California Code of Regulations

Title 15. Crime Prevention And Corrections

Division 8. California Prison Industry Authority

Chapter 1. Rules And Regulations of California Prison Industry Authority

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Division 8.5 California Prison Industry Board

Chapter 1. Rules and Regulations of California Prison Industry Board

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§8000. Definitions

"Background Clearance" means a process by which an individual submits his or her fingerprints to the Department of Justice so that CALPIA can obtain any criminal history information of the individual from the Department of Justice.

"Board" means Prison Industry Board, also known as PIB.

"CALPIA" means California Prison Industry Authority, also known as PIA, Prison Industry Authority.

"CALPIA Program" means a work program, specific to CALPIA inmates. Assorted programs within CALPIA are designed to teach inmates various trades and necessary skill sets including education and life application skills.

"Controlled Substance" means a substance, drug, narcotic, opiate, hallucinogen, depressant, or stimulant as defined by California Health and Safety Code Section 11007. Also included are prescribed medications containing substances identified in Health and Safety Code Section 11007.

"Drug" means a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease, and as defined in Health and Safety Code Section 11014.

"Employee" means an individual hired under the authority of the CALPIA General Manager through California State civil service rules (Government Code section 18500 et seq.). The term employee does not include inmates.

"Enterprise" means organized business practices that comprise manufacturing, agriculture and various other operations under the authority of CALPIA.

"External Accreditation Certificate" means a certificate issued by an accredited external organization that is under contract with CALPIA to train inmates to certain standards and then certify that the inmate is competent in a specific skill set.

"Family Member" means related to another person through kinship, marriage, adoption, foster relationship, registered domestic partnership, or civil union.

"General Manager" means an individual appointed or contracted by the PIB to serve as the chief administrative officer of CALPIA.

"Health or Safety Complaint" means any written allegation made by a CALPIA inmate worker regarding unhealthful or unsafe conditions or hazards at their place of employment.

"Inmate Allocation" means the current number of inmate workers needed in a specific enterprise to maintain adequate production levels, supporting the volume of sales orders and service contracts.

"Inmate Candidate Pool" means a pool of inmate candidates from all security level designations who have been screened by the facility/institution's Classification Committee and after program review have been found eligible for placement in CALPIA work/training programs at specific facility/institutional enterprises.

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“Inmate compensation” means payment to the inmate worker with a graduated pay schedule based on the quality and quantity of work performed and the skill required of the inmate worker.

“Institution” means a community-access facility, community correctional facility, camp, or subfacility of an institution under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR) and headed by a warden.

“Intoxicant” means any type of substance that is not identified as a controlled substance or drug that diminishes an individual's working abilities that would normally be accomplished with the same characteristics of a sober individual. Intoxicants include, but are not limited to, toluene, paint thinner, fingernail polish, lacquer, gasoline, and kerosene.

“Learning disability” means a broad range of cognitive deficits. Under the Americans with Disabilities Act of 1990 (ADA) definition, individuals with learning disabilities may have difficulty in one or more of the following: listening, speaking, reading, writing, spelling, and mathematics. They also may have problems in reasoning, remembering, organizing, managing time, and social skills. Specific learning disabilities are not the same as learning problems that result from mental retardation, blindness, deafness, or emotional disturbance.

“PIB” means the Prison Industry Board, also known as Board.

“Prescription” means an order for a controlled substance given individually for the person(s) for whom prescribed, directly or indirectly from the prescriber, and as defined in Health and Safety Code Section 11027.

“Prison Industries Revolving Fund” means the fund described in Penal Code 2806.

“Test of Adult Basic Education (TABE)” means a test designed to assess reading, mathematics, language, and spelling skills. It also assesses basic skills in work-related contexts.

“Transient population” means a population of inmates who are at an institution for a brief period of time such as at a reception center or inmates whose sentences are shorter in duration.

“Unauthorized Electronic Communication Device” means devices that are not issued by the State of California and are not labeled with an “Authorized for State Use” sticker. Unauthorized electronic communication devices include, but are not limited to, cell phones, computers, hybrid cellular/Internet/wireless devices, personal digital assistants (PDAs), cameras, video recorders, fax machines, and pagers, including components and parts of devices.

“Under the Influence” means an employee's working abilities are impaired and the employee does not have the ability to perform his or her duties with the same characteristics of a sober person due to alcohol, drugs, controlled substances, or a combination thereof.

“Workplace” means all offices, warehouses, enterprises, and the showroom under the authority of CALPIA, regardless of location.

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§ 8001. California Prison Industry Authority

(a) The California Prison Industry Authority (CALPIA) has the authority to develop and operate, and assumes jurisdiction over industrial, agricultural, and service enterprises employing prisoners under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR) which may be located within an institution or elsewhere, as may be determined by CALPIA.

(b) CALPIA operates a work program for inmates which shall be self-supporting by generating sufficient funds from the sale of products and services to pay all program expenses, and provides goods and services which are or will be used by CDCR, thereby reducing the cost of CDCR's operation.

(1) Pursuant to PC sections 2804 and 2806 the Prison Industries Revolving Fund shall be used to meet the following list of operating expenses:

(A) purchasing of materials and equipment,

(B) salaries,

(C) construction,

(D) cost of administration of the prison industries program,

(E) refund deposits, and

(F) the actual and necessary expenses of travel in the commission of PIB duties that shall be paid from the Prison Industries Revolving Fund.

(c) Pursuant to the Administrative Procedure Act, the CALPIA shall create and maintain working conditions within the enterprises to assure employed inmates the opportunity to work productively, earn funds and acquire or improve effective work habits and occupational skills.

