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Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8000

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.

“Certificate of Attendance and Participation” (CAP) means certificate of educational completion. This certificate issued by the California Department of Corrections and Rehabilitation (CDCR) Developmentally Disabled Program (DDP) for inmate students with severe cognitive disability to document completion of a prescribed high school alternative course of study for employment applications, Department of Rehabilitation (DOR) services, and graduation participation. The CAP is issued by CDCR through its Office of Correctional Education (OCE).

A “Certificate of Completion” is what public school districts issue for high school students with disabilities that have completed a Special Education Individualized Education Plan (IEP) prescribed alternative course of study.

“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 definition of “employee” includes the General Manager. 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 Executive 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.

“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.

Authority: Sections 2801 and 2809, Penal Code; Sections 19572 and 11349(e), Gov't Code.

Reference: Sections 2800, 2801, 2803, 2805, 2806, 2807, 2808, 2809 and 2811, Penal Code; and Sections 6303 and 6304.3, Labor Code.

In the following text:

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Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8004.1

§ 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 the minimum qualifications to perform the essential job functions.

(e) 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) unless the accommodation would result in financial or administrative burden, or unsafe working conditions for CALPIA.

(f) 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.

(g) Within two years of initial CALPIA assignment, CALPIA inmate workers shall complete a General Education Diploma (GED), ~~or~~ high school diploma, Certificate of Completion, or Certificate of Attendance and Participation (CAP) unless that is not feasible due to disabling conditions documented in the inmates C-File, in which case the inmate worker must be concurrently enrolled in classes to obtain a GED, ~~or~~ high school diploma, Certificate of Completion, or CAP while in a work assignment with CALPIA. An inmate who has already obtained a GED, high school diploma, Certificate of Completion, or CAP, is deemed to have met this requirement.

(h) 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.

Authority: Sections 2801 and 2808, Penal Code.

Reference: Sections 2801 and 2805, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 327; and Section 35.130, Title 28, Code of Federal Regulations.

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Title 15	Crime Prevention and Corrections
Division 8.0	California Prison Industry Authority
Section	8004.2

§ 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) Inmates shall obtain and complete the Worker Application and Intake IEP-F002/IEP-F003, 12/24/2015 Rev. H Form, which is incorporated by reference, to apply for a CALPIA work/training position. This form is made available by CALPIA staff to the inmate population throughout institutions with CALPIA enterprises.

(c) Inmates shall submit completed forms referenced in subsection (b) to the correctional counselor staff at the inmate's institution to begin initial screening process.

(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, high school equivalency (HSE) or GED or Certificate of Attendance and Participation (CAP), or Certificate of Completion.

(B) Enrolled in GED program or prescribed high school alternative course of study.

(C) No Diploma/GED/HSE, Certificate of Completion or CAP and not enrolled in an education program or prescribed high school alternative course of study.

(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.

Authority cited: Sections 2801 and 2808, Penal Code.

Reference: Sections 2801 and 2805, Penal Code.