

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 California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2809 in order to implement, interpret and make specific Penal Code Sections 2801 and 2809, propose to adopt Section 8115, 8116, 8116.1, and 8117 of Article 6, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8 CALPIA concerning Personnel.

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 June 6, 2015.

PUBLIC COMMENT PERIOD:

The public comment period will close, **June 22, 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:

**John Chimienti, Assistant to General Counsel
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711**

AUTHORITY AND REFERENCE

California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2809 in order to implement, interpret and make specific Penal Code Sections 2801 and 2809, propose to adopt Section 8115, 8116, 8116.1, and 8117 of Article 6, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8 CALPIA concerning Personnel.

INFORMATIVE DIGEST

POLICY STATEMENT OVERVIEW:

CALPIA provides work training programs for the participation and rehabilitation of persons under the jurisdiction of California Department of Corrections and Rehabilitation (CDCR). CALPIA workplaces are located throughout California; the majority existing on institution grounds. Some workplaces are established inside of the institutions' walls as well as on the outside of the of the institutions' walls and on other properties that are not on prison grounds. All CALPIA workplaces create an environment where CALPIA employees are required to work closely with persons under the jurisdiction of CDCR. Because of the close interactions between CALPIA employees and persons under the jurisdiction of CDCR, these regulations are crucial and necessary to support the safety of every person on institution grounds or other locations where persons under the jurisdiction of CDCR are present. Safety is a very serious obligation to maintain within CALPIA workplaces. Without a safe working environment, CALPIA will be unable to implement PC Section 2801 and carry out its productivity goals.

Pursuant to PC Section 2809, CALPIA employees work under a hiring authority which is separate and distinct from the CDCR hiring authority. The challenges of separate hiring authorities require CALPIA to adopt its own personnel rules that are separate from CDCR's. This action is necessary to create similar regulatory requirements as those imposed upon CDCR employees regarding the interactions with persons under the jurisdiction of CDCR. Maintaining similarities will keep CALPIA workplaces safe and consistent for the prison environment.

The policies of the CALPIA will be vetted through the public process of the PIB, as required in PC Section 2808, subsections (h) and (i), and promulgated through the regulatory process as specified in the Administrative Procedure Act (APA). The PIB will review these regulations at the next board meeting held on June 25, 2015. Upon approval, the PIB's Record of Vote and the applicable portion of the meeting minutes will be filed in the rulemaking file. These documents will be filed with the Office of Administrative Law (OAL).

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 CALPIA employees' interactions with persons under the jurisdiction of CDCR.

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 CALPIA employees' interactions with persons under the jurisdiction of CDCR. The benefits of new, proposed regulations will provide clear and concise personnel rules that will affect CALPIA employees and persons under the jurisdiction of CDCR.

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 CALPIA employees' interactions with persons under the jurisdiction of CDCR. The benefits of new, proposed regulations will provide clear and concise rules that will affect CALPIA employees and persons under the jurisdiction of CDCR.

Benefits of the Regulations

The proposed regulatory action will benefit CALPIA employees, CDCR employees, and persons under the jurisdiction of CDCR by providing clear and concise personnel rules that ensures and promotes consistency and safety while working with inmates and parolees under the jurisdiction of CDCR.

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

CALPIA has determined that this action has no adverse impact on small business because they are not affected by CALPIA employees' interactions with persons under the jurisdiction of CDCR.

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>.