



Title 15, Division 8, California Code of Regulations
Rules and Regulations of the California Prison Industry Authority

Title 15, Division 8.5, California Code of Regulations
Rules and Regulations of the California Prison Industry Board

Effective April 1, 2022

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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 incarcerated individuals. Assorted programs within CALPIA are designed to teach incarcerated individuals 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).

“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 incarcerated individual.

“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 incarcerated individuals to certain standards and then certify that the incarcerated individual 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 incarcerated individual worker regarding unhealthful or unsafe conditions or hazards at their place of employment.

“Incarcerated Individual Allocation” means the current number of incarcerated individual workers needed in a specific enterprise to maintain adequate production levels, supporting the volume of sales orders and service contracts.

“Incarcerated Individual Candidate Pool” means a pool of incarcerated individual 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.

“Incarcerated individual compensation” means payment to the incarcerated individual worker with a graduated pay schedule based on the quality and quantity of work performed and the skill required of the incarcerated individual 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 Section 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 incarcerated individuals who are at an institution for a brief period of time such as at a reception center or incarcerated individuals 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.

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

HISTORY

1. New division 8, chapter 1, article 1 (sections 8000-8002) and section filed 7-2-2010; operative 8-1-2010 (Register 2010, No. 27).
2. Amendment adding the definition of “Health or Safety Complaint” and amendment of Note filed 6-20-2011; operative 7-20-2011 (Register 2011, No. 25).

3. Amendment adding definitions of “External Accreditation Certificate,” “Inmate Allocation,” “Inmate Candidate Pool,” “Learning Disability,” “Test of Adult Basic Education (TABE)” and “Transient population” filed 2-12-2013; operative 4-1-2013 (Register 2013, No. 7).
4. Amendment of section and Note filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).
5. Change without regulatory effect amending definition of “General Manager” filed 7-13-2016 pursuant to section 100, title 1, California Code of Regulations (Register 2016, No. 29).
6. Amendment of definition of “Employee” filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).
7. Change without regulatory effect amending definition of “General Manager” filed 1-7-2019 pursuant to section 100, title 1, California Code of Regulations (Register 2019, No. 2).
8. Change without regulatory effect amending definitions of “CALPIA Program,” “Employee,” “External,” “Inmate Allocation” and “Transient population” and changing references to “inmate” to “incarcerated individual” filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
9. New definition of “Certificate of Attendance and Participation” and amendment of definitions of “Health or Safety Complaint,” “Incarcerated Individual Allocation” and “Prison Industries Revolving Fund” filed 11-18-2021; operative 1-1-2022 (Register 2021, No. 47).

§ 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 incarcerated individuals which may be located within an institution or elsewhere, as may be determined by CALPIA.

(b) CALPIA operates a work program for incarcerated individuals which must 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.

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

(1) Purchasing of materials and equipment,

(2) Salaries,

(3) Construction,

(4) Cost of administration of the prison industries program,

(5) Refund deposits, and

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

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

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

Note: Authority cited: Section 2808, Penal Code. Reference: Sections 2801, 2804, 2805, 2806, 2807 and 2808, Penal Code.

HISTORY

1. New section filed 7-2-2010; operative 8-1-2010 (Register 2010, No. 27).

2. Change without regulatory effect amending subsection (d) filed 7-13-2016 pursuant to section 100, title 1, California Code of Regulations (Register 2016, No. 29).

3. Change without regulatory effect redesignating former subsection (b)(1) as subsection (c), redesignating and amending former subsections (b)(1)(A)-(F) as new subsections (c)(1)-(6), relettering subsections and amending newly designated subsection (d) filed 8-31-2017 pursuant to section 100, title 1, California Code of Regulations (Register 2017, No. 35).

3. Change without regulatory effect amending subsections (a)-(b) and (d) filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

4. Change without regulatory effect amending subsections (b), (c), (c)(6) and (d) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8002. Prison Industry Board. [Renumbered]

HISTORY

1. New section filed 7-2-2010; operative 8-1-2010 (Register 2010, No. 27).
2. Change without regulatory effect renumbering section 8002 to new section 8901 filed 12-3-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 49).

§ 8003. Severability.

If any provision or clause of this Chapter or application thereof to any person or circumstances is held invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect other provisions or applications of this Chapter which can be given effect without the invalid, illegal, or unenforceable provision or application, and to this end, the provisions of this Chapter are declared to be severable.

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801 and 2808, Penal Code.

HISTORY

1. New article 2 (section 8003) and section filed 1-14-2022; operative 4-1-2022 (Register 2022, No. 2).

§ 8004. Participation.

(a) Incarcerated individuals committed to the custody of the California Department of Corrections and Rehabilitation may apply to participate in CALPIA work and training programs. Incarcerated individuals 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. CALPIA does not discriminate on the basis of disability in employment or in the admission and access to its program or activities. Incarcerated individuals with physical or developmental disabilities, or incarcerated individuals who participate in CDCR's Mental Health Services Delivery System, and who otherwise meet the hiring requirements, are not excluded from CALPIA job or training positions. CALPIA will afford incarcerated individuals reasonable accommodation to access programs as required by the American with Disabilities Act, the California Fair Employment and Housing Act, and applicable related non-discrimination laws.

(b) Incarcerated individuals must not be eligible for a CALPIA assignment under the following circumstances:

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

(2) Incarcerated individuals 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) Incarcerated individuals found in violation of Section 3016 and/or 3290(d); 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) Incarcerated individuals who are otherwise eligible for a CALPIA assignment must be restricted as follows:

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

(2) Incarcerated individuals convicted of a PC Section 290 offense must not be assigned to the CALPIA optical program.

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

(4) Incarcerated individuals who have any of the following history must 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.

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

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

(2) Incarcerated individuals with Close 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)(2)(B) through (a)(2)(D) or (a)(3)(B) through (a)(3)(D) 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 incarcerated individual worker unavailability may utilize incarcerated individuals with Life sentences, but must not exceed twenty-five percent of the workforce per institution/facility.

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

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

(1) ICE Hold worker incarcerated individual 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.

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2702, 2801, 2805 and 5071, Penal Code; *Armstrong v. Davis*, 318 F.3d 965, 968-9 (9th Cir. 2003); *Armstrong v. Davis*, 275 F.3d 849, 879 (9th Cir. 2001), cert. denied 2002 U.S. LEXIS 5480 (U.S. Oct. 2002); *Armstrong v. Wilson*, 124 F.3d 1019, 1020-21 (9th Cir. 1997); *Pa. Dep't of Corr. v. Yeskey*, 524 U.S. 206 (1998); and *Hecker v. CDCR*, Docket 2:05-CV-02441-LKK-JFM (E.D. Cal.).

HISTORY

1. Amendment of article heading and new section filed 2-12-2013; operative 4-1-2013 (Register 2013, No. 7).

2. Amendment filed 8-6-2015; operative 10-1-2015 (Register 2015, No. 32).

3. Amendment of subsection (b)(3) filed 3-14-2017; operative 7-1-2017 (Register 2017, No. 11).

4. Amendment of subsections (a), (b)(3)(C), (c)(4)(A)-(C), (d)(2) and (e)(1)(A)-(B) and amendment of Note filed 12-21-2017; operative 4-1-2018 (Register 2017, No. 51).

5. Change without regulatory effect amending section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

6. Change without regulatory effect amending subsections (b), (c)-(c)(4), (d), (d)(3) and (e) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8004.1. CALPIA Incarcerated Individuals Worker Hiring Standards and Requirements.

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

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

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

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

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

(5) Formal education and training evidenced by the incarcerated individual'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 incarcerated individual yards at the institution.

