

## FINAL PROPOSED TEXT

Underline indicates added or amended text  
Strikeout indicates deleted text

### 15 CCR § 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 constitute the ~~Conflict-of-Interest~~ code of the California Prison Industry Authority (CALPIA), which includes the Prison Industry Board.

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

Note: Authority cited: 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.

## HISTORY

1. Renumbering of former section 8199 to section 8299 filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

This database is current through 11/22/19 Register 2019, No. 47

15 CCR § 8299, 15 CA ADC § 8299

## Appendix A

### Designated Positions - California Prison Industry Authority (CALPIA)

<i>Designated Position (Statutory or Working Title)</i>	<i>Disclosure Category</i>
<b>Executive Offices</b>	
General Manager	1
General Counsel	1
Attorney (All Levels)**	1
Chief, External Affairs	1
<u>Special Assistant to General Manager</u>	<u>2</u>
Consultant(s)*	1
<b>Administration Division</b>	
Chief, Administrative Officer	1
Chief, Business Support Services	1
<del>Contract and Procurement Manager</del> <u>Staff Services Manager (All Levels)**</u> , Procurement and Contracts Unit	1
<del>Contract Analyst (SSA and AGPA)</del>	<del>8</del>
<u>Associate Governmental Program Analyst, Procurement and Contracts Unit</u>	<u>8</u>
<u>Staff Services Analyst, Procurement and Contracts Unit</u>	<u>8</u>
Business Services Officer <u>(All Levels)**</u>	5, 6, 8
Business Services Assistant	5, 6, 8
Chief, Human Resources	3, 8
<u>Staff Services Manager (All Levels)**</u> , Staff Development Unit	3, 8
<del>Chief, Management Information Services</del>	<del>9</del>
<del>Data Processing Manager III</del>	<del>9</del>
<del>Data Processing Manager II</del>	<del>9</del>
<del>Data Processing Manager I</del>	<del>9</del>
<del>Senior Information System Analyst</del>	<del>9</del>
<del>Systems Software Specialist (Supervisory) (All Levels)</del>	<del>9</del>
<del>Systems Software Specialist (Technical) I and II</del>	<del>9</del>
<b><u>Management Information Systems/Project Management Office</u></b>	
<del>Chief Information Officer , Management Information Services</del>	<del>19</del>
<u>Information Technology Manager (All Levels)**</u>	<u>9</u>
<u>Information Technology Supervisor (All Levels)**</u>	<u>9</u>
<u>Information Technology Specialist (All Levels)**</u>	<u>9</u>
<u>Staff Services Manager, Project Management Office (All Levels)**</u>	<u>11</u>

<u>Associate Governmental Program Analyst, Project Management Office</u>	<u>11</u>
Fiscal Services Division	
Chief Financial Officer	1
Chief, <del>Budget Bureau</del> <u>Budgeting and Financial Planning Section</u>	8
Chief, <del>Financial Controller Accounting Services</del>	<u>18</u>
Accounting Administrator II and III (All Levels)**	8
Accounting Administrator I (Supervisor and Specialist)	8
Manager, Inventory Management Unit	8
Manager, Quality Management Section	<del>3, 8</del>
Lead ISO Auditor	<del>3, 8</del>
Special Assistant to Chief Financial Officer	8
Marketing Division	
Assistant General Manager – Marketing	1
Chief, Marketing Services	4
Products Management Specialist	8
Sales Manager	1
<u>Staff Services Manager (All Levels)**</u> , Quality Management Section	<u>3, 8</u>
Operations Division	
Assistant General Manager – Operations	1
Branch Manager	1
Prison Industries Administrator	1
Prison Industries Manager	1
Prison Industries Superintendent (All Levels)**	2, 8, 10
Administrative Assistant to AGM - Operations	8
Industrial Warehouse and Distribution Manager (All Levels)**	2, 8, 10
Industrial Warehouse and Distribution Supervisor	2, 7, 8
Construction Supervisor - I <u>and II</u>	4
<del>Construction Supervisor – II</del>	4
Construction Supervisor - III	1
Equipment Maintenance Supervisor I and II (All Levels)**	2, 7, 8
Custodian Supervisor (All Levels)** II and III	8
Associate Industrial Hygienist	8
Associate Product Engineer	8
<u>Workforce Development Branch Industry Employment Program/Joint Venture</u>	
<u>Chief, Workforce Development Branch</u>	<u>1</u>
Prison Industries Administrator	1
<u>Staff Services Manager (All Levels)**</u> , CTE, JV/FV, IEP	<u>8</u>

<u>Free Venture – Private Industries Specialist, Joint Venture Program/Free Venture Program</u>	<u>10</u>
<u>Manager, Industry Employment Program</u>	<u>8</u>
<u>Staff Services Manager II (Supervisor)</u>	<u>8</u>
<u>Associate Governmental Program Analyst, Career Technical Education</u>	<u>8</u>
<u>Staff Services Analyst, Career Technical Education</u>	<u>8</u>
Prison Industry Board	
Board Members***	1
Executive Officer***	1
Consultants(s)/new positions*	4 *

\*\_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/new position'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. (Gov. Code Sec. 81008.)

