

**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, propose to amend Section 8004.2 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 November 6, 2015.

**PUBLIC COMMENT PERIOD:**

The public comment period will close, **November 23, 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**

[PIAregs@calpia.ca.gov](mailto:PIAregs@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**

PC Sections 2801 and 2808 provide CALPIA with implied rulemaking authority.

PC Section 2801 provides that the purposes of the authority are:

(a) To develop and operate industrial, agricultural, and service enterprises employing prisoners in institutions under the jurisdiction of the Department of Corrections, which enterprises may be located either within those institutions or elsewhere, all as may be determined by the authority.

(b) To 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.

(c) To operate a work program for prisoners which will ultimately be self-supporting by generating sufficient funds from the sale of products and services to pay all the expenses of the program, and one which will provide goods and services which are or will be used by the Department of Corrections, thereby reducing the cost of its operation.

## **INFORMATIVE DIGEST**

### **Policy Statement Overview:**

CALPIA proposes to amend the "CALPIA Inmate Worker Application Form IEP F002, Rev. E, 9 24-2012," (IEP Form) referenced in Section 8004.2 of Title 15. The IEP Form is similar to job applications utilized by employers in the private sector. The IEP Form is a teaching tool to prepare inmates for private industry job requirements and also collects necessary information that allows staff to determine if inmate applicants meet the hiring standards for employment with CALPIA.

#### *Forms Incorporated by Reference:*

- CALPIA Inmate Worker Application Form IEP-F2002, Revised 9-24-2012
- Worker Application and Intake IEP-F002/IEP-F003, 9/15/2015 Rev. G

CALPIA will add additional requirements to the form in order to collect necessary, personal information directly from inmates rather than from another source. (Civil Code Sections 1798.14 and 1798.15). New requirements for personal information will be added to the form for the following purposes: (1) introduces and educates prisoners about the type of information that is required to obtain employment; and (2) tasks the prisoners with acquiring their official, identifying records (Social Security Card) to satisfy employment requirements; and (3) assists prisoners as they transition from CALPIA to private industry job offers upon release (via CALPIA's Industry Employment Program); and (4) allows CALPIA to utilize the personal identifying data to measure recidivism of CALPIA participants; and (5) assists CALPIA staff when assigning inmates based on ethnic balance; and (6) identify when part-time work may be permitted. Additions to the IEP Form also include an explanatory notice to inmates who are required to produce personal information. Other amendments include a deletion of instructional information for filling out the IEP Form.

#### *Anticipated Benefits:*

The proposed regulatory action will benefit inmates by training and preparing them for private industry requirements of job applications. Inmates who are prepared with job skills upon release are less likely to re-offend which increases public safety. This action will also assist CALPIA with information to measure recidivism of CALPIA inmate participants.

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 17, 2015. Upon approval, the PIB's Record of Vote and applicable portion of the minutes will be placed

in the final rulemaking file. These documents will be filed with the Office of Administrative Law (OAL) and are available to the public upon request.

**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 laws and 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 amendments 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 inmates in the prison system.

## **ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

**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**

This action 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 inmates in the prison system.

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

This action 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 inmates in the prison system.

### **Benefits of the proposed amendments to the regulations**

The proposed regulatory action will benefit CALPIA staff as it uses the information collected on the IEP Form. New information can be utilized to assist inmates as they transition from CALPIA to private industry job offers upon release and assist staff to accurately measure recidivism statistics of CALPIA inmate participants. The proposed regulatory action will benefit inmates by training and preparing them for private industry requirements of job applications. Inmates who are prepared with job skills upon release are less likely to re-offend which increases public safety and reduces overall costs to jails and prisons.

### **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 inmates in the prison system.

### **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 submit written 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: [www.calpia.ca.gov](http://www.calpia.ca.gov).

### **AVAILABILITY OF CHANGES TO PROPOSED TEXT:**

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If the 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. The 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: [www.calpia.ca.gov](http://www.calpia.ca.gov).