

**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: 8004, 8004.1, 8004.3,  
8004.4, 8008, 8100, 8108,  
8114, 8115, 8116, 8116.1,  
8117, 8118

Repeal sections:

NOTICE OF APPROVAL OF CHANGES  
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,  
Section 100

OAL Matter Number: 2024-0308-01

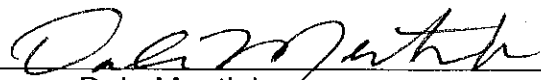
OAL Matter Type: Nonsubstantive (N)

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This action without regulatory effect amends various regulations of the Prison Industry Authority to make grammar, syntax, and punctuation corrections and to eliminate redundancies, substitute gender-neutral language, and reorder provisions with corresponding re-numbering of subdivisions.

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

Date: April 16, 2024



Dale Mentink  
Assistant Chief Counsel

For: Kenneth J. Pogue  
Director

Original: William Davidson , General  
Manager

Copy: Kelly Mortenson

# NONSUBSTANTIVE

## STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2024-0308-01N</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

**APR 16 2024**

**1:47 pm**

OFFICE OF ADMIN. LAW  
2024 MAR 8 AM 11:04

AGENCY WITH RULEMAKING AUTHORITY  
California Prison Industry Authority

AGENCY FILE NUMBER (If any)

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

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

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

1a. SUBJECT OF REGULATION(S) Definitions, Incarcerated Individuals, Personnel		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	
TITLE(S)		AMEND	
15		8000, 8004, 8004.1, 8004.3, 8004.4, 8008, 8100, 8107, 8108, 8114, 8115, 8116, 8116.1, 8117, 8118	
		REPEAL	

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 §6680)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Kelly Mortenson	TELEPHONE NUMBER (916) 413-1140	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) kelly.mortenson@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 3/5/2024
TYPED NAME AND TITLE OF SIGNATORY William Davidson, General Manager	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**APR 16 2024**

**Office of Administrative Law**

CALPIA proposes to amend:

**Title 15. Crime Prevention and Corrections**  
**Division 8. California Prison Industry Authority**  
**Chapter 1. Rules and Regulations of California Prison Industry Authority**  
**Article 3. CALPIA Inmate Incarcerated Individual Work, Training, and Education**

**8004. Participation.**

[(a) through (d) unchanged]

~~(e) Incarcerated individuals placed on Immigration and Customs Enforcement (ICE) Hold status by CDCR must not be assigned to a CALPIA job without an approved exemption in writing from the General Manager.~~

~~(1) ICE Hold worker incarcerated individuals assigned to CALPIA are not 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 an accredited certificate program.~~

NOTE: Authority cited: 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.).

**8004.1. CALPIA Incarcerated Individuals Worker Hiring Standards and Requirements.**

[(a) through (b) unchanged]

(c) On the date of application, 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~~1~~) Reception Centers with a temporary or transient incarcerated individual population resulting in incarcerated individual worker unavailability.

(B~~2~~) Institutions with a Level 1 incarcerated individual population.

[(d) through (h) unchanged]

NOTE: Authority cited: 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.

**8004.3. Incarcerated Individual Worker Controlled Substances and Alcohol Use.**

[(a) unchanged]

(b) The following circumstances apply to determine if an incarcerated individual is unassigned from CALPIA when testing under subdivision (a):

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

[(b)(2) through (c) unchanged]

NOTE: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801, 2805 and 2808, Penal Code.

**8004.4. Incarcerated Individual Workforce Allocation.**

[(a) unchanged]

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

[(c) through (e) unchanged]

NOTE: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801 and 2805, Penal Code.

**8008. CALPIA Health or Safety Complaints.**

[(a) through (b) unchanged]

(c) A-CALPIA incarcerated individuals alleging a health or safety hazard exists in a prison industry operation must submit a written complaint, pursuant to Labor Code ~~(L)~~section 6304.3(b). The written complaint 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 who ~~receives~~is given a written health or safety complaint must personally present the complaint to a member of the local CALPIA Safety Committee.

[(e) unchanged]

(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 ~~L~~Labor Code section 6304.3(b).

NOTE: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801, 2805 and 2807, Penal Code; and Section 6304.3, Labor Code.

**Title 15. Crime Prevention and Corrections**  
**Division 8. California Prison Industry Authority**  
**Chapter 1. Rules and Regulations of California Prison Industry Authority**  
**Article 6. Personnel**

**8100. Executive Staff.**

[(a) through (b) unchanged]

(c) The General Manager 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~~their charge.

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

**8108. Unauthorized Electronic Communication Devices.**

[(a) through (b) unchanged]

(c) Unauthorized electronic communication devices ~~must be~~are subject to confiscation.

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

**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~~the employee gained knowledge during the course of ~~his or her~~their duties must notify CALPIA's General Counsel, Legal Services in writing within one business day. The written notification must include all relevant information concerning the contact, copy of any subpoena, and a summary of ~~his or her~~their anticipated testimony.

[(b) unchanged]

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

**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~~Section 8116, ~~no employees~~must not engage in familiarity with ~~inmates~~incarcerated individuals or ~~parolees~~individuals ~~who are under the jurisdiction~~ of GDCR.

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

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

**8116. Employee Relations with Incarcerated and Paroled Family Members under CDCR Jurisdiction.**

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

~~(a) An employee may conduct a relationship with an incarcerated individual if/when all of the following conditions exist:~~

~~(1) The incarcerated individual or paroled individual is the employee's family member, as defined in section 8000;~~

~~(2) Interactions are conducted during the employee's off-duty hours and away from the workplace; and~~

~~(3) The employee has notified their supervisor in writing of these relationships, as described in section 8116.1 pursuant to disclosure set forth in subdivision (c) of this section.~~

~~(c) An employee must notify his or her supervisor in writing of relationships described in subdivision (b). The supervisor 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.~~

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

**8116.1. Disclosure of Persons Known under CDCR Jurisdiction, Incarcerated Individuals 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~~subdivision (a) who was previously or is currently committed to the jurisdiction of CDCR, an incarcerated individual, or a paroled individual, the employee must make a written disclosure to their supervisor as described in subdivision (c).

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

(d) The General Manager must ensure the written disclosure is forwarded to the Warden at the employee's assigned workplace and to the appropriate CDCR Director.

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

### **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~~ employees must not engage in ~~any of the~~ following transactions with an ~~inmate or parolee~~ incarcerated or paroled individual, or an individual who is under the jurisdiction of CDCR:

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

(2) Convey or transmit any type of messages; and

(3) ~~take~~Accept 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 must immediately notify

~~his or her~~ their 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 ~~inmates~~ incarcerated individuals or ~~parolees~~ individuals as necessary and deliver authorized items and messages according to institution policy and local procedures.

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

**8118. Sexual Misconduct with ~~Inmate or Parolee~~ Incarcerated Individuals and Paroled Individuals.**

[(a) through (g) unchanged]

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