(d) CALPIA operates under a General Manager, who is appointed or contracted by the PIB to serve as the chief administrative officer.

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§ 8004. PARTICIPATION

(a) Inmates committed to the custody of the California Department of Corrections and Rehabilitation may apply to participate in CALPIA work and training programs. Inmates who have met the requirements in Section 8004.1 may be assigned to an appropriate work position allowing the inmate to earn funds and acquire or improve effective work habits and occupational skills.

(b) Inmates shall not be eligible for a CALPIA assignment under the following circumstances:

(1) Inmates serving life sentences without parole (LWOP); unless the inmate meets the exception found in 8004(d)(4).

(2) Inmates convicted of arson, elements of arson, or possession or use of explosive material, unless the arson conviction is more than 15 years prior to the date of application and all other eligibility requirements are met, then an exemption may be considered.

(3) Inmates found in violation of Section 3016; unless the inmate subsequently meets the following minimum requirements:

(A) six (6) months of disciplinary/drug/alcohol-free conduct; and

(B) ninety (90) days of satisfactory work as written on an institutional Work Supervisor's Report, CDC 101 (1/92), which is incorporated by reference, from inmate's work supervisor; and

(C) successfully graduates from a substance abuse program.

(c) Inmates who are otherwise eligible for a CALPIA assignment shall be restricted as follows:

(1) All inmates assigned to a work/training position within CALPIA, pursuant to Penal Code (PC) Section 5071, shall not have access to personal information of private individuals.

(2) Inmates convicted of a PC Section 290 offense shall not be assigned to the CALPIA optical program.

(3) Inmates convicted of forgery, fraud, counterfeiting, or embezzlement shall not be assigned to the CALPIA Specialty Print Plants.

(4) Inmates who have any of the following history shall not be placed in assignments that provide access to a computer:

(A) computer fraud or abuse, as defined in PC Section 502; or

(B) telephone fraud or abuse, as defined in PC Section 502.7(b); or

(C) any documented institutional disciplinary action, as described in sections 3000 and 3312 of Title 15, involving the use of a computer to conduct unauthorized activity not related to the intended work tasks of CDCR or CALPIA.

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(d) The following factors shall be taken into consideration on a case-by-case basis when determining the assignment or re-assignment of an inmate to a CALPIA program:

(1) Inmates with prior history of disciplinary actions, or disciplinary measures that resulted in removal from a CALPIA program may be considered for a re-assignment based upon the inmate's conduct of a minimum of six (6) months of disciplinary-free conduct.

(2) 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.

(3) Institutions/facilities with a transient population resulting in inmate worker unavailability may utilize inmates with Life sentences, but shall not exceed twenty-five percent of the workforce per institution/facility.

(4) Institutions/facilities with a population resulting in inmate worker unavailability may utilize inmates with LWOP sentences with the approval of the Warden at the institution/facility on a case-by-case basis.

(e) Inmates placed on Immigration and Customs Enforcement (ICE) Hold status by CDCR shall not be assigned to a CALPIA job without an approved exemption in writing from the General Manager.

(1) ICE Hold inmate workers assigned to CALPIA will not be eligible to receive external accredited certificates unless ICE Hold status is removed in the following two steps:

(A) through administrative proceedings; and

(B) prior to the end of accredited certificate program.

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§ 8004.1. CALPIA Inmate Worker Hiring Standards And Requirements

(a) CALPIA shall fill vacant job/training positions based on the following standards:

(1) Skill level evidenced by the inmate's technical expertise, ability, and knowledge.

(2) Behavior and relationships with others evidenced by the inmate's ability to work with staff and other authority figures, work/training supervisors, and other inmates.

(3) Attitude and adaptability evidenced by the inmate's willingness to learn, take directions, and orders.

(4) Work/training habits evidenced by the inmate's punctuality, dependability, care of equipment, and safety practices.

(5) Formal education and training evidenced by the inmate's preparation for the work/training assignment and the ability to read, write, and speak effectively.

(6) Ethnic Balance. Ethnic balance is achieved by assigning identified ethnicities for CALPIA work/training position in proportion to those represented within the inmate yards at the institution.

(b) Inmates shall meet a minimum intake requirement of two (2) years and a maximum of five (5) years from their earliest possible release date (EPRD), on the date of application for all CALPIA assignments or apprenticeship/training positions.

(c) Inmates assigned from the following locations, may utilize an alternate intake requirement of a minimum of two (2) months and a maximum of 60 months from their earliest EPRD, on the date of application:

(A) Reception Centers with a temporary or transient inmate population resulting in inmate worker unavailability.

(B) Institutions with a Level 1 inmate population.

(d) Inmates shall meet a minimum education requirement of a Test of Adult Basic Education (TARE) score of 9.0 prior to assignment.

(e) Institutions with inmate populations whose educational levels do not meet the above minimum education level and are unable to meet CALPIA workforce needs may utilize the alternate intake requirement of a TABE score of 7.0 prior to assignment to a CALPIA position.

(f) Inmates with qualified learning disabilities under the Americans with Disabilities Act of 1990 (ADA), as defined in Section 8000, and who have complied with CCR, Title 15, Division 3, Section 3085, may be accommodated with an exemption to 8004.1(d) or (e), unless the accommodation would result in financial or administrative burden, or unsafe working conditions for CALPIA.

(g) Prior to utilizing any of the above alternate intake requirements, a written waiver of authorization shall be obtained annually from the CALPIA General Manager by the Warden at each institution/facility in coordination with the CALPIA Administrator/Lead Manager at each specific enterprise.

