.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8119

### **§ 8119.1. Approval of Previously Incarcerated or Paroled Individual Employee Transactions.**

Relationships involving business or financial transactions between employees and persons previously incarcerated or paroled ~~shall~~ require the advance approval of the General Manager.



Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

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Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8120

### **§ 8120. Personal Information Record Access and Amendment.**

(a) Persons for whom CALPIA maintains a record containing personal information have the right to inspect their records, or authorize someone to inspect their records on their behalf, and to request amendment to correct outdated, inaccurate, or incomplete information.

(1) Requests to inspect a record ~~shall~~must be submitted in writing to CALPIA Human Resources.

(2) Requests to amend a record ~~shall~~must be submitted in writing to CALPIA Human Resources and include documentary evidence to support the requested amendment.

(b) The denial of a request to amend a record may be appealed in writing to the Assistant General Manager of the subject employee's reporting chain of command. The Assistant General Manager's determination can be appealed to the General Manager, and ~~shall~~must include all relevant documentation.

(c) If an individual's appeal is denied, he or she may submit a statement of disagreement to CALPIA Human Resources for placement in the record. The statement ~~shall~~must remain part of the record for as long as the disputed information is retained.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code.

## Proposed Text

## Proposed Text

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Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8122

### **§ 8122. Employee Prohibition on Use of Nonpublic Information at Auctions.**

(a) An employee ~~shall~~must not engage in a financial transaction involving a CALPIA auction using nonpublic information, nor allow the improper use of nonpublic information to further that employee's own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure.

(b) For purposes of this section, nonpublic information is information that the employee gains by reason of state employment and that this employee knows or reasonably should know has not been made available to the general public. It includes information that this employee knows or reasonably should know:

- (1) Is routinely exempt from disclosure under the California Public Records Act § 6250 et seq., or otherwise protected from disclosure by statute, Executive order or regulation;
- (2) Is designated as confidential by an agency; or
- (3) Has not actually been disseminated to the general public and is not authorized to be made available to the public on request.

Authority: Sections 2801, 2808 and 2809,

Penal Code. Reference: Sections 2806 and 2808, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                      8201

### § 8201. Personnel Testing and Prohibitions.

(a) Employees in designated sensitive positions are subject to drug, alcohol and substance use testing. CALPIA explicitly prohibits the use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, prescription medication and prohibited substances and substances adversely affecting work performance and workplace safety, on CALPIA property or worksite, including California Department of Corrections and Rehabilitation (CDCR) properties, facilities, locations and worksites or while performing an assignment, on duty or during assigned work hours.

(b) Employees ~~shall~~must not report for duty while under the influence.

(c) Employees ~~shall~~must report the presence of an employee who may be under the influence to the CALPIA Administrator, manager or supervisor.

(d) Employees and visitors of CALPIA are prohibited from bringing the following items to workplaces or onto institution grounds:

(1) Alcoholic beverages;

(2) Drugs or substances deemed illegal by operation of the law; or

(3) Controlled substances or prescription drugs without a valid prescription.

(e) Obtaining for or delivering to an incarcerated individual or paroleed individual any one of the following is prohibited:

(1) Drugs or controlled substances of any kind;

(2) Substances deemed illegal by operation of the law; or

(3) Preparations or paraphernalia associated with drugs, controlled substances, or substances deemed illegal by operation of the law.

(f) An employee who violates subdivision (a), (b), (c), (d), or (e) may be subject to disciplinary action under the authority of the General Manager.

(g) Any person, including a visitor, is subject to this section, and upon violation of subdivision (a), (b), (c), (d), or (e) may be subject to criminal prosecution pursuant to Penal Code Sections 4573.5 through 4573.9.

(h) CALPIA ~~shall~~must pay the costs associated with performing confirmatory testing by a laboratory other than the one which performed the original test at the request of the employee.

Authority: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code.

References: Sections 2801, 2809, 4573.5, 4573.6, 4573.8 and 4573.9, Penal Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8212

### § 8212. Testing Confidentiality.

(a) Records, documents and other information pertaining to an employee's test is confidential and ~~shall~~must be released only to:

- (1) The employee tested.
- (2) The Medical Review Officer (MRO).
- (3) Individuals who need the records or information to:
  - (i) Determine or assist in determining what action the Hiring or Appointing Authority should take in response to the test result.
  - (ii) Respond to appeals or litigation arising from the substance test or related action.
  - (iii) Upon request of a governmental agency with regulatory authority over CALPIA.
  - (iv) Upon written consent by the employee authorizing the release to a specified individual.

