

## 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, 2808, and 2809 in order to implement, interpret and make specific Penal Code Sections 2801, 2808, and 2809, propose to amend Section 8105 of Article 6, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning employee reporting of arrest, conviction, or change in driving status.

#### **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 July 17, 2016.

#### **PUBLIC COMMENT PERIOD:**

The public comment period will close, **August 1, 2016 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 DELIVER**

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:

**Jeff Sly, General Counsel**  
**California Prison Industry Authority**  
**560 East Natoma Street, CA 95630**  
**Telephone (916) 358-1711**

## **AUTHORITY AND REFERENCE**

Penal Code (PC) section 2801 provides CALPIA's purpose as an agency and its implied rulemaking authority.

PC section 2808 provides the PIB with the authority to approve CALPIA's rulemaking proposals concerning personnel.

PC section 2809 provides CALPIA and the PIB with the authority to adopt regulations concerning policies and practices concerning personnel.

## **INFORMATIVE DIGEST**

### **POLICY STATEMENT OVERVIEW:**

The proposed amendment of Section 8105 will require reporting of any employee arrest, conviction, or change in driving status to the General Manager. The General Manager must be made aware of immediate threats to the safety and operations of CALPIA to quickly assess if an employee should be temporarily or permanently reassigned or removed from civil service based on arrest, conviction, or driving restriction. Each incident will be decided on a case by case basis.

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 June 30, 2016. 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.

### **Anticipated Benefits of the Proposed Regulation:**

The broad objective of the regulation is to ensure safe and continuous productions of CALPIA operations. The specific benefits anticipated from the regulation are:

- Protecting and maintaining CALPIA's purpose as an agency
- Preventing negative impact on worker safety and health
- Avoid cost of government to the taxpayers of California
- Employee well being

### **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 CALPIA employees.

## **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 CALPIA employees.

**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 CALPIA employees.

**BENEFITS OF THE PROPOSED AMENDMENTS TO THE REGULATIONS**

The proposed regulatory action will protect and maintain CALPIA's purpose as an agency, prevent serious risk of human injury or property damage and avoid cost of government to the taxpayers of California.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:**

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 significant adverse economic impact on small business because they are not affected by the internal management of CALPIA employees.

**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**  
**INITIAL STATEMENT OF REASONS**

The Proposed Text and Initial Statement of Reasons has been placed in the rulemaking file and is available to the public upon request directed to the CALPIA's contact person. The documents 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 [www.calpia.ca.gov](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).