(h) Within two years of initial CALPIA assignment, CALPIA inmate workers, regardless of their TABE score, shall be required to complete a General Education Diploma (GED) or high school diploma. CALPIA inmate workers shall remain in their current skill level, as specified in Section 8006(d)(1), while completing a GED or high school diploma and shall not be allowed to promote to a higher pay skill level until this educational requirement is satisfied.

§ 8004.2. Recruitment And Appointment Process

(a) The CALPIA Prison Industries Administrator/Lead Manager at each facility shall be responsible for coordinating the recruitment of inmates with the institution/facility's correctional counseling staff or the classification services staff.

(b) 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.

(c) Inmates applying for a CALPIA work/training position shall complete CALPIA Form IEP-F002 and shall submit it to the correctional counselor staff at the inmate's facility.

(d) The Prison Industries Administrator/Lead Manager shall, in coordination with the correctional counselor staff, conduct a central file review, ensuring eligibility standards and requirements, in sections 8004 and 8004.1 are met.

(e) Upon confirmation of program eligibility, inmates who have applied for a CALPIA position and have been placed into CALPIA's Inmate Candidate Pool (ICP) may be assigned to an appropriate work program in accordance with California Code of Regulations (CCR), Title 15, Division 3, Section 3040(c).

(f) Upon the availability of a vacant CALPIA position, CALPIA enterprise staff shall:

(1) Request a list of eligible inmates from the ICP from the institution/facility Assignment Lieutenant responsible for maintaining the ICP list.

(2) Interview inmates from the ICP list.

(3) Make the final selection of inmates based on priority of the following educational achievements:

(A) High School Diploma or GED

(B) Enrolled in GED program

(C) No Diploma/GED and not enrolled in an education program

(4) Submit a final list of successful inmate applicants in writing to the institution/facility's Assignment Lieutenant.

(g) In addition to the priorities set forth in subsection (f)(3)(A) through (C), CALPIA will also give consideration to part time CALPIA inmates who graduate from a substance abuse program or complete any other CDCR rehabilitating programs when filling full time assignments.

(h) A urinalysis test shall be requested on all inmates newly assigned to CALPIA within 30 days of their start date. See subsection 8004.3(a) for requesting guidelines.

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§ 8004.3. Controlled Substances/Alcohol Use

(a) To request testing for the presence of controlled substances or for the use of alcohol by an inmate assigned to CALPIA, Administrator/Lead Manager shall contact the institution's Investigative Services Unit (ISU) Lieutenant in the following circumstances:

(1) new hires pursuant to Section 8004.2(h); or

(2) random drug testing for the duration of inmate's work assignment; or

(3) When there is reasonable suspicion to believe that an inmate is under the influence of a controlled substance or alcohol.

(b) The following circumstances shall determine if an inmate is un-assigned from CALPIA when testing under subsection 8004.3(a)(3):

(1) If a laboratory test is conducted, the suspected inmate shall leave CALPIA until test results are complete. The laboratory test results will determine if the inmate may return to CALPIA.

(2) If an on-site testing of urine sample is conducted and the results are positive, the inmate shall leave CALPIA until further laboratory testing determines the following:

(A) Confirms the results of a positive, on-site, urine sample. Inmate shall be unassigned from CALPIA.

(B) Indicates on-site, urine sample is negative. The inmate may return to work at CALPIA.

(c) Any CALPIA inmate found in violation of Section 3016 shall be immediately removed from the CALPIA work/training program and required to meet minimum requirements pursuant to subsection 8004(b)(3) prior to reapplying for a CALPIA position. Any inmate found to be in violation of Section 3016 shall be immediately removed from the CALPIA work/training program, and may be subject to the provisions of Section 3315, Serious Rule Violations.

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§ 8004.4. Inmate Workforce Allocation

(a) Prison Industries Administrators/Lead Managers at each facility shall be responsible to determine the inmate workforce allocation for each enterprise within their scope of authority.

(b) To maintain adequate production levels that support the volume of sales orders and service contracts, inmate positions shall be staffed in accordance with inmate worker hiring standards in Section 8004.1.

(c) A workforce allocation plan shall be submitted each fiscal year through the CALPIA budget process.

(d) The establishment of new or the revising of existing CALPIA inmate workforce allocations shall be accomplished as follows:

(1) New Enterprises. Prior to the activation of a new enterprise the Prison Industries Administrator/Lead Manager shall submit an inmate workforce allocation plan to the CALPIA Assistant General Manager, Operations Division via their CALPIA Enterprise Branch Manager for approval. The plan shall be jointly approved by the institution/facility's Warden or designee, and the CALPIA Assistant General Manager, Operations Division. The plan shall include:

(A) The projected total allocation of inmate workers required for each shift;

(B) A listing of positions designating no more than 25 percent of the total allocation of inmates in each of the skill level categories as specified in Section 8006(d)(1); and

(C) The job description based on the Federal Bureau of Labor Statistics' Standard Occupational Classification (SOC) for each position.

(2) Existing Enterprises with changes of 15 percent or more. Prior to any changes of an existing inmate workforce allocation plan of 15 percent or more, the Prison Industries Administrator/Lead Manager shall submit changes to the CALPIA Enterprise Branch Manager for approval. The plan shall include:

(A) The allocation of inmate workers required for each shift;

(B) The SOC job description for each position; and

(C) The justification for revising an existing inmate allocation.

(3) Existing Enterprises with changes of less than 15 percent. Prior to any changes of an existing inmate workforce allocation plan of less than 15 percent, the Prison Industries Administrator/Lead Manager shall submit an informational copy of the changes justifying the revision in the inmate workforce allocation plan to their CALPIA Enterprise Branch Manager.