(b) Any information concerning a test ~~shall~~must be strictly confidential and kept in compliance with medical records. Confidential recordkeeping is defined as records maintained in a secure manner, under lock and key, accessible only to the program test coordinator or management designee.

(c) Release of such information ~~shall~~must be solely pursuant to a written consent ~~form~~<sup>FORM</sup> signed voluntarily by the person tested. The consent ~~form~~shall contain, at a minimum, the person who is authorized to obtain the information, the purpose of the disclosure, the precise information to be disclosed, and the duration of the consent.

Authority: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code.

Reference: Sections 2801 and 2809, Penal Code; 49 CFR Part 40 (2017); and Sections 56 et seq., Civil Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                      8208

### **§ 8208. Specimen Collection for Drug and Substance Testing.**

(a) Methods of determining the presence of a drug or other impairing substance are by collection and analysis of urine sample. The employee ~~shall~~must provide a urine specimen into a collection container. The collection site personnel, in the presence of the employee, puts the specimen into two bottles. Thirty (30) milliliters (ml) ~~shall~~must be poured into one bottle, to be used as a primary sample (bottle A). At least 15 ml ~~shall~~must be poured into the other bottle (bottle B), to be used as the split sample. Bottle B is stored at the testing laboratory rather than at the collection site. Both specimens are labeled with the same identification information and specimen ID (bar code) number. After a specimen is provided, the bottles do not leave the employee's sight until they are completely and correctly labeled and sealed in a tamper-proof bag for delivery to the laboratory.

(b) Once the urine specimen has been collected, and still in view of the employee, the collector will legibly label the urine specimen entering all the information to identify the specimen on the bottle, to include, and not limited to date, collector's initials, test type requested, a specimen number, identifier of person providing urine, i.e., medical record number, or other individualized number (driver's license, social security number, employee position number), employee's birthdate on specimen label, employee's signature, with employee signed date and time on specimen label.

(c) Unless there is reason to suspect tampering during the test, the test occurs in a rest room, stall, or enclosure ensure privacy. When there is reasonable suspicion the individual may tamper with the specimen, CALPIA may specify that an observed collection is required.

Authority: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code.

Reference: Sections 2801 and 2809, Penal Code; 49 CFR Part 40 (2017); and Sections 56 et seq., Civil Code.

## Proposed Text

In the following text:

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Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                        8214

### **§ 8214. Disciplinary Actions.**

All confirmed positive test results ~~shall~~must be cause for discipline, up to and including, termination from civil service.

Authority: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code.

Reference: Sections 2801 and 2809, Penal Code.



## Proposed Text

In the following text:

Single ~~strikeout~~ indicates deleted text.

Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8298

### § 8298. Incompatible Activity.

(a) Employees ~~shall~~must not engage in incompatible activities as defined in Section 19990 of the Government Code.

(b) Other incompatible activities that employees ~~shall~~must not engage in include, but are not limited to, the following:

(1) Employment or participation in illegal activities.

(2) Employment or activity that prevents the employee from performing his or her job at CALPIA in an efficient and capable manner, or results in an actual conflict of interest or creates the appearance of a conflict of interest with the employee's job.

(3) Using workgroup computer technologies to conduct activities not related to the mission or work tasks of CALPIA.

(c) Before engaging in outside employment, activity, or an endeavor that conceivably might be incompatible, inconsistent, or in conflict with his or her duties as a CALPIA employee, the employee ~~shall~~must submit a written statement to the General Counsel via the employee's supervisor. The statement ~~shall~~must include the following:

(1) An outline of proposed duties or activities;

(2) Details identifying the prospective employer, employer's address and phone number;

(3) Sufficient detail for the General Counsel to determine whether the proposed activity will interfere with the employee's work tasks and responsibilities.

(A) The General Counsel must notify the employee of his or her determination in writing within 15 calendar days.

(B) If the employee disagrees with the determination, the employee may appeal to the General Manager by providing an explanation of his or her disagreement in writing within 10 calendar days. The General Manager will review and issue a decision on the appeal within 15 calendar days of receipt, and that decision is final.

(d) Violation of these provisions by civil service employees may result in disciplinary actions up to and including termination of employment.

Authority: Sections 2801 and 2809, Penal Code.

Reference: Sections 2801 and 2809, Penal Code; and Section 19990, Government Code.

## Proposed Text

In the following text:

Single ~~strikeout~~ indicates deleted text.