(b) Incarcerated individuals must 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) Incarcerated individuals 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 incarcerated individual population resulting in incarcerated individual worker unavailability.

(B) Institutions with a Level 1 incarcerated individual population.

(d) Incarcerated individuals must meet the minimum qualifications to perform the essential job functions.

(e) Incarcerated individuals 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 must 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 incarcerated individual workers must complete a General Education Diploma (GED), high school diploma, or Certificate of Attendance and Participation (CAP) unless that is not feasible due to disabling conditions documented in the incarcerated individual's C-File, in which case the incarcerated individual worker must be concurrently enrolled in classes to obtain a GED, high school diploma, or CAP while in a work assignment with CALPIA.

(h) CALPIA incarcerated individual workers must remain in their current skill level, as specified in Section 8006(d)(1), while completing a GED or high school diploma and must not be allowed to promote to a higher pay skill level until this educational requirement is satisfied.

Note: Authority cited: 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.

HISTORY

1. New section filed 2-12-2013; operative 4-1-2013 (Register 2013, No. 7).
2. Editorial correction of subsection (d) (Register 2016, No. 17).
3. Amendment of subsections (d) and (e) filed 12-21-2017; operative 4-1-2018 (Register 2017, No. 51).
4. Amendment of subsection (d), repealer of subsection (e), subsection relettering and amendment of newly designated subsections (e) and (g) filed 1-28-2019; operative 4-1-2019 (Register 2019, No. 5).
5. Change without regulatory effect amending section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
6. Amendment of subsections (a)(6), (c)(A)-(B) and (g) and new subsection (h) filed 11-18-2021; operative 1-1-2022 (Register 2021, No. 47).
7. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8004.2. Recruitment and Appointment Process.

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

(b) Incarcerated individuals must 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 incarcerated individual population throughout institutions with CALPIA enterprises.

(c) Incarcerated individuals must submit completed forms referenced in subsection (b) to the correctional counselor staff at the incarcerated individual's institution to begin initial screening process.

(d) The Prison Industries Administrator/Lead Manager must, 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, incarcerated individuals who have applied for a CALPIA position and have been placed into CALPIA's Incarcerated Individual 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 must:

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

(2) Interview incarcerated individuals from the ICP list.

(3) Make the final selection of incarcerated individuals 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).

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

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

(4) Submit a final list of successful incarcerated individual applicants on the Offender Job Change Request Form (CALPIA Form SOMS F001 (3/26/2016)), hereby incorporated by reference 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 incarcerated individuals who graduate from a substance abuse program or complete any other CDCR rehabilitating programs when filling full time assignments.

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

(i) As part of the appointment process, the incarcerated individual's supervisor will provide to the inmate acknowledgement(s) of policies, procedures, and appointment documents for review and signature on the Acknowledgement form (CALPIA FORM IEP F029 (8/1/2020)), hereby incorporated by reference. Failure or refusal to sign an acknowledgement of receipt of these documents must result in immediate removal and being unassigned from the CALPIA work program.

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801 and 2805, Penal Code.

HISTORY

1. New section filed 2-12-2013; operative 4-1-2013 (Register 2013, No. 7).
2. Amendment of subsection (f)(2), redesignation of former subsections (f)(2)(A)-(f)(2)(A)3. as subsections (f)(3)-(f)(3)(C), subsection renumbering, amendment of newly designated subsection (f)(3) and new subsections (g)-(h) filed 8-6-2015; operative 10-1-2015 (Register 2015, No. 32).
3. Repealer and new subsections (b)-(c) filed 3-30-2016; operative 4-1-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 14).
4. Amendment of subsection (f)(4) and new subsection (i) filed 9-23-2020; operative 1-1-2021 (Register 2020, No. 39).
5. Change without regulatory effect amending section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
6. Amendment of subsections (b), (e) and (f)(3)-(4) filed 11-18-2021; operative 1-1-2022 (Register 2021, No. 47).
7. Change without regulatory effect amending subsections (a)-(d), (f), (h) and (i) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8004.3. Inmate Worker 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 must 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 incarcerated individual'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;
- (4) in the event of an industrial accident involving the inmate.

(b) The following circumstances must determine if an inmate is un-assigned from CALPIA when testing under subdivision (a):

(1) If a laboratory test is conducted, the suspected inmate must 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 must leave CALPIA until further laboratory testing determines the following:

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

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

(3) Any inmate refusing to submit to testing for controlled substance or alcohol pursuant to a direction by CALPIA or CDCR must be immediately unassigned from the CALPIA work/training program and treated as though a positive test was determined.

(c) Any CALPIA inmate found in violation of Title 15, CCR, Section 3016 and/or 3290(d) must 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 Title 15, CCR, Section 3016 and/or 3290(d) must be immediately removed from the CALPIA work/training program, and may be subject to the provisions of Title 15, CCR, Section 3315, Serious Rule Violations.

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801, 2805 and 2808, Penal Code.

HISTORY

1. New section filed 2-12-2013; operative 4-1-2013 (Register 2013, No. 7).
2. Amendment of section and Note filed 8-6-2015; operative 10-1-2015 (Register 2015, No. 32).
3. New subsection (b)(3) and amendment of subsection (c) filed 3-14-2017; operative 7-1-2017 (Register 2017, No. 11).
4. Amendment of section heading and subsection (a)(3), new subsection (a)(4) and amendment of subsections (b) and (c) filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).
5. Change without regulatory effect amending subsection (a)(2) filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
6. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8004.4. Inmate Workforce Allocation.

(a) Prison Industries Administrators/Lead Managers at each facility must 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 must be staffed in accordance with inmate worker hiring standards in Section 8004.1.

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

(d) The establishment of new or the revising of existing CALPIA incarcerated individual workforce allocations must be accomplished as follows:

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

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

(B) A listing of positions designating no more than 25 percent of the total allocation of incarcerated individuals 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 incarcerated individual workforce allocation plan of 15 percent or more, the Prison Industries Administrator/Lead Manager must submit changes to the CALPIA Enterprise Branch Manager for approval. The plan must include:

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

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

(C) The justification for revising an existing allocation.

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

(4) For existing enterprises, changes to the workforce allocation plan must 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;

(2) Emergency facility lockdowns which prevent incarcerated individuals 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.

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801 and 2805, Penal Code.

HISTORY

1. New section filed 2-12-2013; operative 4-1-2013 (Register 2013, No. 7).
2. Change without regulatory effect amending section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
3. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8005. Part-time Work.

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

(b) Incarcerated individuals 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).

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801, 2805 and 2808, Penal Code.

HISTORY

1. New section filed 8-6-2015; operative 10-1-2015 (Register 2015, No. 32).

2. Change without regulatory effect amending section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

§ 8006. Incarcerated individuals Pay Rates, Schedule and Movement.

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

(b) Any proposed changes to the Incarcerated Individual Pay Schedule must be submitted by the General Manager to the PIB for review.

(c) Final determination of any disputes or interpretations of the Incarcerated Individual Pay Schedule must be made by the General Manager.

(d) CALPIA incarcerated individual pay rates must be in accord with the following skill and step levels:

(1) Incarcerated Individual Pay Schedule:

Skill Level	Step I	Step II	Step III
Level 1			
Leadperson (AA)	\$.80	\$.90	\$1.00
Level 2			
Special Skills (A)	.70	.75	.80
Level 3			
Technician (B)	.60	.65	.70
Level 4			
Semi-Skill (C)	.50	.55	.60
Level 5			
Laborer/Entry Trainee (D)	.35	.40	.45

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

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

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

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

(B) Incarcerated individuals pay increases from Step I to Step II and finally Step III must 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 must be based on the immediate supervisor's recommendation, incarcerated individual's less than satisfactory performance, or incarcerated individual misconduct as described in Title 15, California Code of Regulations (CCR), Division 3, Sections 3312, 3314, or 3315.

