

**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:** 8006

**Repeal sections:**

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

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

**OAL Matter Number: 2022-0606-04**


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

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CALPIA amends 15 CCR 8006 for grammar, syntax, and diction.

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

**Date:** July 15, 2022

  
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Sam Micon  
Attorney

**For:** Kenneth J. Pogue  
Director

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

**Copy:** Moira Doherty

NOTICE PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2022-0606-04</b>	EMERGENCY NUMBER <b>N</b>
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For use by Office of Administrative Law (OAL) only

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

OFFICE OF ADMIN. LAW  
2022 JUN 6 PM4:44

JUL 15 2022  
1:50 pm

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY California Prison Industry Authority	AGENCY FILE NUMBER (If any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

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 Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE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

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 8006
	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)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

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

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 15 2022

Office of Administrative Law

Signature of Agency Head or Designee <i>William Davidson</i>	DATE 5/26/2022
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Typed Name and Title of Signatory  
William Davidson, General Manager and Prison Industry Board Chair Delegate

## TEXT OF PROPOSED REGULATIONS

In the following text:

single underline indicates added or amended text

single strikeout indicates deleted or moved text

Title 15. Crime Prevention and Corrections

Division 8. California Prison Industry Authority

Chapter 1. Rules and Regulations of California Prison Industry Authority

Section 8006 is amended to read:

§ 8006. Incarcerated Individuals' Pay Rates, Schedule, and Movement.

- (a) Incarcerated individuals assigned to programs within CALPIA must receive compensation as determined by the General Manager and reviewed by the Prison Industry Board (PIB). Compensation ~~must be~~ paid from the Prison Industries Revolving Fund; and ~~must be~~ in accord with the graduated pay schedule, and based on quality and quantity of work, performance, technical skills, and abilities required for performance.
- (b) The General Manager must submit ~~Any~~ proposed changes to the Incarcerated Individual Pay Schedule ~~must be submitted by the General Manager~~ to the PIB for review.
- (c) The General Manager makes the Ffinal determination of ~~any~~ disputes or interpretations of the Incarcerated Individual Pay Schedule ~~must be made by the General Manager~~.
- (d) CALPIA incarcerated individual pay rates ~~must be in accord with the following~~ follow the below skill and step levels:

(1) Incarcerated Individual Pay Schedule:

Skill Level	Step I	Step II	Step III
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 ~~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 ~~must be~~ based upon the following:
- (1) Pay increases. Increases ~~must be~~ are not ~~be~~ automatic or solely based on the incarcerated individual's longevity in an assignment. Increases in the pay rate ~~must be~~ are based on the incarcerated individual's productivity (quality and quantity of work, performance, technical skills, and abilities required for

performance), the supervisor's recommendation, the work/training performance report, and ~~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 participation 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 ~~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 ~~must be~~ based on the immediate supervisor's recommendation, incarcerated individual's less than satisfactory 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 ~~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, and their work/training performance report, and ~~must be subject to~~ after 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 participation in their current skill level, as described in subsection (d)(1) above.

(B) Incarcerated individual's advancement ~~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 ~~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 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, Title 15, CCR, Division 3, Section 3040.

(g) Overtime pay will be provided for ~~inmate~~incarcerated individuals when an ~~inmate~~incarcerated individual works more hours than that ~~inmate~~incarcerated individual'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~~incarcerated individual 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~~incarcerated individual in a month with ~~22 work days~~workdays in a month has 143 scheduled workable hours. This ~~inmate~~incarcerated individual must be paid overtime for all hours worked in that same month ~~in excess of~~beyond the ~~inmate~~incarcerated individual's 143 workable hours.

b. Example: an ~~inmate~~incarcerated individual 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~~incarcerated individual will be paid overtime for hours worked in that same month ~~in excess of~~beyond the ~~inmate~~incarcerated individual's 160 workable hours.

c. Example: an ~~inmate~~incarcerated individual 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 incarcerated individual will be paid overtime for hours worked in that same month ~~in excess of~~ beyond the inmate incarcerated individual'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 incarcerated individual that prevents them ~~to~~ from coming to work ~~due to~~ because of safety and security of the prison or factory (S time) ~~must be~~ is counted as worked hours. S hours are hours for which the inmate incarcerated individual does not work in the inmate incarcerated individual's CALPIA assignment ~~due to~~ because of reasons beyond the inmate incarcerated individual's control. ~~For~~ For example, a CALPIA factory is not operating ~~due to~~ because of direction from the General Manager, or the CDCR Institution has stopped all inmate incarcerated individual movement from housing units precluding movement of inmate incarcerated individuals to their CALPIA assignments.

Authority: Sections 2800, 2801, 2808 and 2811, Penal Code.

Reference: Sections 2805, 2806 and 2811, Penal Code.