

## TEXT OF PROPOSED REGULATIONS

In the following text:

single underline indicates added or amended text

single strikeout indicates deleted or moved text

Title 15. Crime Prevention and Corrections

Division 8. California Prison Industry Authority

Chapter 1. Rules and Regulations of California Prison Industry Authority

Section 8006 is amended to read:

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	\$.80	\$.90	\$1.00
Leadperson (AA)			
Level 2	.70	.75	.80
Special Skills (A)			
Level 3	.60	.65	.70
Technician (B)			
Level 4	.50	.55	.60
Semi-Skill (C)			
Level 5	.35	.40	.45
Laborer/Entry			
Trainee (D)			

- (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 work/training performance report, and shall be subject to the review and approval of the Prison Industries Administrator/Lead Manager.

- (A) Inmates may 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 Manager/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.
- (g) Overtime pay will be provided for inmates when an inmate works more hours than that inmate's scheduled workable hours in a single month.
  - (1) Overtime pay will be calculated at 1.5 times the rate of straight time pay.
  - (2) "Workable hours" are defined as the scheduled hours an inmate is assigned to work in a single month.
    - a. Example: a 5-day a week factory with 6.5 hours of scheduled work shift for an inmate in a month with 22 work days in a month has 143 scheduled workable hours. This inmate shall be paid overtime for all hours worked in that same month in excess of the inmate's 143 workable hours.
    - b. Example: an inmate working four (4) ten (10) hour shifts per week in a month with 16 working days scheduled in that month, has 160 workable hours in that month. This inmate will be paid overtime for hours worked in that same month in excess of the inmate's 160 workable hours.
    - c. Example: an inmate scheduled to work four (4) hours a day in a 5-day a week factory, with 20 working days scheduled in a month, has 80 hours of scheduled workable hours. This inmate will be paid overtime for hours worked in that same month in excess of the inmate's 80 workable hours.

- (3) “Factory workable hours” is defined as the number of working hours per day and working days in a month for the factory.
- (4) There will be one exception for calculating overtime, but not lost hours, for an impact to an inmate that prevents them to come to work due to safety and security of the prison or factory (S time) shall be counted as worked hours. S hours are hours for which the inmate does not work in the inmate’s CALPIA assignment due to reasons beyond the inmate’s control for example, a CALPIA factory is not operating due to direction from the General Manager, or the CDCR Institution has stopped all inmate movement from housing units precluding movement of inmates to their CALPIA assignments.

AUTHORITY: Sections 2801, 2808 and 2811, Penal Code.

REFERENCE: Sections 2806 and 2811, Penal Code.