(A) Incarcerated individual pay decreases must 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. Incarcerated individuals may advance to a higher skill level, as described in subsection (d)(1), with the immediate supervisor's recommendation and based upon the incarcerated individual's demonstration of increased skill level, their work/training performance report, and must be subject to the review and approval of the Prison Industries Administrator/Lead Manager.

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

(B) Incarcerated individual's advancement must 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 incarcerated individual's longevity must not be used as criteria for the purpose of upgrading skill level.

(4) Removal beyond an incarcerated individual's control. Incarcerated individuals removed from their 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, Title 15, CCR, 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 must 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) must 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.

Note: Authority cited: Sections 2800, 2801, 2808 and 2811, Penal Code. Reference: Sections 2805, 2806 and 2811, Penal Code.

HISTORY

1. New section filed 3-8-2012; operative 4-7-2012 (Register 2012, No. 10).
2. Amendment of subsection (d)(1) filed 3-22-2017; operative 7-1-2017 (Register 2017, No. 12).
3. New subsections (g)-(g)(4). Change without regulatory effect amending section heading and section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
4. New subsections (g)-(g)(4) filed 8-9-2021; operative 10-1-2021 (Register 2021, No. 33). Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.
5. Amendment of subsections (a), (f)(1)-(f)(1)(A), (f)(2), (f)(3)(A) and (f)(4) and amendment of Note filed 10-20-2021; operative 1-1-2022 (Register 2021, No. 43). Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20.
6. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8007. CALPIA Incarcerated Individual Appeals.

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

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Section 2801, Penal Code.

HISTORY

1. New article 3 (sections 8007-8008) and section filed 6-20-2011; operative 7-20-2011 (Register 2011, No. 25).
2. Change without regulatory effect amending section heading and section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

§ 8008. CALPIA Health or Safety Complaints.

- (a) A health or safety complaint, as defined in Section 8000, must 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 incarcerated individual's initial discovery of the situation. A written health or safety complaint should not be used by incarcerated individuals as a substitute for verbally or otherwise informing staff of any urgent situation.
- (c) A CALPIA incarcerated individuals alleging a health or safety hazard exists in a prison industry operation must submit a written complaint, pursuant to Labor Code (LC) 6304.3(b). The written complaint must 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 must personally present the complaint to a member of the local CALPIA Safety Committee.
- (e) The CALPIA Safety Committee must review and respond to the complaint within 15 calendar days of its filing. Any action taken by the Committee must be in accordance with Title 8, CCR, Section 344.42.
- (f) If the incarcerated individual 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).

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801, 2805 and 2807, Penal Code; and Section 6304.3, Labor Code.

HISTORY

- 1. New section filed 6-20-2011; operative 7-20-2011 (Register 2011, No. 25).
- 2. Change without regulatory effect amending section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
- 3. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8100. Executive Staff.

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

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

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

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Section 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).

2. Change without regulatory effect amending section filed 7-13-2016 pursuant to section 100, title 1, California Code of Regulations (Register 2016, No. 29).

3. Change without regulatory effect amending subsections (b)-(c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8102. Identification Card.

(a) Each employee must 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 must carry his or her identification card and produce the card upon request. An employee must promptly report the loss of his or her identification card to his or her supervisor who must 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.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).

2. Change without regulatory effect amending subsection (a) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8104. Employee Conduct.

(a) Employees must be professional and courteous in their dealings with incarcerated individuals, paroled individuals, fellow employees, visitors, and members of the public. Incarcerated individuals and paroled individuals must be addressed by their proper names. Incarcerated and paroled individuals must not be addressed by derogatory or slang reference.

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

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).
2. Change without regulatory effect amending section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
3. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 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 must notify his or her supervisor.
- (b) Restrictions to an employee's driving privilege that interfere with his or her job duties must be reported by the employee to his or her supervisor.
- (c) Reports made pursuant to subdivisions (a) or (b) of this section must be communicated up the chain of command to the General Manager within one working day.
- (d) 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.

Note: Authority cited: Sections 2801, 2808 and 2809, Penal Code. Reference: Sections 2801, 2808 and 2809, Penal Code.

HISTORY

- 1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).
- 2. Repealer of subsection (c), new subsections (c)-(d) and amendment of Note filed 11-17-2016; operative 1-1-2017 (Register 2016, No. 47).
- 3. Change without regulatory effect amending subsections (a)-(c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8106. Sensitive Positions.

(a) This section must prescribe the process for determining sensitive positions for CALPIA employees.

(b) CALPIA positions that are designated as sensitive will be subject to drug and alcohol testing when reasonable suspicion occurs.

(c) The General Manager must designate sensitive positions under his/her jurisdiction that meet the following standards:

(1) their duties involve a greater than normal level of trust, responsibility for or impact on the health and safety of others; and

(2) errors in judgment, inattentiveness or diminished coordination, dexterity or composure while performing their duties could clearly result in mistakes that would endanger the health and safety of others; and

(3) employees in these positions work with such independence, or, perform such tasks that it cannot be safely assumed that mistakes such

as those described in subsection (2) could be prevented by a supervisor or another employee.

(d) Filled positions must be identified as sensitive through the following process:

(1) Employees serving in positions that will become designated as sensitive must receive an initial notice from CALPIA. Employees must be given 30 days to respond to the notice.

(2) After considering responses to the initial notice, CALPIA must issue a final notice to the employees serving in the positions that have been identified as sensitive. This notice must include all regulations that will affect the designated employee in the event of a substance abuse testing. Existing practices in this area must not change for any position until 60 days after the final notice concerning it is issued and the requirements of section (g) have been satisfied.

(e) Vacant positions must be identified as sensitive through the procedures specified in subsection (c).

(f) Once a position has been designated sensitive, the General Manager must take measures to reasonably ensure that future appointees to it are aware that it is sensitive and are informed of the provisions of this article.

(g) All positions that are designated by the General Manager as sensitive must be listed on CALPIA's website.

Note: Authority cited: Sections 2808 and 2809, Penal Code. Reference: Sections 2808 and 2809, Penal Code.

HISTORY

1. New section filed 6-8-2017; operative 10-1-2017 (Register 2017, No. 23).

2. Renumbering of former section 8106 to section 8201 and renumbering and amendment of former section 8106.2 to section 8106 filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

3. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8106.1. Substance Abuse Testing. [Renumbered]

Note: Authority cited: Sections 2801, 2808 and 2809, Penal Code. Reference: Sections 2801, 2808 and 2809, Penal Code; Executive Order D-58-86 (dated September 24, 1986); and Code of Federal Regulations, Title 49, Part 40, Subpart F, Section 40.89 (73 FR 35970, June 25, 2008), Section 40.91 (69 FR 64867, Nov. 9, 2004), Section 40.93 (69 FR 64867, Nov. 9, 2004), Section 40.95 (73 FR 35970, June 25, 2008) and Section 40.96 (73 FR 35970, June 25, 2008).

HISTORY

1. New section filed 11-9-2016; operative 1-1-2017 (Register 2016, No. 46).
2. Amendment of subsections (a) and (b) filed 6-8-2017; operative 10-1-2017 (Register 2017, No. 23).
3. Renumbering of former section 8106.1 to section 8207 filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8106.2. Sensitive Positions. [Renumbered]

Note: Authority cited: Sections 2808 and 2809, Penal Code. Reference: Sections 2808 and 2809, Penal Code.

HISTORY

1. New section filed 6-8-2017; operative 10-1-2017 (Register 2017, No. 23).
2. Renumbering and amendment of former section 8106.2 to section 8106 filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8107. Intoxicants.