(4) For existing enterprises, changes to the inmate workforce allocation plan shall be jointly approved by the institution/facility's Warden or their designee, and the Prison Industries Administrator/Lead Manager.

(e) Exceptions to the workforce staffing allocation include:

(1) Increase or decrease in the volume of sales orders or service contracts;

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(2) Emergency facility lockdowns which prevent inmates from an entire skill level or security level from working at a specific enterprise; or

(3) Any security situations deemed as unsafe working conditions by CALPIA staff, including the facility Prison Industries Administrators/Lead Managers, Branch Managers, Assistant General Manager, Operations Division, General Manager, or the institution/facility staff including the Warden/Chief Deputy Warden or their designee.

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§ 8005. Part-time Work

(a) Part-time positions may be established to accommodate inmates who are enrolled and participating in a substance abuse program or any other CDCR rehabilitating program.

(b) Inmates will not be eligible for part-time work if they are no longer enrolled and actively participating in a substance abuse program or any other CDCR rehabilitating program.

(c) Part-time work assignments in CALPIA are exempt from subsection 8004.1(h).

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§ 8006. Inmate Pay Rates, Schedule And Movement

(a) Inmates assigned to work programs within CALPIA shall receive compensation as determined by the General Manager and reviewed by the Prison Industry Board (PIB). Compensation shall be paid from the Prison Industries Revolving Fund, and shall be in accord with the graduated pay schedule, and based on quality and quantity of work performed, and technical skills and abilities required for its performance.

(b) Any proposed changes to the Inmate Pay Schedule shall be submitted by the General Manager to the PIB for review.

(c) Final determination of any disputes or interpretations of the Inmate Pay Schedule shall be made by the General Manager.

(d) CALPIA inmate pay rates shall be in accord with the following skill and step levels:

(1) Inmate Pay Schedule:

Skill Level	*Step I*	*Step II*	*Step III*
Level 1			
Leadperson (AA)	$.75	$.85	$.95
Level 2			
Special Skills (A)	.65	.70	.75
Level 3			
Technician (B)	.55	.60	.65
Level 4			
Semi-Skill (C)	.45	.50	.55
Level 5			
Laborer/Entry Trainee (D)	.30	.35	.40

(e) The Prison Industries Administrator/Lead Manager at each facility shall be responsible for the administration of the CALPIA inmate pay program, ensuring pay positions are properly classified and allocated.

(f) Movement between one pay rate to another pay rate shall be based upon the following:

(1) Pay increases. Increases shall not be automatic or solely based on the inmate's longevity in an assignment. Increases in the pay rate shall be based on the inmate's productivity (quantity and quality of work performed), the supervisor's recommendation, the inmate's work/training performance report, and shall be subject to the review and approval of the Prison Industries Administrator/Lead Manager.

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(A) Inmates may receive a pay increase for satisfactory performance after they complete three months of work in each step level, as described in subsection (d)(1) above.

(B) Inmate pay increases from Step I to Step II and finally Step III shall be effective upon the Prison Industries Administrator/Lead Manager approval on the first day of the following month after the pay increase is administratively processed.

(2) Pay decreases. Reduction in pay shall be based on the immediate supervisor's recommendation, inmate's less than satisfactory work performance, or inmate misconduct as described in Title 15, California Code of Regulations (CCR), Division 3, Sections 3312, 3314, or 3315.

(A) Inmate pay decreases shall be effective upon the Prison Industries Administrator/Lead Manager review and approval on the first day of the following month after the pay decrease is administratively processed.

(3) Advancement. Inmates may advance to a higher skill level, as described in subsection (d)(1), with the immediate supervisor's recommendation and based upon the inmate's demonstration of increased skill level, their work/training performance report, and shall be subject to the review and approval of the Prison Industries Administrator/Lead Manager.

(A) Inmates may advance from one skill level to the next, after they complete one month of work in their current skill level, as described in subsection (d)(1) above.

(B) Inmate advancement shall be effective upon the Prison Administrator/Lead Manager approval on the first day of the following month after the pay increase is administratively processed.

(C) An inmate's longevity shall not be used as criteria for the purpose of upgrading skill level.

(4) Removal beyond inmate control. Inmates removed from their work assignment for reasons beyond their control, including, but not limited to out-to-court or lengthy hospital stay, may return to a CALPIA assignment at the same or closest level of pay to their former position, if a position is available, via the institution classification committee process, CCR, Title 15, Division 3, Section 3040.

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§ 8007. CALPIA Inmate Appeals

Unless otherwise stated in these regulations, CALPIA inmate workers are to utilize the regular appeal process which provides a remedy for inmates with identified grievances, in accordance with Title 15, Division 3, Chapter 1, Article 8 of the California Code of Regulations (CCR).

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§ 8008. CALPIA Health Or Safety Complaints

(a) A health or safety complaint, as defined in Section 8000, shall not be submitted using the regular appeal process, Title 15, Division 3, Chapter 1, Article 8 of the CCR.

(b) Any urgent health or safety situation requiring immediate response should be reported to any CALPIA staff upon the inmate's initial discovery of the situation. A written health or safety complaint should not be used by inmates as a substitute for verbally or otherwise informing staff of any urgent situation.

(c) A CALPIA inmate alleging a health or safety hazard exists in a prison industry operation shall submit a written complaint, pursuant to Labor Code (LC) 6304.3(b). The written complaint shall be deposited in a readily accessible complaint box or by the complainant personally presenting the written complaint to any CALPIA staff member.

(d) Any CALPIA staff member receiving a written health or safety complaint shall personally present the complaint to a member of the local CALPIA Safety Committee.

(e) The CALPIA Safety Committee shall review and respond to the complaint within 15 calendar days of its filing. Any action taken by the Committee shall be in accordance with Title 8, CCR, Section 344.42.

