

NOTICE OF PROPOSED RULEMAKING
California Code of Regulations
Title 15. Crime Prevention and Corrections
Division 8. California Prison Industry Authority
Notice Published: January 31, 2025

Notice is hereby given that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) propose the regulation amendment described below. This notice of proposed rulemaking (Notice) commences a rulemaking to make the regulations permanent after considering all comments, objections, contentions, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

CALPIA is conducting a 45-day written public period during which time any interested person may represent statements or arguments (hereinafter referred to as 'comments') relevant to the action described in the Informative Digest portion of this Notice.

Please direct any inquiries or questions regarding this action or for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information in which the rulemaking is based to the below-referenced persons:

Primary Contact

Kelly Mortenson, Regulations Manager
California Prison Industry Authority
560 East Natoma Street, Folsom, CA 95630
piaregs@calpia.ca.gov

Secondary Contact

Christine Pesce, Executive Assistant
California Prison Industry Authority
560 East Natoma Street, Folsom, CA 95630
piaregs@calpia.ca.gov

PUBLIC COMMENT PERIOD

Written comments related to this regulatory proposal, regardless of the method of transmittal, must be received by the Legal Services Unit at CALPIA by **5:00 p.m. on March 18, 2025**, which is designated as the close of the 45-day comment period. Comments received after this date will not be considered timely. To submit comments regarding the proposed regulation, any interested person may use one of the following methods:

MAIL/HAND DELIVER

Regulations Manager
CALPIA/Legal Services Unit
560 East Natoma Street
Folsom, CA 95630

E-MAIL

piaregs@calpia.ca.gov

Due to technological limitations, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by CALPIA. Emails larger than 15 MB should be submitted in separate emails or another form of delivery should be used.

CALPIA requests, but does not require, that reports or articles in excess of 25 pages submitted with comments include a summary of the report or article. This summary should include a concise overview of the report or article, describe the reason for submitting the report or article and describe the relevance of the report or article to the proposed regulation. Please note that under the California Public Records Act (Gov. Code Section 6250, *et. seq.*) your written and oral comments, attachments, and associated contact information (*e.g.*, your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

PUBLIC HEARING

At this time, no public hearing has been scheduled regarding this proposed regulatory action. Any interested person may request a public hearing by contacting the Regulations Manager at piaregs@calpia.ca.gov. Requests for public hearings must be made no later than **March 3, 2025**.

ASSISTIVE SERVICES

For individuals with disabilities, CALPIA will provide assistive services which include an interpreter, documents made available in an alternate format, or another disability-related reasonable accommodation. To request assistive services, please contact the Reasonable Accommodation Coordinator at reasonableaccommodation@CALPIA.ca.gov as soon as possible, but no later than 10 business days before a scheduled hearing.

AUTHORITY & REFERENCE

Penal Code section 2801 authorizes CALPIA to develop and operate industrial, agricultural, and service enterprises employing incarcerated individuals in institutions under the jurisdiction of CDCR.

Penal Code section 2808 authorizes the PIB, in the exercise of its duties, all of the powers of and to do all of the things that the board of directors of a private corporation would do, except as limited by law, and authorizes the PIB to contract to employ a General Manager to serve as the administrative officer of the authority.

This regulatory proposal implements Penal Code section 2811, which allows CALPIA's General Manager to adopt and maintain a compensation schedule for CALPIA incarcerated workers based on quantity and quality of work, but in no event shall that compensation exceed one-half of the minimum wage provided in section 1182 of the Labor Code.

CONSIDERATION OF ALTERNATIVES

CALPIA must determine that no reasonable alternative it considered or that have otherwise been identified and brought to the attention of CALPIA would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of

law. Interested parties are invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

CALPIA has made an initial determination that no reasonable alternatives to the regulation have been identified or brought to the attention of CALPIA that would lessen any adverse impact on private persons.

DISCLOSURES

Fiscal Impact

Cost or savings to any state agency: None

Cost to any local agency or school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the State: None

Statement of Results of the Economic Impact Assessment

CALPIA has determined that this regulatory proposal will not affect the following because businesses are not affected by the internal management of CALPIA and the employment of incarcerated workers within CDCR institutions and CALPIA operations:

- Creation or elimination of jobs within California
- Creation of new businesses or the elimination of existing businesses within California
- Expansion of businesses currently doing business within California

Regulatory Impact on the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed regulations are expected to benefit the health and welfare of California residents by assisting in reducing recidivism and therefore increasing public safety. The proposed regulations are not expected to affect the state's environment and worker safety.

Housing Costs

CALPIA has determined that the proposed action will not have a significant effect on housing costs.

Significant Statewide Adverse Economic Impact on Business

CALPIA has initially determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CDCR institutions and CALPIA operations.

Mandated by Federal Law or Regulation

The proposed regulations are not federally mandated.

Local Mandate

CALPIA has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

Cost Impacts on Representative Person or Business

CALPIA is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Small Business

CALPIA has initially determined that the proposed action will not have an effect on small businesses because they are not affected by the internal management of CALPIA.

Mandated Use of Specific Technologies, Equipment, Actions or Procedures

The proposed regulatory action does not mandate the use of specific technologies, equipment, actions, or procedures.

Other Statutory Requirements

Not Applicable

AVAILABILITY

Rulemaking Record

CALPIA will have the rulemaking record available for inspection and photocopying throughout the rulemaking process. The Proposed regulatory text, Initial Statement of Reasons, and all information upon which this proposal is based have been placed in the rulemaking record, which is available to the public upon request directed to the CALPIA contact person referenced above or by visiting the [CALPIA regulations webpage](#). Following its preparation, the Final Statement of Reasons may be obtained by contacting the CALPIA contact person referenced above or by visiting the [CALPIA regulations webpage](#).

Changes to Proposed Regulation Text:

After considering all timely and relevant comments received, the PIB may approve the proposed regulations as described in this Notice. If CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated above or can be viewed by visiting the [CALPIA regulations webpage](#).

INFORMATIVE DIGEST

SUMMARY

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) propose to amend the California Code of Regulations, Title 15, section 8006 to increase the pay rate by \$0.15 for CALPIA incarcerated workers at all steps and skill levels. CALPIA incarcerated workers have not received a pay increase since 2017. A pay increase is expected to create incentive for incarcerated individuals to seek employment with CALPIA which furthers CALPIA's vision to change the lives of incarcerated individuals through innovative job training by providing them with productive work and training opportunities.

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POLICY STATEMENT OVERVIEW:

CALPIA incarcerated workers have not received a pay increase since 2017, and since CALPIA is committed to changing incarcerated individual lives through job experience and training, CALPIA proposes to increase their pay rate by \$0.15 per hour for all steps and skill levels to incentivize them to work for CALPIA. The expectation is that this regulatory change will increase the pool of potential workers for CALPIA and reduce vacancies.

Benefits

- Increase the number of incarcerated individuals participating in CALPIA work programs which will ultimately:
 - Improve recidivism rates
 - Improve the current and future quality of life for incarcerated individuals
 - Improve the safety and welfare of the California public

EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE AND FEDERAL REGULATIONS

CALPIA evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of CDCR and CALPIA laws, as well

as those statutes and regulations related to this subject. CALPIA has determined that no other state regulation addresses the same subject matter, and there are no existing state or federal regulations with which the proposed regulations conflict or with which they are incompatible.

FORMS INCORPORATED BY REFERENCE

None

MANDATED BY FEDERAL LAW OR REGULATIONS

Not Applicable