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

(1) Intoxicants; or

(2) Preparations or paraphernalia associated with intoxicants.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).

2. Change without regulatory effect amending subsection (a) filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

§ 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 must 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 must be subject to confiscation.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Section 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).

§ 8110. Employee Work Schedules.

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

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).
2. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8111. Light Duty Assignments and Reasonable Accommodations. [Repealed]

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).
2. Repealer filed 8-23-2021; operative 10-1-2021 (Register 2021, No. 35).

§ 8112. Limited-Term Light Duty Assignments. [Repealed]

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).

2. Repealer filed 8-23-2021; operative 10-1-2021 (Register 2021, No. 35).

Current with amendments included in Barclay's California Code of Regulations, Register 2022, Number 4, dated January 28, 2022.

§ 8113. Incompatible Activity. [Renumbered]

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code; and Section 19990, Government Code.

HISTORY

1. New section filed 5-29-2015; operative 7-1-2015 (Register 2015, No. 22).
2. Change without regulatory effect renumbering former section 8113 to new section 8198 filed 9-1-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 36).

§ 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 must notify CALPIA's General Counsel, Legal Services in writing within one business day. The written notification must include all relevant information concerning the contact, copy of any subpoena, and a summary of his or her anticipated testimony.

(b) No employee must 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, must notify CALPIA's General Counsel, Legal Services in writing within one business day. The written notification must 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.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Section 720, Evidence Code; and Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).

2. Change without regulatory effect amending subsections (a)-(b)(1) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 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 must 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 must be limited to work related topics only.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 8-26-2015; operative 10-1-2015 (Register 2015, No. 35).

2. Change without regulatory effect amending subsections (b)-(c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 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 incarcerated individual if all of the following exist:

- (1) the incarcerated individual or paroled individual 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 must notify his or her supervisor in writing of relationships described in subdivision (b). The supervisor must 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.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 8-26-2015; operative 10-1-2015 (Register 2015, No. 35).
2. Change without regulatory effect amending subsections (b)-(b)(1) filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
3. Change without regulatory effect amending subsection (c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8116.1. Disclosure of Persons Known under CDCR Jurisdiction, Incarcerated individual or Paroled Individuals.

(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, an incarcerated individual, or a paroled individual, the employee must make a disclosure as described in subdivision (c) of this section.

(c) An employee must notify his or her supervisor in writing of anyone described in subdivisions (a) and (b). The supervisor must 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.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 8-26-2015; operative 10-1-2015 (Register 2015, No. 35).

2. Change without regulatory effect amending section heading and subsection (b) filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

3. Change without regulatory effect amending subsections (b)-(c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8117. Employee Transactions with Incarcerated Individuals and Paroled Individuals.

(a) Except as provided in Sections 8116, 8119, subdivisions (a) and (c), and 8119.1, no employee must 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 must 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.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 8-26-2015; operative 10-1-2015 (Register 2015, No. 35).

2. Change without regulatory effect amending subsections (a) and (b) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 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 incarcerated individual or paroled individual.

(b) All sexual behavior between an employee and an incarcerated individual or paroled individual constitutes sexual misconduct and must 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 incarcerated individual or paroled individual's safety, custody, housing, privileges, work detail, parole conditions or programming, or offering goods or services, in exchange for sexual favors;

(2) Threatening an incarcerated individual or paroled individual's safety, custody, housing, privileges, work detail, parole conditions or programming because the incarcerated individual or paroled individual 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 incarcerated individual or paroled individual 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 must be subject to investigation.

(f) Reporting Requirements. An employee who observes or receives information concerning sexual misconduct must 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 must 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.

(g) Confidentiality. An alleged victim who reports criminal sexual misconduct must 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.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 289.6, 293.5, 2801 and 2809, Penal Code; and Section 6254, Government Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).

2. Change without regulatory effect amending section heading and subsections (a), (b), (d)(1)-(2) and (4) filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
3. Change without regulatory effect amending subsections (b) and (e)-(g) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8119. Hiring of Previously Incarcerated or Paroled Individuals at CALPIA.

- (a) The General Manager's written approval is required to offer employment at CALPIA to a previously incarcerated or paroled individual.
- (b) Previously incarcerated or paroled individuals employed at CALPIA must not, without the General Manager's written approval, be assigned to areas that enable them to access:
 - (1) Employee records.
 - (2) Incarcerated individual personal or medical information.
- (c) A previously incarcerated or paroled individual must not be appointed to any position until his or her background clearance is received.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

- 1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).
- 2. Change without regulatory effect amending section heading and section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
- 3. Change without regulatory effect amending subsections (b) and (c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8119.1. Approval of Previously Incarcerated or Paroled Individual Employee Transactions.

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

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).
2. Change without regulatory effect amending section heading and section filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).
3. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 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 must be submitted in writing to CALPIA Human Resources.

(2) Requests to amend a record must 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 must 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 must remain part of the record for as long as the disputed information is retained.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 5-26-2015; operative 7-1-2015 (Register 2015, No. 22).

2. Change without regulatory effect amending subsections (a)(1)-(c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 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.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Section 2809, Penal Code.

HISTORY

- 1. New article 6 (section 8121) and section filed 2-9-2015; operative 4-1-2015 (Register 2015, No. 7).

§ 8122. Employee Prohibition on Use of Nonpublic Information at Auctions.

(a) An employee must not engage in a financial transaction involving a CALPIA auction using nonpublic information, nor allow the improper use of nonpublic information to further that employee's own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure.

(b) For purposes of this section, nonpublic information is information that the employee gains by reason of state employment and that this employee knows or reasonably should know has not been made available to the general public. It includes information that this employee knows or reasonably should know:

(1) Is routinely exempt from disclosure under the California Public Records Act § 6250 et seq., or otherwise protected from disclosure by statute, Executive order or regulation;

(2) Is designated as confidential by an agency; or

(3) Has not actually been disseminated to the general public and is not authorized to be made available to the public on request.

Note: Authority cited: Sections 2801, 2808 and 2809, Penal Code. Reference: Sections 2806 and 2808, Penal Code.

HISTORY

1. New section filed 11-30-2021; operative 1-1-2022 (Register 2021, No. 49).

2. Change without regulatory effect amending subsection (a) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8198. Incompatible Activity. [Renumbered]

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code; and Section 19990, Government Code.

HISTORY

1. Change without regulatory effect renumbering former section 8113 to new section 8198 filed 9-1-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 36).
2. Relocation of article 9 heading from preceding section 8198 to precede section 8298 and renumbering of former section 8198 to section 8298 filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8199. Conflict of Interest Code. [Renumbered]

HISTORY

1. Change without regulatory effect adding new article 9 (section 8199) and renumbering former section 8125 to new section 8199 filed 12-4-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 49).
2. Amendment of appendices A and B filed 9-28-2015; operative 10-28-2015 pursuant to Cal. Code Regs., tit. 2, section 18750(l). Approved by Fair Political Practices Commission 9-9-2015 and submitted to OAL for filing and printing only pursuant to Cal. Code Regs., tit. 2, section 18750(k) (Register 2015, No. 40).
3. Amendment of Appendix A filed 12-12-2017; operative 1-11-2018 pursuant to Cal. Code Regs., tit. 2, section 18750(l). Approved by Fair Political Practices Commission 11-17-2017 and submitted to OAL for filing and printing only pursuant to Cal. Code Regs., tit. 2, section 18750(k) (Register 2017, No. 50).
4. Renumbering of former section 8199 to section 8299 filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8200. Personnel Testing Program Purpose and Goals.