(f) If the inmate complainant is not satisfied with the CALPIA Safety Committee response, the complainant may request the complaint be forwarded to the Division of Occupational Safety and Health, pursuant to LC 6304.3(b).

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§ 8100. EXECUTIVE STAFF.

(a) The General Manager is the chief officer for CALPIA and the appointing authority for all employees.

(b) The General Manager shall establish an Executive Staff for CALPIA, which shall consist of Assistant General Managers, a General Counsel, a Chief Financial Officer, and a Chief of External Affairs.

(c) The General Manager shall appoint the Prison Industry Manager or the Prison Industry Administrator of an enterprise as the chief administrative officer of that enterprise. The chief administrative officer of an enterprise is responsible for the oversight, training, and discipline of all employees under his or her charge.

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§ 8102. IDENTIFICATION CARD.

(a) Each employee shall be issued an identification card granting access to institutions and workplaces as required for the performance of his or her duties. While on duty, each employee shall carry his or her identification card and produce the card upon request. An employee shall promptly report the loss of his or her identification card to his or her supervisor who shall immediately do one of the following:

(1) When the employee is assigned to a workplace located at an institution, follow CDCR local rules and notify Human Resources at Central Office.

(2) When the employee is assigned to a workplace not located at an institution, notify Human Resources at Central Office.

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§ 8104. EMPLOYEE CONDUCT.

(a) Employees shall be professional and courteous in their dealings with inmates, parolees, fellow employees, visitors, and members of the public. Inmates and parolees shall be addressed by their proper names. Inmates and parolees shall not be addressed by derogatory or slang reference.

(b) Allegations made by employees regarding the misconduct of a CDCR Peace Officer shall be made in accordance with CCR, Title 15, Section 3391.

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§ 8105. Reporting of Arrest, Conviction, or Change in Driving Status.

(a) If an employee is arrested for or convicted of a violation of law, the employee shall notify his or her supervisor.

(b) Restrictions to an employee's driving privilege that interfere with his or her job duties shall be reported by the employee to his or her supervisor.

(c) Misconduct that impairs an employee's ability to do his or her job, causes discredit to, or affects or involves CALPIA may be cause for disciplinary action.

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§ 8106. Drugs and Controlled Substances.

(a) Employees shall not report for duty while under the influence.

(b) Employees shall report the presence of an employee on duty, or on standby for duty, who may be under the influence to the Prison Industries Administrator, Manager, or supervisor.

(c) Employees and visitors of CALPIA are prohibited from bringing the following items to workplaces or onto institution grounds:

(1) Alcoholic beverages;

(2) Drugs or substances deemed illegal by operation of the law; or

(3) Controlled substances or prescription drugs without a valid prescription.

(d) Obtaining for or delivering to an inmate or parolee any one of the following is prohibited:

(1) Drugs or controlled substances of any kind;

(2) Substances deemed illegal by operation of the law; or

(3) Preparations or paraphernalia associated with drugs, controlled substances, or substances deemed illegal by operation of the law.

(e) An employee who violates subdivision (a), (b), (c), or (d) shall be subject to disciplinary action under the authority of the General Manager.

(f) Any person, including a visitor, who violates subdivision (c) or (d) shall be subject to criminal prosecution pursuant to Penal Code Sections 4573.5 through 4573.9.

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§ 8107. INTOXICANTS.

(a) Employees of CALPIA are prohibited from delivering the following items to an inmate or parolee if not considered necessary for the execution of assigned job duties:

(1) Intoxicants; or

(2) Preparations or paraphernalia associated with intoxicants.

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§ 8108. Unauthorized Electronic Communication Devices.

(a) The possession or use of an unauthorized electronic communication device by an employee or visitor inside a workplace or within the secure perimeter of an institution is prohibited.

(b) Employees and visitors shall maintain and lock their unauthorized electronic communication devices in their personal or state vehicles while on institution grounds or in workplaces.

(c) Unauthorized electronic communication devices shall be subject to confiscation.

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§ 8110. Employee Work Schedules.

Each immediate supervisor, with the approval of the General Manager or the General Manager's designee, shall determine the work schedules for all employees under his or her authority. Employee work schedules will be in accordance with state civil service rules.

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§ 8111. Light Duty Assignments and Reasonable Accommodations.

(a) Light Duty Assignment. For the purposes of this section and Section 8112, “light duty assignment” means a temporary work assignment for an employee with documented medical restrictions arising out of a work-related injury or illness or a non-industrial injury or illness, who cannot perform the essential functions(s) of his or her job, for a limited duration.

(b) Reasonable Accommodation. For the purposes of this section, “reasonable accommodation” means any modifications or adjustments to a job or work environment that will enable a qualified applicant or employee with a disability to perform the essential functions of the job. Essential functions cannot be waived as a form of reasonable accommodation.

(c) All light duty assignments or reasonable accommodations shall be determined by the General Manager or the General Manager's designee.

(d) Employees shall submit requests for light duty assignment or reasonable accommodations to their supervisor.

(e) Upon receipt of an employee's request, the supervisor shall immediately contact the Return-to-Work Coordinator (RTWC) at Central Office regarding the employee's request. The supervisor and the RTWC shall work cooperatively to immediately begin the interactive process with the employee regarding light duty assignment or reasonable accommodation.

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§ 8112. Limited-Term Light Duty Assignments.

(a) The General Manager may utilize limited-term light duty assignments to allow an employee with documented medical limitations to work. The General Manager may place the employee in a vacant budgeted position within the employee's bargaining unit or the employee may be permitted to work in his or her current position, while temporarily waiving the essential functions of his or her job.