\*\* (All Levels) refers to all levels (i.e., I, II, III, etc.) within the classification series.

\*\*\*\_ 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.

## **STATEMENT OF REASONS**

### **Description of Regulatory Action:**

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) propose to amend Section 8299 of Article 9, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, including Appendices A and B, concerning CALPIA Conflict of Interest Code (COIC). This action is necessary to reflect CALPIA's organizational structure and add or remove positions within the COIC. Pursuant to Government Code Section 87306, CALPIA may amend its COIC at any time upon its own initiative. CALPIA's implied rulemaking authority is established by Penal Code sections 2801 and 2808.

For purposes of identifying and deterring economic and financial conflict of interest in governmental decision making, disclosures of the financial interests and assets of public officials have been required since the enactment of the Political Reform Act in 1974. Pursuant to the Act, state agencies are required to adopt and put into force a "Conflict of Interest Code." Under such codes, individual state agencies identify which positions should report interests and assets that may become a conflict of interest.

This action is necessary to amend and update CALPIA's current COIC. Amendments include adding employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. Amendments are also proposed to delete employee positions that no longer involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. Other positions were moved within the code to reflect CALPIA's organizational structure. A written explanation of why each position is added or removed is available along with the reasons for the disclosure categories. CALPIA has available upon request, all of the information upon which its proposal is based. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

CALPIA has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

**Written Explanation for Amendments (Pursuant to 2 CCR § 18750(a)(3)(B)(i)):**

Section 8299 is amended to remove unnecessary capitalizations and hyphens, and modify language on how members of the Prison Industry Board and the General Manager must file their statements of economic interest.

Appendix A of Section 8299 is amended to reflect the changes in CALPIA's organization. Some designated filing positions were added, renamed, moved within the COIC, or deleted.

The following positions were added to the COIC, because they are newly created within CALPIA and the duties involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code:

- Special Assistant to General Manager, Executive Offices.
- Staff Services Manager, Project Management Office (All Levels)\*\*
- Associate Governmental Program Analyst, Project Management Office
- Chief, Workforce Development Branch
- Free Venture – Private Industries Specialist, Joint Venture Program/Free Venture Program
- Associate Governmental Program Analyst, Career Technical Education
- Staff Services Analyst, Career Technical Education

The following positions were renamed or combined for clarification and consistency:

Original Position	Renamed Position
Contract and Procurement Manager	Staff Services Manager (All Levels)**, Procurement and Contracts Unit
Contract Analyst (SSA and AGPA)	Associate Governmental Program Analyst, Procurement and Contracts Unit Staff Services Analyst, Procurement and Contracts Unit
Manager, Staff Development	Staff Services Manager (All Levels)**, Staff Development Unit
Chief, Management Information Services	Chief Information Officer
Data Processing Manager I, II, and III	Information Technology Manager (All Levels)**
Senior Information System Analyst Systems Software Specialist (Supervisory)	Information Technology Supervisor (All Levels)**
Systems Software Specialist (Technical) I and II	Information Technology Specialist (All Levels)**

Original Position	Renamed Position
Chief, Budgeting Bureau	Chief, Budgeting and Financial Planning Section
Chief, Accounting Services	Chief, Financial Controller
Accounting Administrator II and III Accounting Administrator I (Supervisor and Specialist) Manager, Inventory Management Unit	Accounting Administrator (All Levels)**
Manager, Quality Management Section	Staff Services Manager (All Levels)**, Quality Management Section
Manager, Industry Employment Program Staff Services Manager II (Supervisor)	Staff Services Manager (All Levels)**, CTE, JV/FV, IEP

CALPIA developed and created a new division titled Management Information Systems/Project Management Office. All Management Information Systems positions were moved out of the Administrative Division, and into this new division. In addition, Manager, Quality Management Section was moved to the Marketing Division section.

The Special Assistant to Chief Financial Officer and Chief, Marketing Services positions were deleted because the positions were abolished. Lead ISO Auditor position was deleted because it was merged with the Manager, Quality Management Section position.

Other technical changes include eliminating separate listings for each classification level and replacing with "All Levels\*\*" for simplification and provide for more complete coverage of future levels, and adding the additional footnote to clarify what "All Levels" refers to.

Appendix B of Section 8299 is amended to fix grammatical errors and add a new designation category to correspond with the new positions in the Program Management Office.



### **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; or, including consulting services.

**Category 11:**

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 capital improvement projects and statewide initiatives.