(a) The purpose of CALPIA's testing program is to ensure CALPIA workplaces are safe and free from the adverse effects of drug, alcohol and substances that impair work performance and work safety. CALPIA's testing program also provides information regarding the administration of the testing program for the purpose of clarity, uniformity, and fundamental fairness within CALPIA.

(b) The goals of CALPIA's testing program include addressing drug, alcohol and substance use in CALPIA's workplace, promoting a safe drug, alcohol, and substance use-free workplace environment, and reducing and eliminating disruptions and disciplinary problems due to substance use.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Section 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New article 6.1 (sections 8200-8215) and section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

2. Change without regulatory effect amending section heading and Note filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

§ 8201. Personnel Testing and Prohibitions.

- (a) Employees in designated sensitive positions are subject to drug, alcohol and substance use testing. CALPIA explicitly prohibits the use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, prescription medication and prohibited substances and substances adversely affecting work performance and workplace safety, on CALPIA property or worksite, including California Department of Corrections and Rehabilitation (CDCR) properties, facilities, locations and worksites or while performing an assignment, on duty or during assigned work hours.
- (b) Employees must not report for duty while under the influence.
- (c) Employees must report the presence of an employee who may be under the influence to the CALPIA Administrator, manager or supervisor.
- (d) 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.
- (e) Obtaining for or delivering to an incarcerated individual or paroleed individual 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.
- (f) An employee who violates subdivision (a), (b), (c), (d), or (e) may be subject to disciplinary action under the authority of the General Manager.
- (g) Any person, including a visitor, is subject to this section, and upon violation of subdivision (a), (b), (c), (d), or (e) may be subject to criminal prosecution pursuant to Penal Code Sections 4573.5 through 4573.9.
- (h) CALPIA must pay the costs associated with performing confirmatory testing by a laboratory other than the one which performed the original test at the request of the employee.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. References: Sections 2801, 2809, 4573.5, 4573.6, 4573.8 and 4573.9, Penal Code.

HISTORY

- 1. Renumbering of former section 8106 to section 8201, including amendment of section heading and section, filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).
- 2. Change without regulatory effect amending subsection (e) filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

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 - (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.
- (e) Obtaining for or delivering to an incarcerated individual or paroleed individual 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.
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- (g) Any person, including a visitor, is subject to this section, and upon violation of subdivision (a), (b), (c), (d), or (e) may be subject to criminal prosecution pursuant to Penal Code Sections 4573.5 through 4573.9.
- (h) CALPIA must pay the costs associated with performing confirmatory testing by a laboratory other than the one which performed the original test at the request of the employee.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. References: Sections 2801, 2809, 4573.5, 4573.6, 4573.8 and 4573.9, Penal Code.

HISTORY

1. Renumbering of former section 8106 to section 8201, including amendment of section heading and section, filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).
2. Change without regulatory effect amending subsection (e) filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

§ 8203. Testing Program Definitions.

“Abuse of drugs or substances” means: (a) the use of an illegal drug; (b) the intentional misuse of an over-the-counter drug; (c) the intentional use of any prescription drug or other substance in a manner inconsistent with its medically prescribed intended use, or under circumstances where its use is not permitted; or (d) the use of drugs or substances if it impairs job performance of the employee or could impair the job performance of an applicant for employment.

“Adulterated specimen” A specimen that has been altered as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or methyl and isopropyl alcohol normally found in liquor, beer, wine and mixed alcoholic drinks.

“Alcohol concentration” means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

“Alcohol screening device” (ASD) means a breath or saliva device, other than an evidential breath testing device (EBT) that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

“Cancelled test” A cancelled test exists when a specimen has been reported to the MRO as an invalid test result when a split specimen (Bottle B) fails to reconfirm (Bottle A).

“Chain of custody” means procedures used to account for the integrity of each urine specimen by proper labeling in the presence of the employee according to medical standards for specimen collection and tracking its handling and storage from point of specimen collection to final disposition of the specimen.

“Confirmatory validity test” means a second test performed on a different aliquot of the original urine specimen to further support a validity test result.

“Controlled substance” or “drug” means any substance, narcotic, opiate, hallucinogen, depressant or stimulant as defined by Health and Safety Code section 11007, prescribed medications containing any of the substances identified in Health and Safety Code section 11007, and substances identified in the California Uniform Controlled Substances Act, Health and Safety Code sections 11000-11651 and in 49 CFR Section 40.85.

“Controlled medication” means any drug which is prescribed by a licensed medical professional authorized to prescribe medication given to a patient in controlled doses.

“Dilute specimen” is a urine specimen with creatinine and specific gravity values below or human urine.

“Excused test” means when an employee who is selected for a substance test is not available and has provided written notification to that employee's supervisor that the employee is not available.

“Intoxicant” is a substance which when taken into a body by one mean or another produces a condition of diminished mental and physical ability, hyper-excitability, or stupefaction.

“Illegal drug” means any controlled substance classified as Schedule I, II, III, IV and V in the Health and Safety Code sections 11554 through 11558 that has not been specifically prescribed by a medically licensed professional authorized to prescribe medication.

“Initial validity test” means the first test used to determine if a urine specimen is adulterated, diluted or substituted.

“Invalid result” is a test result for a urine specimen containing an unidentified adulterant or interfering substance, or has an abnormal characteristics preventing test completion.

“Medical Review Officer” (MRO) is a licensed physician designated by the General Manager or designee responsible for reviewing and evaluating test results.

“MRO Confidential Medication Disclosure Sheet and Envelope (Disclosure Sheet)” This is a sheet or form available to employees for disclosure with a pre-addressed envelope to the MRO to be opened in the event of a positive test. Such disclosure may be provided in writing by the employee to disclose information about factors other than illegal drug use that could cause a positive test result.

“Reasonable suspicion” is the good faith belief based upon specific articulable facts (e.g., slurred speech, swaying, emitting odor, unusual behavior, falling asleep at worksite, bloodshot eyes, etc.) that an employee may be under the influence of drugs, alcohol, or substances to an extent that would impede an employee's ability to perform duties safely and effectively.

“Retest (Bottle B) ” This is a second bottle, with at least fifteen (15) milliliters of the same urine as tested in bottle A, that is retested upon a positive test result from bottle A.

“Split sample” is the use of two bottles for the urine specimen from employee that is collected in a collection container, and then the collection site personnel, in the presence of the employee, will pour the specimen into two (2) bottles, resulting in a split samples labeled Bottle A and Bottle B.

“Substance Abuse and Mental Health Services Administration” The Substance Abuse and Mental Health Services Administration (SAMHSA) is a federal agency with guidelines which are scientific and technical guidelines for workplace drug-testing programs.

“Test” is a procedure used to detect the presence of drugs, alcohol and impairing substances.

“Under the influence” means an employee's behavior, judgment, coordination, or physical or mental ability appears to be unsafe or the employee appears unfit for duty or an employee's blood or urine had a detectable amount of drugs, alcohol or any other impairing substance.

“Verification Interview” Confidential telephone or in-person contact made by the MRO to the employee in the event of a positive test result to determine whether there is a legitimate medical or other explanation for that result, with a simultaneous confidential written communication by U.S. Mail, and if possible, confidential email communication to the employee.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8204. Testing Methods.

(a) Testing Standards. Substance testing is conducted in accordance with standards established by the Substance Abuse and Mental Health Service (SAMHSA), the Federal Motor Carrier Safety Administration (FMCSA). Alcohol testing is conducted using an evidential breath testing device and the method of determining the presence of a drug or substances is by collection and analysis of a urine sample. Employees may elect to provide a blood sample for either drug or alcohol testing.

(b) Screening and confirmatory tests for detection of drugs and substances.

(1) For the purpose of testing, an initial screening test known as an immunoassay is performed. The screening test is used to eliminate negative urine specimens from further consideration and to identify the presumptively positive specimens that require confirmation or further testing.

