

**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**  
**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2024-0814-05**

**OAL Matter Type: Regular (S)**

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This rulemaking action by the California Prison Industry Authority amends regulations relating to eligibility for incarcerated persons to participate in CalPIA work, training, and education programs.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2025.

Date: September 26, 2024



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Kevin D. Hull  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: William Davidson , General  
Manager

Copy: Kelly Mortenson

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2023-1222-03</b>	REGULATORY ACTION NUMBER <b>2024-0814-05</b>	EMERGENCY NUMBER <b>5</b>
For use by Office of Administrative Law (OAL) only		OFFICE OF ADMIN. LAW 2024 AUG 14 PM 4:33	
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

SEP 26 2024

1:49 PM

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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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2024,01-2</b>	PUBLICATION DATE <b>1/5/24</b>	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Work and Rehab	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.) TITLE(S) 15	ADOPT AMEND 8004 REPEAL
3. TYPE OF FILING	
<input checked="" 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 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"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <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) N/A	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" 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 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 Kelly Mortenson	TELEPHONE NUMBER (916) 413-1140
FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) piaregs@calpia.ca.gov

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 5/9/2024
TYPED NAME AND TITLE OF SIGNATORY William Davidson	General Manager

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 26 2024

Office of Administrative Law

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

CALPIA proposes to amend as follows:

Article 3. CALPIA Incarcerated Individual Work, Training, and Education

**Section 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~~ or training position allowing the incarcerated individual 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 afford's incarcerated individuals reasonable accommodation to access programs as required by the American with Disabilities Act of 1990, the California Fair Employment and Housing Act of 1980, and applicable related non-discrimination laws.

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

(1) Incarcerated individuals serving life sentences without parole (~~LWOP~~); ~~unless the inmate incarcerated individual has obtained an approval from the Warden, as described meets the exception found in subdivision 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), or both; unless the ~~inmate~~ incarcerated individual subsequently meets all of the following minimum requirements:

(A) ~~S~~six ~~(6)~~ months of disciplinary-, drug-, and alcohol-free conduct;

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

(C) ~~Successfully graduates from a substance abuse program.~~ California Correctional Health Care Services staff has completed a substance use disorder assessment on the incarcerated individual; and

(D) The incarcerated individual is enrolled, maintains enrollment, and actively participates in a treatment program, rehabilitation program, or both.

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

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

(2) Incarcerated individuals convicted of a sex offense, as described in Penal Code PC §section 290, ~~offense~~ must not be assigned to the CALPIA optical program.

(3) Incarcerated individuals convicted of forgery, fraud, counterfeiting, or embezzlement must not be assigned to the CALPIA ~~S~~specialty ~~P~~print ~~P~~plants.

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

(A) Computer fraud or abuse, as defined in ~~PC~~Penal Code §Section 502; or

(B) Telephone fraud or abuse, as defined in ~~PC~~Penal Code §Section 502.7(b); or

(C) Any documented institutional disciplinary action, as described in Title 15 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 must be taken into consideration on a case-by-case basis when determining the assignment or ~~re-assignment~~ reassignment of an incarcerated individual to a CALPIA program:

(1) Incarcerated individuals with a prior history of disciplinary actions, or disciplinary measures that resulted in removal from a CALPIA program may be considered for a reassignment ~~based upon~~ when the incarcerated individual's ~~conduct of~~ has a minimum of six ~~(6)~~ months of disciplinary-free conduct.

(2) Incarcerated individuals with a Close Custody designation may be considered for a CALPIA assignment that meets the requirements ~~identified~~ described in California Code of Regulations (CCR), Title 15, Division 3, ~~Section 3377.1(a)-(b)(2)(B) through (a)(2)(D) or (a)(3)(B) through (a)(3)(D)~~ on a case-by-case basis, and 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~~ Incarcerated individuals with life sentences 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~~ who have been sentenced to life without parole 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 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: 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.).