(b) Positions will not be permanently identified as “light duty.” Limited-term light duty for one employee shall not exceed 60 calendar days in a 6-month period for medical condition(s).

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§ 8114. LEGAL MATTERS.

(a) An employee who is subpoenaed to testify before a court or other tribunal in connection with a matter, event, or transaction of which he or she gained knowledge during the course of his or her duties shall notify CALPIA's General Counsel, Legal Services in writing within one business day. The written notification shall include all relevant information concerning the contact, copy of any subpoena, and a summary of his or her anticipated testimony.

(b) No employee shall consult or testify as a specialist or an expert witness, based on expertise gained in the course of his or her duties, in an administrative, civil, or criminal action without giving reasonable notice, as defined in subdivision (a), to the CALPIA General Counsel.

(1) An employee who is contacted for the purpose of eliciting expert testimony, as defined in Evidence Code Section 720, shall notify CALPIA's General Counsel, Legal Services in writing within one business day. The written notification shall include all relevant information concerning the contact, copy of any subpoena, and a summary of his or her anticipated testimony.

(2) CALPIA's General Counsel or his or her designee retains the discretion to seek to quash the subpoena on substantive or procedural grounds before the judicial body through whose authority the subpoena was issued.

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§ 8115. FAMILIARITY

(a) For the purposes of this section, "familiarity" means engaging in conversation or any type of communication that includes personal topics.

(b) With exception to Section 8116, no employee shall engage in familiarity with inmates or parolees who are under the jurisdiction of CDCR.

(c) For work related purposes, an employee may converse with inmates or parolees; conversations shall be limited to work related topics only.

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§ 8116. Employee Relations with Family Members under CDCR Jurisdiction

(a) "Family member" as defined in Section 8000, applies to this section.

(b) An employee may conduct a relationship with an inmate or parolee who is under the jurisdiction of CDCR if all of the following exist:

(1) the inmate or parolee is the employee's family member;

(2) interactions are conducted during employee's off-duty hours and away from the workplace; and

(3) pursuant to disclosure set forth in subdivision (c) of this section.

(c) An employee shall notify his or her supervisor in writing of relationships described in subdivision (b). The supervisor shall provide the written notice to the General Manager, who will ensure notice is forwarded to the warden at the employee's assigned workplace and the appropriate CDCR Director.

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§ 8116.1. Disclosure of Persons Known under CDCR Jurisdiction

(a) For the purpose of this section, "any person known by an employee" includes:

(1) Family members as defined in Section 8000;

(2) Current or past co-workers, clients, business partners, or anyone an employee works with or has worked with in a business setting; or

(3) Current or past neighbors, friends, associates, or companions.

(b) If an employee is aware of any person described in subsection 8116.1(a) who was previously or is currently committed to the jurisdiction of CDCR, the employee shall make a disclosure as described in subdivision (c) of this section.

(c) An employee shall notify his or her supervisor in writing of anyone described in subdivisions (a) and (b). The supervisor shall provide the written notice to the General Manager who will ensure notice is forwarded to the warden at the employee's assigned workplace and the appropriate CDCR Director.

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§ 8117. Employee Transactions with Inmates and Parolees

(a) Except as provided in Sections 8116, 8119, subdivisions (a) and (c), and 8119.1, no employee shall engage in any of the following transactions with an inmate or parolee who is under the jurisdiction of CDCR:

(1) directly or indirectly trade, barter, lend, give, promise to give or otherwise engage in transactions;

(2) convey or transmit any type of messages;

(3) take or deliver any unauthorized items.

(b) If an employee is contacted, asked, or coerced, other than under circumstances specified in subdivision (a) of this section, to engage in transactions described in subdivisions (a)(1), (2), and (3) of this section, the employee shall immediately notify his or her supervisor, the Prison Industries Administrator, Manager, or Branch Manager verbally and in writing.

(c) Exceptions to subdivision (a) above are as follows:

(1) In the execution of their assigned duties, employees may interact with inmates and parolees as necessary and deliver authorized items and messages according to institution policy and local procedures.

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§ 8118. Sexual Misconduct with Inmate or Parolee.

(a) Sexual Misconduct. For the purposes of this section, "sexual misconduct" means sexual behavior by a non-incarcerated individual who is on prison grounds on behalf of CALPIA that involves or is directed toward an inmate or parolee.

(b) All sexual behavior between an employee and an inmate or parolee constitutes sexual misconduct and shall subject the employee to disciplinary action.

(c) Any person engaging in sexual misconduct may be subject to possible prosecution under the law.

(d) Sexual misconduct includes, but is not limited to:

(1) Influencing or offering to influence an inmate or parolee's safety, custody, housing, privileges, work detail, parole conditions or programming, or offering goods or services, in exchange for sexual favors;

(2) Threatening an inmate or parolee's safety, custody, housing, privileges, work detail, parole conditions or programming because the inmate or parolee has refused to engage in sexual behavior;

(3) Invading privacy beyond that reasonably necessary to maintain safety and security;

(4) Disrespectful or sexually threatening comments directed to, or within the hearing of, an inmate or parolee; or

(5) Engaging in sexual act(s) or contact, including:

(A) Sexual intercourse;

(B) Sodomy;

(C) Oral copulation;

(D) Penetration of genital or anal openings by a foreign object, substance, instrument or device for the purpose of sexual arousal, gratification, or manipulation; and

(E) Rubbing or touching of the breasts or sexual organs of another or of oneself, in the presence of and with the knowledge of another, for the purpose of sexual arousal, gratification, or manipulation.

(e) Penalties. All allegations of sexual misconduct shall be subject to investigation.