(2) For the purpose of testing, all specimens identified as positive on the initial test are confirmed positive by gas chromatography/mass spectrometry (GC/MS) before a positive result can be reported.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8205. Reasonable Suspicion Testing.

(a) An employee may be tested when there is a reasonable suspicion that the employee may have engaged in drug, alcohol or substance use or appears by observable subjective factors to be impaired. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations (seen, heard or smelled) concerning the appearance, behavior, speech or body odors of the employee. Testing is not based on conjecture or assumption, a feeling or guess based on intuition rather than known facts, or solely on the report of others.

(b) Reasonable belief for employee drug testing observed facts and behaviors may include:

(1) Observable phenomena such as direct observation of drug or alcohol use, possession, or physical symptoms of being under the influence.

(2) A pattern of abnormal conduct or erratic behavior.

(3) Arrest or conviction for a drug-related offense, or the identification of an employee as the subject of a criminal investigation into illegal drug possession, use or trafficking.

(4) Information provided by a third party independently corroborated.

(5) Newly discovered evidence the employee tampered with a previous drug test.

(c) Reasonable suspicion testing is conducted only after the General Manager or designee considers the facts, evidence, and totality of circumstances and concurs in writing.

(d) The General Manager's designee is an individual other than the suspected employee's immediate direct report supervisor and other than the person who made the initial observation leading to the question of reasonable suspicion.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Section 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

2. Change without regulatory effect amending Note filed 7-27-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 31).

§ 8206. Notifications to Employees.

- (a) CALPIA will provide notice to employees describing the grounds for testing, a list of drugs which may be tested, the consequences of refusing to submit to a test, and the retest procedure for challenging test results. The notice may be distributed via email, U.S. mail, and on-site by posting.
- (b) CALPIA may provide position notification to employees whose positions are subject to testing.
- (c) CALPIA will give notice to employees subject to testing on the same day of the scheduled testing prior to the test that explains the factual basis, including observable facts, documents, records, evidence and information used as grounds for reasonable suspicion testing and procedures.
- (d) If an employee admits to being under the influence of drugs, alcohol or substances this admission will be treated a positive test result.
- (e) Employees will acknowledge receipt of and understanding of CALPIA's testing program, which acknowledgement may be through electronic signature, hardcopy signature, email confirmation receipt confirmed, and completion of CALPIA's drug testing employee training.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8207. Substances Tested.

(a) CALPIA employees may be tested for the following substances at specified cut-off levels for testing:

	<i>Initial (ng/mL)</i>	<i>Confirmatory (ng/mL)</i>
(1) Buprenorphine Metabolite	10	100
(2) Butorphanol	.15	100
(3) Clonazepam Metabolite	300	100
(4) Fentanyl Analogs	.5 pg/mL	.05 pg/mL
(5) Flunitrazepam Metabolite	300	100
(6) Flurazepam Metabolite	300	100
(7) Hydrocodone	2000	2000
(8) Hydromorphone	2000	2000
(9) Ketamine Metabolite	100	200
(10) Lorazepam	300	100
(11) Lysergic acid diethylamide (LSD)	0.5	0.2
(12) Meperidine &/or Metabolite	100	100
(13) Meprobamate	100	200
(14) Methadone	300	300
(15) Methylenedioxyamphetamine (MDA)	500	250
(16) Methylenedioxyethylamphetamine (MDMA/MDEA)	500	250
(17) Midazolam Metabolite	300	100
(18) Nordiazepam	300	100
(19) Oxycodone	100	100
(20) Oxymorphone	100	100
(21) Pentazocine	100	100
(22) Propoxyphene Metabolite	300	300
(23) Temazepam	300	300
(24) Tramadol	100	100
(25) Triazolam Metabolite	100	100
(26) Zolpidem	100	100
(27) Amphetamines and methamphetamines	1000	50
(28) Cocaine	150	100
(29) Marijuana/cannabinoids (THC) metabolites	50	15
(30) Opiates (narcotics)	2000	2000
(31) Phencyclidine (PCP)	25	25
(32) Barbiturates	300	200
(33) Benzodiazepines (Nordiazepam)	300	100
(34) Methaqualone	300	300
(35) Alcohol/Ethanol	25	20

(36) 6-Acetylmorphine	10	10
(37) Morphine and Codeine	2000	2000
(38) N-Benzylpiperazine	1000	1000
(39) 3-FMC and 4-FMC	1000	1000
(40) Methylone	1000	1000
(41) Methedrone	1000	1000
(42) Ethylone	1000	1000
(43) Butylone	1000	1000
(44) Ecstasy	250	100
(45) Pentedrone	1000	1000
(46) Methoxetamine	1000	1000
(47) alpha-PVO	1000	1000
(48) Synthetic Cathinones (Bath salts ¹)	20	20
(49) Kratom	10	10
(50) Propofol	500	500
Synthetic Cannabinoids ² (K2, Spice)	5	
Urine K2 Metabolites confirmation cutoffs:		
(51) 5-F-AB-PINACA	.5	5
(52) 5-F-AKB48	.5	2.5
(53) 5-F-AKB22	.5	5
(54) AB-CHMINACA	.5	2.5
(55) AB-FUBINACA	.5	2.5
(56) AB-PINACA	.5	5
(57) ADBICA	.5	5
(58) ADB-PINACA	.5	5
(59) AKB48	.5	.5
(60) AM2201	.5	.2
(61) AM694	.5	.5
(62) BB-22	.5	5
(63) JWH018	.5	.2
(64) JWH019	.5	.2
(65) JWH073	.5	.2
(66) JWH081	.5	.5
(67) JWH122	.5	.2
(68) JWH200	.5	.5
(69) JWH203	.5	.5
(70) JWH210	.5	.5
(71) JWH250	.5	.5

(72) JWH398	.5	.5
(73) MAM2201	.5	.2
(74) PB-22	.5	5
(75) RCS-4	.5	.5
(76) RCS-8	.5	.5
(77) UR-144	.5	.5
(78) XLR11	.5	.2
(79) AM2001	.5	.5

¹ Includes MDPV, Naphyrone, Dimethylcathione, Ethcathinone, Pyrovalerone.

² Common synthetic cannabinoid compounds tested include: AM 2201 Hydroxypentyl, JWH 018 Pentanoic Acid, JWH 073 Butanoic Acid, 5-Fluro ADB Metabolite 7, AB-Fubinaca Metabolite 3, BB-22 3-carboxyindole, JWH-122 Hydroxypentyl, AB- Fubinaca Metabolite 4, PB-22 3-carboxyindole, MDMB-Fubinaca Metabolite M1, UR-144 Hydroxypentyl, UR-144 Pentanoic acid, XLR11 Hydroxypentyl.

(b) Cannabis is not exempt from CALPIA's testing program. Cannabis may affect work performance and safety due to the potential effects, signs and symptoms of effect on focus, problem solving, and memory, mind altering including paranoia, hallucinations, effect on brain, lungs, nervous system, stomach and heart, slowed speech, odor, and lack of motivation, among others.

Note: Authority cited: Sections 2801, 2808 and 2809, Penal Code; Sections 11349(e) and 19572, Government Code; and Section 599.963, California Code of Regulations. Reference: Sections 2801 and 2809, Penal Code; Executive Order D-58-86 (dated September 24, 1986); Code of Federal Regulations, Title 49, Part 40, Subpart F, Section 40.89, Section 40.91, Section 40.93, Section 40.95 and Section 40.96; 40 CFR Part 40 (2017); and Section 11362.45(f), Health and Safety Code.

