

NOTICE OF PROPOSED REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections

Division 8 California Prison Industry Authority

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific Penal Code Sections 2801 and 2808, propose to amend Sections 8004, 8004.2, 8004.3 and 8004.4 and adopt new section 8005 of Article 3, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Inmate Recruitment and Hiring Processes.

PUBLIC HEARING:

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than December 22, 2014.

PUBLIC COMMENT PERIOD:

The public comment period will close, **January 5, 2015 at 5:00 p.m.** Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVERED

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

FAX

(916) 358-2709

E-MAIL

CALPIAregs@calpia.ca.gov

CONTACT PERSON:

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

**Dawn Eger, Legal Analyst
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Della Fujiwara, Executive Assistant
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711**

AUTHORITY AND REFERENCE

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific Penal Code Sections 2702, 2801, 2805, and 2808 propose to amend Sections 8004, 8004.2, 8004.3 and 8004.4 and adopt new section 8005 of Article 3, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Inmate Recruitment and Hiring Processes.

INFORMATIVE DIGEST

POLICY STATEMENT OVERVIEW:

This action is necessary to provide more detail to the current eligibility requirements used to assess inmates that are applying for the CALPIA program. This action will also add clarity to the current regulations that eliminate inmates from the CALPIA program. Due to the nature of the prison system, CALPIA is challenged with recruiting and assessing inmates who qualify to work in enterprises that have dangerous machinery and hazardous work environments. It is important and necessary to regulate the recruiting process to seek the most qualified inmates who understand and are capable of performing their jobs to the safest and best of their ability. Continuous operations of CALPIA enterprises are critical because CDCR relies on the products and services for incarcerated inmates. Hundreds of other goods produced by CALPIA are relied upon by other state agencies such as DMV (license plates), CALFIRE (protective clothing for firefighters), & Caltrans (road safety products for workers and the public), etc. Qualified, drug-free, cautious, competent inmates must be selected to support CALPIA's continuous productions and services that prisons, state agencies and Californians rely upon. This action is also necessary to create part-time jobs that can accommodate inmates while they participate in substance abuse programs to rehabilitate. These proposed regulations support CALPIA's mission to reduce recidivism and keep our workplaces safe for all inmates and staff. It also increases public safety and prison safety, and creates a positive impact to public health.

The proposed amendments will be vetted through the public process of the PIB, as required in PC 2808 (h) and (i), and now are being promulgated through the regulatory process as specified in the APA. The PIB will vote on these proposed regulations at their Board Meeting on December 18, 2014. Upon approval, the PIB's Record of Vote and a portion of the transcript of the minutes will be placed in the final rulemaking file. These documents will be filed with the Office of Administrative Law (OAL).

PC Sections 2801 and 2808 provide CALPIA with implied rulemaking authority. PC Section 2801 establishes that CALPIA shall create and maintain working conditions within the enterprises as much like those which prevail in private industry as possible, to assure prisoners employed therein the opportunity to work productively, to earn funds, and to acquire or improve effective work habits and occupational skills. PC Section 2808(h) establishes the PIB's duties to provide as much employment for inmates as is feasible, and to provide diversified work activities to minimize the impact on existing private industry in the state.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS:

During the process of developing these regulations and amendments, CALPIA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

LOCAL MANDATES:

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

FISCAL IMPACT STATEMENT:

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630: None

Cost or savings to any state agency: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the State: None

EFFECT ON HOUSING COSTS:

The CALPIA has made an initial determination that the proposed action will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS:

The 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 prison inmates.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As a result of the economic impact assessment and in accordance with Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation:

Creation or Elimination of Jobs within the State of California

The proposed regulations will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because the jobs are not affected by the internal management of prison inmates. The benefits of new, proposed regulations will provide clear and concise personnel rules that will only affect prison inmates.

Creation, Expansion, or Elimination of Existing Businesses (Small or Large) within the State of California

The proposed regulations will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by the internal management of prison inmates. The benefits of new, proposed regulations will provide clear and concise rules that will only affect prison inmates.

Benefits of the Regulations

This action will insure the most qualified and competent inmate are selected and remain in the CALPIA work program. This action supports CALPIA's mission to provide productive work and skill development opportunities to inmates which reduces recidivism, increases public/prison safety, and supports the critical, continuous operations of CALPIA.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:

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

EFFECT ON SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of prison inmates.

ALTERNATIVES DETERMINATION STATEMENT

CALPIA must determine that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the proposed regulatory action.

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:

The CALPIA has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the CALPIA's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the CALPIA website <http://www.calpia.ca.gov>.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

In the event CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) 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 in this Notice or can be viewed by visiting the CALPIA website <http://www.calpia.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person or by visiting the CALPIA website <http://www.calpia.ca.gov>.