(f) Reporting Requirements. An employee who observes or receives information concerning sexual misconduct shall immediately report the information or incident directly to the Prison Industries Administrator, Manager, supervisor, or the highest-ranking official on duty at CALPIA Central Office, who shall then immediately report to the CDCR Office of Internal Affairs. An employee who fails to accurately and promptly report an incident, information, or facts that would lead a reasonable person to believe sexual misconduct has occurred may be subject to disciplinary action.

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(g) Confidentiality. An alleged victim who reports criminal sexual misconduct shall be advised that his or her identity may be kept confidential from the public as described in Government Code Section 6254(f)(2). The alleged victim may request his or her identity to be kept confidential in court proceedings as described in Penal Code Section 293.5.

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§ 8119. Hiring of Ex-Offenders at CALPIA.

(a) The General Manager's written approval is required to offer employment at CALPIA to an ex-offender.

(b) Ex-offenders employed at CALPIA shall not, without the General Manager's written approval, be assigned to areas that enable them to access:

(1) Employee records.

(2) Inmate personal or medical information.

(c) An ex-offender shall not be appointed to any position until his or her background clearance is received.

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§ 8119.1. Approval of Ex-Offender Employee Transactions.

Relationships involving business or financial transactions between employees and persons previously incarcerated under the jurisdiction of CDCR shall require the advance approval of the General Manager.

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§ 8120. Personal Information Record Access and Amendment.

(a) Persons for whom CALPIA maintains a record containing personal information have the right to inspect their records, or authorize someone to inspect their records on their behalf, and to request amendment to correct outdated, inaccurate, or incomplete information.

(1) Requests to inspect a record shall be submitted in writing to CALPIA Human Resources.

(2) Requests to amend a record shall be submitted in writing to CALPIA Human Resources and include documentary evidence to support the requested amendment.

(b) The denial of a request to amend a record may be appealed in writing to the Assistant General Manager of the subject employee's reporting chain of command. The Assistant General Manager's determination can be appealed to the General Manager, and shall include all relevant documentation.

(c) If an individual's appeal is denied, he or she may submit a statement of disagreement to CALPIA Human Resources for placement in the record. The statement shall remain part of the record for as long as the disputed information is retained.

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§ 8121. Address and Telephone.

(a) For the purposes of this section, "primary contact address" means an address where mail and other informational documents can be received.

(b) Employees must report their primary contact address and telephone number to their supervisor and to Human Resources at Central Office in all of the following events:

(1) upon being hired at CALPIA; and

(2) when a change in primary contact address or telephone number occurs; and

(3) on an annual basis upon request.

(c) If an employee does not have a home telephone or cell phone, the employee must furnish their supervisor and the Human Resources at Central Office with information on how the employee can be promptly reached.

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§ 8198. INCOMPATIBLE ACTIVITY.

(a) Employees shall not engage in incompatible activities as defined in Section 19990 of the Government Code.

(b) Other incompatible activities that employees shall not engage in include, but are not limited to, the following:

(1) Employment or participation in illegal activities.

(2) Employment or activity that prevents the employee from performing his or her job at CALPIA in an efficient and capable manner, or results in an actual conflict of interest or creates the appearance of a conflict of interest with the employee's job.

(3) Using workgroup computer technologies to conduct activities not related to the mission or work tasks of CALPIA.

(c) Before engaging in outside employment, activity, or an endeavor that conceivably might be incompatible, inconsistent, or in conflict with his or her duties as a CALPIA employee, the employee shall submit a written statement to the General Counsel via the employee's supervisor. The statement shall include the following:

(1) An outline of proposed duties or activities;

(2) Details identifying the prospective employer, employer's address and phone number;

(3) Sufficient detail for the General Counsel to determine whether the proposed activity will interfere with the employee's work tasks and responsibilities.

(A) The General Counsel must notify the employee of his or her determination in writing within 15 calendar days.

(B) If the employee disagrees with the determination, the employee may appeal to the General Manager by providing an explanation of his or her disagreement in writing within 10 calendar days. The General Manager will review and issue a decision on the appeal within 15 calendar days of receipt, and that decision is final.

(d) Violation of these provisions by civil service employees may result in disciplinary actions up to and including termination of employment.

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§ 8199. Conflict of Interest Code.

The Political Reform Act (Government Code section 81000 et seq.) requires state and local government agencies to adopt and promulgate Conflict-of-Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, section 18730, which contains the terms of a standard Conflict-of-Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Title 2, California Code of Regulations, section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation along with the attached Appendices, designating positions and establishing disclosure categories, shall constitute the Conflict-of-Interest Code of the California Prison Industry Authority (CALPIA), which includes the Prison Industry Board.

Individuals holding designated positions shall file their statements of economic interests with CALPIA, which will make the statements available for public inspection and reproduction. (Government Code sec. 81008.) Upon receipt of the statements for the members of the Prison Industry Board, and General Manager, CALPIA shall make and retain copies and forward the originals to the Fair Political Practices Commission. All other statements will be retained by CALPIA.