HISTORY

1. Renumbering of former section 8106.1 to section 8207, including amendment of section heading, section and Note filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8208. Specimen Collection for Drug and Substance Testing.

(a) Methods of determining the presence of a drug or other impairing substance are by collection and analysis of urine sample. The employee must provide a urine specimen into a collection container. The collection site personnel, in the presence of the employee, puts the specimen into two bottles. Thirty (30) milliliters (ml) must be poured into one bottle, to be used as a primary sample (bottle A). At least 15 ml must be poured into the other bottle (bottle B), to be used as the split sample. Bottle B is stored at the testing laboratory rather than at the collection site. Both specimens are labeled with the same identification information and specimen ID (bar code) number. After a specimen is provided, the bottles do not leave the employee's sight until they are completely and correctly labeled and sealed in a tamper-proof bag for delivery to the laboratory.

(b) Once the urine specimen has been collected, and still in view of the employee, the collector will legibly label the urine specimen entering all the information to identify the specimen on the bottle, to include, and not limited to date, collector's initials, test type requested, a specimen number, identifier of person providing urine, i.e., medical record number, or other individualized number (driver's license, social security number, employee position number), employee's birthdate on specimen label, employee's signature, with employee signed date and time on specimen label.

(c) Unless there is reason to suspect tampering during the test, the test occurs in a rest room, stall, or enclosure ensure privacy. When there is reasonable suspicion the individual may tamper with the specimen, CALPIA may specify that an observed collection is required.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code; 49 CFR Part 40 (2017); and Sections 56 et seq., Civil Code.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).
2. Change without regulatory effect amending subsection (a) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8209. Test Results.

(a) Negative test results. For the purpose of CALPIA's testing, a negative test result is one that does not indicate the presence of drugs, alcohol or substances in the employee's system or is below the concentration cut-off level.

(b) Positive test results. For the purpose of testing, a positive test result is one that shows evidence of the presence of drugs, alcohol, or substances in the employee's system at or above the concentration cut-off level. For the purpose of testing, an employee is considered to have a positive test result if employee: (1) refuses to submit to a urine test or fails to comply with breath sample testing; (2) impedes the testing process; or (3) tampers with their own specimen. A refusal to submit means to decline, deny, reject, or resist a drug or alcohol test including:

(1) Fails to appear for any test within a reasonable time.

(2) Fails to remain at the testing site until the testing is complete.

(3) Fails to provide a urine specimen for any required drug test.

(4) In the case of a directly observed collection, fails to permit the observation.

(5) Fails to provide a sufficient amount of urine when directed and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure.

(6) Fails or declines to take a second test as directed by the employer or collector.

(7) Fails to undergo a medical examination or evaluation for verification.

(8) For an observed collection, fails to follow the instructions to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process.

(9) Admits to the collector having adulterated or substituted the specimen.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8210. Split Sample Testing Option.

(a) In the event of a positive test result, the MRO will inform the employee by telephone or in-person, by written notice via U.S. Mail, and if available, email, of the employee's option to request an analysis of the split sample (Bottle B). In making this notification for a split sample testing option, the MRO informs the employee of the option to test the split sample at another SAMHSA certified laboratory for test confirmation and the seventy-two (72) hours deadline to make this request from the actual receipt of notification by the MRO of the initial positive test result.

(b) The MRO will provide the employee with a telephone number, facsimile, email, and physical and mailing address to which the employee make this request for split sample testing. The MRO shall provide this information personally to the employee in-person or by telephone (may not be left as a message), and in writing, by U.S. mail and by email if possible and if requested by the employee. The MRO may extend the seventy-two (72) hour request time period for the employee to request split sample testing. In the event the testing of the split sample (Bottle B) fails to reconfirm the result reported by the laboratory that tested the original sample (Bottle A), both tests are cancelled. An employee's request may be oral or in writing.

(c) After the employee requests a split sample retest or conducting a confirmatory test, the MRO will cause the retest of an aliquot of a single specimen, or testing Bottle B of a split specimen at a second laboratory. Upon receiving results from the second laboratory, the MR will provide them to the employee without delay.

(d) The MRO will conduct all testing consistent with medical standards, the SAMSHA Medical Review Officer Guidance Manual - 2017, issued by the SAMSHA, SAMSHA testing guidelines, and 49 CFR Part 40.

(e) If an employee requests that Bottle B be tested or that an aliquot of a single specimen be retested, and either Bottle B or the single specimen are not available due to circumstances outside of the employee's control, the MRO shall cancel the test and inform CALPIA that another collection is required.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8211. Employee Rights.

(a) The time required for employee testing is State work time.

(b) An employee may request a hearing with CALPIA to contest the requirement to test, the accuracy of the test or personnel decisions based on the test. An employee may submit a written objection to CALPIA to contest the requirement to test, the accuracy of the test, or personnel decisions based on the test. A request for hearing or written objection must be submitted to CALPIA, Legal Unit, 560 E. Natoma St., Folsom, CA 95630; telephone: 916-358-1711; email: legal@calpia.ca.gov; facsimile: (916) 358-2709, Attention: Legal Office. CALPIA will provide a response to the request for hearing or written objection or both, within twenty (20) business days.

(c) An employee selected for testing may obtain deferral of testing if necessary on the grounds that the employee is:

(1) In a leave status (sick, annual, administrative, FMLA, medical leave, or leave without pay).

(2) In official travel status away from the test site or is about to embark on official travel scheduled before testing notification.

(3) Other good cause grounds.

An employee whose testing is deferred is subject to an unannounced test in the immediate reasonable future.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code; 49 CFR Part 40 (2017); Sections 56-56.16, Civil Code; Cal. Const., Art. 1, § 1; Sections 12945.2 and 19702.3, Government Code; 29 U.S.C. § 2901, et seq.; 42 U.S.C. § 12100, et seq.; Public Law 110-325; 29 U.S.C. § 701; and Sections 12900-12996, Government Code.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8212. Testing Confidentiality.

(a) Records, documents and other information pertaining to an employee's test is confidential and must be released only to:

(1) The employee tested.

(2) The Medical Review Officer (MRO).

(3) Individuals who need the records or information to:

(i) Determine or assist in determining what action the Hiring or Appointing Authority should take in response to the test result.

(ii) Respond to appeals or litigation arising from the substance test or related action.

(iii) Upon request of a governmental agency with regulatory authority over CALPIA.

(iv) Upon written consent by the employee authorizing the release to a specified individual.

(b) Any information concerning a test must be strictly confidential and kept in compliance with medical records. Confidential recordkeeping is defined as records maintained in a secure manner, under lock and key, accessible only to the program test coordinator or management designee.

(c) Release of such information must be solely pursuant to a written consent form signed voluntarily by the person tested. The consent form must contain, at a minimum, the person who is authorized to obtain the information, the purpose of the disclosure, the precise information to be disclosed, and the duration of the consent.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code; 49 CFR Part 40 (2017); and Sections 56 *et seq.*, Civil Code.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

2. Change without regulatory effect amending subsections (a), (b) and (c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8213. Non-Discrimination in Testing.

(a) An employee or job applicant who is currently engaging in the use of drugs, alcohol or impairing substances is not a qualified individual with a disability. The term “currently engaging” applies to the illegal use of drugs that has occurred recently enough to indicate that the individual is actively engaged in such conduct.

(b) CALPIA may seek reasonable assurances that no use of drugs, alcohol, or impairing substances is occurring or has occurred recently enough so that continuing use is a real and ongoing problem by asking applicants or employees to provide evidence, such as test results, to show that the individual is not currently engaging in the use of drugs, alcohol, and impairing substances.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code; Sections 12940-12957, Government Code; 42 U.S.C. § 12112(a); 29 C.F.R. § 1630.3 (1996); and 29 C.F.R. appen. to pt. 1630.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8214. Disciplinary Actions.