Single underline indicates added text.

Title 15                      Crime Prevention and Corrections  
Division 8.0                California Prison Industry Authority  
Section                      8299

### § 8299. Conflict of Interest Code.

The Political Reform Act (Government Code section 81000 et seq.) requires state and local government agencies to adopt and promulgate Conflict-of-Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, section 18730, which contains the terms of a standard Conflict-of-Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Title 2, California Code of Regulations, section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation along with the attached Appendices, designating positions and establishing disclosure categories, ~~shall~~must constitute the Conflict-of-Interest Code of the California Prison Industry Authority (CALPIA), which includes the Prison Industry Board.

Individuals holding designated positions ~~shall~~must file their statements of economic interests with CALPIA, which will make the statements available for public inspection and reproduction. (Government Code sec. 81008.) Upon receipt of the statements for the members of the Prison Industry Board, and General Manager, CALPIA ~~shall~~must make and retain copies and forward the originals to the Fair Political Practices Commission. All other statements will be retained by CALPIA.

### Appendix A

Designated Positions - California Prison Industry Authority (CALPIA)

<i>Designated Position (Statutory or Working Title)</i>	<i>Disclosure Category</i>
Executive Offices	
General Manager	1
General Counsel	1
Attorney (All Levels)	1
Chief, External Affairs	1
Consultant(s)*	1
Administration Division	
Chief, Administrative Officer	1
Chief, Business Support Services	1
Contract and Procurement Manager	1

Contract Analyst (SSA and AGPA)	8
Business Service Officer	5, 6, 8
Business Services Assistant	5, 6, 8
Chief, Human Resources	3, 8
Manager, Staff Development	3, 8
Chief, Management Information Services	9
Data Processing Manager III	9
Data Processing Manager II	9
Data Processing Manager I	9
Senior Information System Analyst	9
Systems Software Specialist (Supervisory) (All Levels)	9
Systems Software Specialist (Technical) I and II	9
Fiscal Services Division	
Chief Financial Officer	1
Chief, Budget Bureau	8
Chief, Accounting Services	8
Accounting Administrator II and III	8
Accounting Administrator I (Supervisor and Specialist)	8
Manager, Inventory Management Unit	8
Manager, Quality Management Section	3, 8
Lead ISO Auditor	3, 8
Special Assistant to Chief Financial Officer	8
Marketing Division	
Assistant General Manager - Marketing	1
Chief, Marketing Services	1
Products Management Specialist	8
Sales Manager	1
Operations Division	
Assistant General Manager - Operations	1
Branch Manager	1
Prison Industries Administrator	1
Prison Industries Manager	1
Prison Industries Superintendent	2, 8, 10
Administrative Assistant to AGM - Operations	8
Industrial Warehouse and Distribution Manager	2, 8, 10
Industrial Warehouse and Distribution Supervisor	2, 7, 8
Construction Supervisor – I	4
Construction Supervisor - II	4

Construction Supervisor - III	1
Equipment Maintenance Supervisor I and II	2, 7, 8
Custodian Supervisor II and III	8
Associate Industrial Hygienist	8
Associate Product Engineer	8
Industry Employment Program/Joint Venture	
Prison Industries Administrator	1
Manager, Industry Employment Program	8
Staff Services Manager II (Supervisor)	8
Prison Industry Board	
Board Members**	1
Executive Officer**	1
Consultants(s)*	1

\*Consultants and newly created designated positions shall be included in the list of designated positions and shall disclose financial interests pursuant to the broadest disclosure category in the CALPIA conflict-of-interest-code, subject to the following limitation:

The General Manager and/or Executive Officer of the Prison Industry Board may determine in writing that a particular consultant or newly created designated position, although in a "designated position" has been retained to perform a range of duties that is limited in scope, and therefore, is not required to fully comply with the disclosure requirements of this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements that apply to that consultant. The General Manager's/Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as the CALPIA financial disclosure documents filed pursuant to this conflict-of-interest-code.

\*\* Any person holding this position who is already filing a statement with full disclosure and statewide jurisdiction and that statement is forwarded to the Fair Political Practices Commission (FPPC) will not have to file an additional statement under the provisions of this conflict-of-interest-code.

## **Appendix B**

### Disclosure Categories - CALPIA

#### *Disclosure Categories:*

##### Category 1:

A designated position in this category must report

- Interests in real property
  - Investments, positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that may provide services, supplies, materials, machinery or equipment of the type utilized by CALPIA.