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California Prison Industry Authority (CALPIA)
Conflict of Interest Code

Appendix A

Designated Positions - California Prison Industry Authority (CALPIA)

Designated Position ..... Disclosure Category
(Statutory or Working Title)

Executive Offices

General Manager 1
General Counsel 1
Chief, External Affairs 1
Staff Counsel III (Supervisor / Specialist) 1
Staff Counsel 1
Lead ISO Auditor 3, 8
Administrative Assistant II 8
Consultant(s)* 1

Administration Division

Assistant General Manager – Administration 1
Chief, Accounting Services 8
Accounting Administrator II 8
Accounting Administrator I (Supervisor / Specialist) 8
Senior Accounting Officer (Supervisor) 8
Chief, Budget Bureau 8
Chief, Business Support Services 1
Contract and Procurement Manager 1
Contract Analyst (SSA / AGPA) 8
Business Service Officer 5, 6, 8
Chief, Human Resources 3, 8
Chief, Management Information Services 9
Data Processing Manager III 9
Data Processing Manager II 9
Data Processing Manager I 9
Senior Information System Analyst 9
Manager, Inventory Management Unit 8
Manager, Staff Development 3, 8

Marketing Division

Assistant General Manager – Marketing 1
Chief, Marketing Services 1
Products Management Specialist 8
Sales Manager 1

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Operations Division

Assistant General Manager – Operations 1
Branch Manager 1
Prison Industry Administrator 1
Prison Industry Manager 1
Prison Industries Superintendent 2, 8, 10
Industrial Warehouse and Distribution Manager 2, 8, 10
Industrial Warehouse and Distribution Supervisor 2, 7, 8
Construction Supervisor – I 4
Construction Supervisor – II 4
Construction Supervisor – III 1
Associate Industrial Hygienist 8
Associate Product Engineer 8
SSM 1, Administrative Assistant to AGM – Operations 8

Prison Industry Board

Board Members** 1
Executive Officer** 1
Consultants(s)* 1

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***CONSULTANTS:**

Consultants shall be included in the list of designated positions and shall disclose financial interests pursuant to the broadest disclosure category in the CALPIA conflict-of- interest-code, subject to the following limitation:

The General Manager and/or Executive Officer of the Prison Industry Board may determine in writing that a particular consultant, although a "designated position" has been retained to perform a range of duties that is limited in scope, and thus not required to fully comply with the disclosure requirements of this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements that apply to that consultant. The General Manager's/Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as the CALPIA financial disclosure documents filed pursuant to this conflict-of-interest-code.

** Any person holding this position who is already filing a statement with full disclosure and statewide jurisdiction and that statement is forwarded to the Fair Political Practices Commission (FPPC) will not have to file an additional statement under the provisions of this conflict-of-interest-code.

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CALIFORNIA PRISON INDUSTRY AUTHORITY (CALPIA)
CONFLICT OF INTEREST CODE

APPENDIX B
DISCLOSURE CATEGORIES - CALPIA

DISCLOSURE CATEGORIES:

CATEGORY 1:

A designated position in this category must report investments, interests in real property, positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that may provide services, supplies, materials, machinery or equipment of the type utilized by CALPIA.

CATEGORY 2:

A designated position in this category must report investments, positions in business entitles, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that may provide services, supplies, materials, machinery or equipment of the type utilized by CALPIA.

CATEGORY 3:

A designated position in this category must report investments, positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that provide training services and/or consultant services in the field of training, as well as investments, positions in business entities, and sources of income, including gifts, loans, and travel payments, from unions, entities or individuals that provide labor specialists, and entities or individuals that provide human resources management and departmental employees.

CATEGORY 4:

A designated position in this category must report investments, business positions in business entities, and sources of income (including receipt of loans, gifts and travel payments) from entities of the type that:

- provide construction related services, supplies, materials, machinery or equipment. This includes, but is not limited to, entities that engage in architectural and engineering services, construction alteration, improvements and maintenance.
- engage in services and provide supplies that relate to land development, real property leasing and purchases.

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CATEGORY 5:

A designated position in this category must report investments, positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that sell, rent, or service office machines, copiers, and reproduction equipment.

CATEGORY 6:

A designated position in this category must report investments, positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that sell, rent, service food and/or beverage vending machines, provide food and/or beverage vending machine services, including food and/or beverage product items offered for sale within vending machines.

CATEGORY 7:

A designated position in this category must report investments, positions in business entities, and sources of income, (including receipt of loans, gifts, and travel payments) from sources of the type that provide any of the following: graphic arts supplies, pressroom equipment, bindery equipment, trucking services, printing and machinery equipment, film projection, or any other paper or printing supplies.

CATEGORY 8:

A designated position in this category must report investments and business positions in business entities, and sources of income (including receipt of loans, gifts, and travel payments) from entities of the type that provide services, materials, or supplies for which the employee's division, office, branch or section has purchasing authority.

CATEGORY 9:

A designated position in this category must report investments and business positions in business entities, and sources of income (including receipt of gifts, loans, and travel payments) from information technology and telecommunications sources, including computer hardware or software companies, computer consultant services, training, data processing firms, telecommunications or security equipment and media services.

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CATEGORY 10:

A designated position In this category must report investments, business positions in business entities, and sources of income (including receipt of gifts, loans, and travel payments) from entities of the type that submit bids to, or contract with, CALPIA to provide to, or purchase from CALPIA: products, services, equipment or machinery, agricultural services, products, including bi-products, veterinary supplies and veterinary services, including consulting services.

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§ 8901. Prison Industry Board.

(a) The PIB, in the exercise of its duties, has all the powers and can do all the things which the board of directors of a private corporation would do, except as specifically limited by PC 2808.

(b) The PIB shall meet four times during each fiscal year, or more as deemed necessary by the call of the chairperson or the majority of the PIB.

(1) Six members of the PIB, including the chairperson, or his or her designee, shall constitute a quorum.

(c) The PIB shall hold public hearings pursuant to PC 2808(h) and (i) regarding the establishment, expansion, diminishment, or discontinuance of industrial, agricultural and services enterprises under the CALPIA's jurisdiction.

(d) A General Manager is appointed or contracted by the PIB to serve as the chief administrative officer of the CALPIA.

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