

October 19, 2012

SECOND RENOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

The full text of the amendments to the California Code of Regulations that concern CALPIA Inmate Work/Training and Education is provided in a single underline format that includes the original text and the previous 15-day Renotice Text. Changes to this 2nd Renotice text are included and indicated by ***bold double underlined italics*** for additional added text and ~~***bold double strikethrough italics***~~ for deleted text. As determined by the California Prison Industry Authority, the attached text contains the following changes:

Article 3 has been amended by changing the title to **CALPIA ~~Work and Training~~ Inmate Work/Training and Education**. This title more appropriately fits the content of the various sections within the Article, including subject matter that includes inmate work/training and education issues.

Subsection 8004(c) has been amended by deleting the following language: Inmates ~~convicted of crimes specified below~~, who are otherwise eligible for a CALPIA assignment shall be restricted as follows: It is necessary to delete this language because the restriction in subsection (c)(1) is not a specific crime as those that are listed in subsections (c)(2) and (3). Subsection 8004(c)(1) is not a restriction due to a specific crime, but of PC 5071, which requires inmates who are employed to not have access to personal information of any private individuals. Therefore, the language was amended.

Subsection 8004(d)(2) has been amended by adding the following language: Inmates with Close B Custody designation may be considered for a CALPIA assignment that conforms with the requirements identified in California Code of Regulations (CCR), Title 15, Division 3, Section 3377.1(a)(4) ~~or (5)~~ on a case-by-case basis, with the approval of the Warden at the institution/facility. The reference to Close B Custody Female Inmates was inadvertently left off of the original text of the regulations. This section was intended to apply to all Close B Custody inmates both male and female specified in Section 3377.1, however, the original regulations only mentioned Section 3377.1(a)(4) which is specific to male inmates. This amendment remedies that by adding “or (5)” to the text. When determining the assignment or re-assignment of an inmate to a CALPIA program, Close B Custody female inmates may now be considered on a case-by-case basis, with the approval of the Warden at the institution/facility.

Subsection 8004(d)(3) has been amended to read as follows: Institutions/facilities with a transient population resulting in inmate worker unavailability may utilize inmates with Life sentences, but shall not exceed twenty-five ~~percent (25%)~~ of the workforce per institution/facility. This non-substantive change is meant to clarify and to change this specific subsection to be consistent with similar language in these regulations.

Section 8004 has been amended to delete reference ~~290~~ in the Authority Citation and Reference section. This reference was not necessary.

Subsection 8004.2(b) has been amended to add the revision and the date of the revision to the text of the regulation as follows: The CALPIA Inmate Worker Application Form IEP-F002, Rev. E, 9-24-2012, which is incorporated by reference, shall be made available by CALPIA staff to the inmate population throughout facilities with CALPIA enterprises. This document is necessary because it allows for easy access to the form, enabling inmates to apply for a CALPIA position. This document is available to the public upon request; therefore, it would be cumbersome, unduly expensive, or otherwise impractical to publish in the CCR. This requirement is pursuant to Title 1, CCR, Section 20(c)(4), specifically, if the regulation text states that the document (Form IEP-F002) is incorporated by reference it must be identified by the document title and date of the publication or issuance.

Subsection 8004.3(a) has been amended to spell out the acronym (ISU) as follows: When there is reasonable suspicion to believe that a CALPIA inmate is under the influence of a controlled substance or alcohol, CALPIA shall contact the *Investigative Services Unit (ISU)* Lieutenant for the purpose of testing for the presence of controlled substances or for the use of alcohol. This is necessary to provide clarity to the text of the regulations.

Subsection 8004.3(c) is amended to add “which is incorporated by reference” to the text. The text of the regulations is amended as follows: Any CALPIA inmate found in violation of Section 3016 shall have a minimum of six (6) months of disciplinary/drug/alcohol-free conduct and a minimum of 90 days of satisfactory work as reported prior to reapplying for a CALPIA position on an institutional Work Supervisor’s Report, CDC 101 (1/92), *which is incorporated by reference.* This document is utilized by institutional supervisors within the California Department of Corrections and Rehabilitation (CDCR) who supervise inmate workers. To remain consistent with the operations of CDCR with regards to inmate supervision, CALPIA regards the CDC 101 as a means to view the reported progress of an inmate who is reapplying for a CALPIA position. This document was developed by the CDCR Departmental Forms Coordinator and copies are available to the public upon request by CALPIA; therefore, it would be cumbersome, unduly expensive, or otherwise impractical to publish in the CCR.

Economic Impact Analysis

As required and in accordance with Government Code Section 11346.3(b), CALPIA has prepared an Economic Impact Analysis for the proposed regulation that is not a major regulation. The Economic Impact Analysis which was prepared by CALPIA and has been available to the public for their review was inadvertently not included in the Initial Statement of Reasons as required by Section 11346.2. The Economic Impact Analysis is included in this 15-Day Renote, and is available to the public upon request. Following are the assessments regarding the proposed regulation:

Creation or Elimination of Jobs Within the State of California

The proposed adoption of regulation allows for inmates to meet their obligation under CDCR regulations and it allows CALPIA to carry out the requirements of PC 2801, which is part of CALPIA's statutory mandate to create and operate the various enterprises employing inmates. No new jobs in California will be created or eliminated.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed regulation will not have an effect on the creation of new, or the elimination of existing jobs, or businesses within California,

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

In the adoption of the proposed regulation regarding CALPIA's Assignment Practices for Inmate Work and Training there will be no expansion of businesses doing business in California, or the health and welfare of California residents, worker safety, or the State's environment.

Benefits of the Regulations

The proposed regulatory action will benefit inmates and staff of CALPIA by providing the practices for inmate work and training in a clear and concise manner, ensuring also that CALPIA is carrying out the requirements set forth in Statute regarding the employment of inmates within the prison system.

The 15-day comment period on these changes shall close on November 4, 2012. Submit any comments to CALPIA, Legal Services Unit, Regulation and Policy Manager, 560 East Natoma Street, Folsom, CA 95630; fax to (916) 358-1610, or by email at CALPIAregs@calpia.ca.gov before the close of the public comment period. Comments must be received no later than 5:00 p.m. on November 4, 2012. Only those comments relating directly to the enclosed post-hearing changes that are indicated by **bold double underlined italics** or ~~**bold double strikethrough italics**~~ will be considered.

Original Signed By

CHARLES L. PATTILLO
General Manager
California Prison Industry Authority

Attachments