##### Category 2:

A designated position in this category must report investments, positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that may provide services, supplies, materials, machinery or equipment of the type utilized by CALPIA.

Category 3:

A designated position in this category must report investments, positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that provide training services and/or consultant services in the field of training, as well as investments, positions in business entities, and sources of income, including gifts, loans, and travel payments, from unions, entities or individuals that provide labor specialists, and entities or individuals that provide human resources management and departmental employees.

Category 4:

A designated position in this category must report investments, business positions in business entities, and sources of income (including receipt of loans, gifts and travel payments) from entities of the type that:

- provide construction related services, supplies, materials, machinery or equipment. This includes, but is not limited to, entities that engage in architectural and engineering services, construction alteration, improvements and maintenance. provide construction related services, supplies, materials, machinery or equipment. This includes, but is not limited to, entities that engage in architectural and engineering services, construction alteration, improvements and maintenance.
- engage in services and provide supplies that relate to land development, real property leasing and purchases.

Category 5:

A designated position in this category must report investments, positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that sell, rent, or service office machines, copiers, and reproduction equipment.

Category 6:

A designated position in this category must report investments, positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that sell, rent, service food and/or beverage vending machines, provide food and/or beverage vending machine services, including food and/or beverage product items offered for sale within vending machines.

Category 7:

A designated position in this category must report investments, positions in business entities, and sources of income, (including receipt of loans, gifts, and travel payments) from sources of the type that provide any of the following: graphic arts supplies, pressroom equipment, bindery equipment, trucking services, printing and machinery equipment, film projection, or any other paper or printing supplies.

Category 8:

A designated position in this category must report investments and business positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that provide services, materials, or supplies for which the employee's division, office, branch or section has purchasing authority.

Category 9:

A designated position in this category must report investments and business positions in business entities, and sources of income (including receipt of gifts, loans, and travel payments) from information technology and telecommunications sources, including computer hardware or software companies, computer consultant services, training, data processing firms, telecommunications or security equipment and media services.

**Category 10:**

A designated position in this category must report investments, business positions in business entities, and sources of income (including receipt of gifts, loans, and travel payments) from entities of the type that submit bids to, or contract with, CALPIA to provide to, or purchase from CALPIA: products, services, equipment or machinery, agricultural services, products, including bi-products, veterinary supplies and veterinary services, including consulting services.

**Authority:** Sections 12838.5, 87300 and 87302, Government Code; and Section 2809, Penal Code.

**Reference:** Sections 87300, 87302 and 87306, Government Code; and Sections 2800, 2802 and 2808, Penal Code.

## Proposed Text

In the following text:

Single ~~strikeout~~ indicates deleted text.

Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.5	California Prison Industry Authority
Section	8900

### **§ 8900. Definitions.**

Prison Industry Board (PIB or Board) consists of 11 members whose function is to act as the governing body over California Prison Industry Authority (CALPIA). The Chairman of the Board ~~shall~~must be the Secretary of the California Department of Corrections and Rehabilitation by statute.

Authority: Section 2808, Penal Code.

Reference: Section 2802, 2803 and 2808, Penal Code.

## Proposed Text

In the following text:

Single ~~strikeout~~ indicates deleted text.

Single underline indicates added text.

Title 15	Crime Prevention and Corrections
Division 8.5	California Prison Industry Authority
Section	8901w

### § 8901. Prison Industry Board.

- (a) The PIB, in the exercise of its duties, has all the powers and can do all the things which the board of directors of a private corporation would do, except as specifically limited by PC 2808.
- (b) The PIB ~~shall~~must meet four times during each fiscal year, or more as deemed necessary by the call of the chairperson or the majority of the PIB.
- (1) Six members of the PIB, including the chairperson, or his or her designee, ~~shall~~must constitute a quorum.
- (c) The PIB ~~shall~~must hold public hearings pursuant to PC 2808(h) and (i) regarding the establishment, expansion, diminishment, or discontinuance of industrial, agricultural and services enterprises under the CALPIA's jurisdiction.
- (d) A General Manager is appointed or contracted by the PIB to serve as the chief executive officer of the CALPIA.
- (e) Board members are required to file a Statement of Economic Interests pursuant to the CALPIA Conflict-of-Interest Code in title 15, section 8199 of the California Code of Regulations.

Authority: Section 2808, Penal Code.

Reference: Section 87302, Government Code; and Sections 2802, 2803 and 2808, Penal Code.