

SUPPLEMENTAL STATEMENT OF REASONS

The California Prison Industry Authority (CALPIA) has made additional changes to the proposed regulations, as discussed below. These changes are initiated by CALPIA. No changes have been initiated in response to public comment as no public comments were received during the 45-day public comment period for this regulatory proposal.

CALPIA will provide responses to any comments received during this 15-day public availability period in the Final Statement of Reasons.

INCARCERATED INDIVIDUAL REQUIRED TRAINING AND TRAINING ACKNOWLEDGEMENT

Title 15

Section 8004.2

Changes not discussed below are non-substantive.

CALPIA proposes to:

Amend subsection (a) by adding “or CALPIA Workforce Development Coordinator” to the CALPIA staff who are responsible for coordinating the recruitment of incarcerated individuals into work/training programs and also by removing “correctional counseling staff” from the CDCR staff responsible for coordinating recruitment. These changes reflect current practice at the institution.

Amend subsections (a), (c), and (d) by specifying that the correctional counselor staff and classification services staff are California Department of Corrections and Rehabilitation (CDCR) staff, not CALPIA or any other staff. This assists in avoiding confusion when recruiting incarcerated individuals into CALPIA vacant positions and therefore saving time.

Amend subsections (a) and (d) by specifying that the titles of those changed are CALPIA staff, not CDCR or any other staff. This assists in avoiding confusion when recruiting incarcerated individuals into CALPIA vacant positions and therefore saving time.

Amend subsection (b) and (i) by including the revision letters, “Rev. R” and “Rev. B” to the description of the CALPIA IEP-F002/F003 and CALPIA IEP-F029 forms respectively. This amendment aligns the title of the form in the regulation to the footer area of the forms themselves. CALPIA uses an outside vendor to manage its forms. This outside vendor requires CALPIA to label each form in the footer area with a revision “letter” every time the form is updated.

CALPIA is also reverting back to the existing text in relation to how a “work/training position” is written in subsection (b) and aligning how work/training is written in subsection (i) with subsection (b).

Amend subsection (e) by reverting back to the existing text in relation to how section 3040(c) is referenced and also reverting back to “work/training” to maintain consistency with subsections (b) and (i).

Amend subsection (f)(3) by removing “unless an incarcerated individual has one or more disabling conditions documented in their C-File, pursuant to subdivision 8004.1(g).” This phrase was added in the originally proposed text in an effort to ensure incarcerated individuals with disabling conditions were appropriately considered when filling vacant CALPIA positions. However, the existing text already ensures that incarcerated individuals with learning disabilities are appropriately considered for work/training positions.

Subsection (f)(3) states that when filling vacant positions, the final selection of incarcerated individuals must be based on the educational achievements listed in subsections (f)(3)(A)-(C). The Certificate of Attendance and Participation (CAP) is listed as an option alongside a high school diploma, high school equivalency, and General Education Development (GED). The CAP is issued by the CDCR Developmentally Disabled Program for incarcerated students with severe cognitive disability to document completion of a prescribed high school alternative course of study for employment applications, Department of Rehabilitation (DOR) services, and graduation participation.

When CALPIA staff make their final selection of incarcerated individuals from the Inmate Candidate Pool, as described in (f)(3), they are to choose from those in (f)(3)(A)-(f)(3)(C) which includes disabled incarcerated individuals who have been issued a CAP, are enrolled in a CAP (an alternate program of study as defined in section 8000), or not enrolled in a CAP. This priority assignment gives incarcerated individuals with disabilities equal access to work/training assignments as those without disabilities.

Correct subsection (i): The last sentence in this subsection was inadvertently removed from the originally proposed text.

Amend subsection (i) and (i)(1) by:

- Making clear what the incarcerated individual is acknowledging, specifically that continued incarcerated individual participation in a work/training assignment requires compliance with listed policies, procedures, rules and regulations. The intent is not that the incarcerated individual simply acknowledge that they have received the policies, procedures, rules, and regulations, as is stated in existing subsection (i), but that they acknowledge they must comply with said documents as a condition for continued program assignment.

- Making clear that job-required training includes on-the-job-training and job-required curriculum. Completion of both is required for continued program assignment. This provision is necessary due to some incarcerated individuals refusing to complete their on-the-job training and/or their job required curriculum, therefore potentially creating an unsafe work environment.
- Making clear that an incarcerated individual can be removed and unassigned from their current CALPIA assignment for not meeting the requirements in (i)(1), however, that does not mean that they are removed from the CALPIA's work/training program entirely. If, in the future, they meet the requirements in (i)(1) they are eligible to participate in a work/training assignment.
- Specifying that non-compliance with all policies, procedures, rules, and regulations listed on the CALPIA IEP-F029 form will result in immediate removal and being unassigned from the work/training assignment. The intent is that meeting all three requirements in (i)(1) will result in immediate removal and unassignment. The originally proposed text only stated that a failure or refusal to sign the IEP-F029 and complete job-required training would result in immediate removal and unassignment. This amendment rectifies that.

Amend form IEP-F029 by ensuring the requirements in the form align with the requirements in subsection (i)(1).

Title 15
Section 8000

CALPIA proposes to adopt a definition for "CDCR" in an effort to reduce word usage in the regulations and for the ease of the reader.