All confirmed positive test results must be cause for discipline, up to and including, termination from civil service.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).
2. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8215. Commercial Driver Required Testing.

(a) Employees who operate a commercial vehicle are subject to Federal Department of Transportation (U.S. DOT) regulations for testing. Random testing of CALPIA employees in this category are tested through the California Department of Corrections Office of Employee Wellness, pursuant to 2 California Code of Regulations (CCR) Section 599.963(h). This includes, and is not limited to full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

(b) CALPIA drivers who operate commercial motor vehicles that require a commercial driver's license under 49 Code of Federal Regulations (CFR), Part 383 are subject to the FMCSA's drug and alcohol regulations, 49 CFR Part 382 which incorporate the requirements of 49 CFR Part 40 and subject to 49 U.S.C. §§ 31301 and 31306, which requirements are incorporated herein in full by this reference.

Note: Authority cited: Sections 2801 and 2809, Penal Code; and Sections 11349(e) and 19572, Government Code. Reference: Sections 2801 and 2809, Penal Code; 49 CFR Part 40 (2017); 49 CFR Part 172, subpart F and Sections 392.7 and 392.8; 49 U.S.C. Sections 31301 and 31306; and 49 CFR Part 832.

HISTORY

1. New section filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

§ 8298. Incompatible Activity.

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

(b) Other incompatible activities that employees must 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 must submit a written statement to the General Counsel via the employee's supervisor. The statement must 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.

Note: Authority cited: Sections 2801 and 2809, Penal Code. Reference: Sections 2801 and 2809, Penal Code; and Section 19990, Government Code.

HISTORY

1. Relocation of article 9 heading from preceding section 8198 to precede section 8298 and renumbering of former section 8198 to section 8298 filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).

2. Change without regulatory effect amending subsections (a), (b) and (c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 8299. 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, must constitute the Conflict-of-Interest Code of the California Prison Industry Authority (CALPIA), which includes the Prison Industry Board.

Individuals holding designated positions must 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 must make and retain copies and forward the originals to the Fair Political Practices Commission. All other statements will be retained by CALPIA.

Appendix A

Designated Positions - California Prison Industry Authority (CALPIA)

Designated Position (Statutory or

<i>Working Title)</i>	<i>Disclosure Category</i>
Executive Offices	
General Manager	1
General Counsel	1
Attorney (All Levels)	1
Chief, External Affairs	1
Consultant(s)*	1
Administration Division	
Chief, Administrative Officer	1
Chief, Business Support Services	1
Contract and Procurement Manager	1
Contract Analyst (SSA and AGPA)	8
Business Service Officer	5, 6, 8
Business Services Assistant	5, 6, 8
Chief, Human Resources	3, 8
Manager, Staff Development	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

Systems Software Specialist (Supervisory) (All Levels)	9
Systems Software Specialist (Technical) I and II	9
Fiscal Services Division	
Chief Financial Officer	1
Chief, Budget Bureau	8
Chief, Accounting Services	8
Accounting Administrator II and III	8
Accounting Administrator I (Supervisor and Specialist)	8
Manager, Inventory Management Unit	8
Manager, Quality Management Section	3, 8
Lead ISO Auditor	3, 8
Special Assistant to Chief Financial Officer	8
Marketing Division	
Assistant General Manager - Marketing	1
Chief, Marketing Services	1
Products Management Specialist	8
Sales Manager	1
Operations Division	
Assistant General Manager - Operations	1
Branch Manager	1
Prison Industries Administrator	1
Prison Industries Manager	1
Prison Industries Superintendent	2, 8, 10
Administrative Assistant to AGM - Operations	8
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
Equipment Maintenance Supervisor I and II	2, 7, 8
Custodian Supervisor II and III	8
Associate Industrial Hygienist	8
Associate Product Engineer	8
Industry Employment Program/Joint Venture	
Prison Industries Administrator	1
Manager, Industry Employment Program	8
Staff Services Manager II (Supervisor)	8
Prison Industry Board	

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

*Consultants and newly created designated positions 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 or newly created designated position, although in a “designated position” has been retained to perform a range of duties that is limited in scope, and therefore, is 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.

Appendix B

Disclosure Categories - CALPIA

Disclosure Categories:

Category 1:

A designated position in this category must report

- Interests in real property
- Investments, 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 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 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. 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.

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.

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.

Note: Authority cited: Sections 12838.5, 87300 and 87302, Government Code; and Section 2809, Penal Code. Reference: Sections 87300, 87302 and 87306, Government Code; and Sections 2800, 2802 and 2808, Penal Code.

HISTORY

1. Renumbering of former section 8199 to section 8299 filed 11-13-2018; operative 1-1-2019 (Register 2018, No. 46).
2. Change without regulatory effect amending first and second paragraphs and amending footnote concerning consultants filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

Chapter 2. California Prison Industry Authority - Conflict of Interest Code [Repealed]

HISTORY

1. Change without regulatory effect renumbering former section 8125 to new section 8199 and repealing chapter filed 12-4-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 49).

§ 8900. Definitions.

Prison Industry Board (PIB or Board) consists of 11 members whose function is to act as the governing body over California Prison Industry Authority (CALPIA). The Chairman of the Board must be the Secretary of the California Department of Corrections and Rehabilitation by statute.

Note: Authority cited: Section 2808, Penal Code. Reference: Sections 2802, 2803 and 2808, Penal Code.

HISTORY

1. Change without regulatory effect adopting section filed 3-21-2017 pursuant to section 100, title 1, California Code of Regulations (Register 2017, No. 12).
2. Change without regulatory effect amending section filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 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 must 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, must constitute a quorum.
- (c) The PIB must 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 executive officer of the CALPIA.
- (e) Board members are required to file a Statement of Economic Interests pursuant to the CALPIA Conflict-of-Interest Code in title 15, section 8199 of the California Code of Regulations.

Note: Authority cited: Section 2808, Penal Code. Reference: Section 87302, Government Code; and Sections 2802, 2803 and 2808, Penal Code.

HISTORY

- 1. Change without regulatory effect adopting new division 8.5, chapter 1, article 1 (section 8901) and renumbering former section 8002 to new section 8901 filed 12-3-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 49).
- 2. Change without regulatory effect amending subsection (d) filed 7-13-2016 pursuant to section 100, title 1, California Code of Regulations (Register 2016, No. 29).
- 3. Change without regulatory effect adopting subsection (e) and amending Note filed 3-21-2017 pursuant to section 100, title 1, California Code of Regulations (Register 2017, No. 12).
- 4. Change without regulatory effect amending subsections (b)-(c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).

§ 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 must 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, must constitute a quorum.
- (c) The PIB must 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 executive officer of the CALPIA.
- (e) Board members are required to file a Statement of Economic Interests pursuant to the CALPIA Conflict-of-Interest Code in title 15, section 8199 of the California Code of Regulations.

Note: Authority cited: Section 2808, Penal Code. Reference: Section 87302, Government Code; and Sections 2802, 2803 and 2808, Penal Code.

HISTORY

- 1. Change without regulatory effect adopting new division 8.5, chapter 1, article 1 (section 8901) and renumbering former section 8002 to new section 8901 filed 12-3-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 49).
- 2. Change without regulatory effect amending subsection (d) filed 7-13-2016 pursuant to section 100, title 1, California Code of Regulations (Register 2016, No. 29).
- 3. Change without regulatory effect adopting subsection (e) and amending Note filed 3-21-2017 pursuant to section 100, title 1, California Code of Regulations (Register 2017, No. 12).
- 4. Change without regulatory effect amending subsections (b)-(c) filed 2-11-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 6).



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