
NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED
Concerning CALPIA Inmate Recruitment and Hiring Processes

The amendments to text of the California Code of Regulations (CCR) that concern CALPIA Inmate Recruitment and Hiring Processes is provided as follows:

Original Proposed Regulations

single underline indicates additions to proposed text

single strikeout indicates deletions to proposed text

15-day Notice of Changes

double underline indicates additions to original proposed text

double strikeout indicates deletions to original proposed text

The Worker Application and Intake IEP-F002/IEP-F003, 9/15/2015 Rev. G, Form is incorporated by reference in Section 8004.2. CALPIA is proposing changes to the form which will require amending the form's revision number in Section 8004.2.

During the Prison Industry Board (PIB) Meeting on December 17, 2015, a determination was made to collect inmate ethnicity data based on federal standards of ethnic classifications. Pursuant to the PIB determination, new changes to the form are based on 'Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, Federal Register Notice, [FR DOC #: 97-28653] October 30, 1997.' The PIB unanimously voted (10-0) to approve the form, including changes to gather ethnic classifications based on federal standards.

These changes to original proposed form are being made available for public comment from January 5, 2016 through January 21, 2016.

REVISIONS TO FORM INCORPORATED BY REFERENCE IN REGULATION TEXT

Subsection 8004.2(b) is amended as follows:

- The revision number and effective date of the Worker Application and form will be changed from "9/15/2015 Rev. G" to "12/24/2015 Rev. H."

The Worker Application and Intake form is amended as follows:

- Ethnicity choices on the form were narrowed down to six classifications based on federal standards. Federal Register page #58789 of Volume 62, No. 210 (2)(b) demonstrates how data formats of ethnicities can be presented in a combined format. The new classifications include:

- American Indian or Alaska Native
- Black or African American
- Native Hawaiian or Other Pacific Islander
- Asian
- Hispanic or Latino
- White

Subethnic classifications are also included on the form as an option for inmates to provide greater, detailed information about their ethnicity. Collecting subethnic data will serve several purposes and challenges that are unique to prisons. For example, the effects of a prison lockdown may have a significant impact on CALPIA's production because it is not uncommon for prisons to lockdown inmates based on specific ethnicity. Lockdowns happen in a moment's notice and without warning for CALPIA to plan for inmate absences. If CALPIA correctly collects and maintains ethnic data, it can predict immediately how many inmates will be missing from workplaces during lockdowns that are segregated by ethnicity. CALPIA would be better equipped to plan and fill expected vacancies for maintaining production.

Collecting subethnic data would have served another ethnic challenge that recently occurred in California prisons regarding valley fever. Initial studies of the fever were suggesting that Black, Filipino, and Pacific Islander inmates were highly susceptible, and therefore, were being relocated to other prisons in mass numbers. This was another swift change effecting prison populations based on ethnicity, which had an impact on the CALPIA inmate workforce. In order to plan for these circumstances, CALPIA must be aware of the ethnic makeup in its workplaces to plan and fill expected vacancies for maintaining production.

Lastly, the CALPIA Industry Employment Program (IEP) must rely on ethnic data for anticipated relations with Workforce Investment Boards (WIB). The WIB's main role is to direct federal, state and local funding to workforce development programs, which may include funds given to employers (as an incentive) to hire CALPIA inmates upon their release from prison. Because some grants/funds are designated for specific ethnic populations, CALPIA has already received requests for ethnic data on the CALPIA inmate workforce.

Pursuant to Federal Register page #58789 of Volume 62, No. 210 (2) there is no limit on collecting greater details beyond the basic six ethnic classifications. By collecting ethnic data, CALPIA will have the ability to maintain production during ethnic based prison emergencies and maintain the ability to follow federal reporting standards when working with the federal government for WIB grants. The following subethnic classifications were added to the form to allow inmates, as an option, to self-identify their origins in any of the original peoples:

Europe, Middle East, North Africa, German, Irish, Lebanese, Egyptian, Far East, Southeast Asia, Indian subcontinent, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Philippine Islands, Thailand, Vietnam, Hmong, Laotian, Thai, Haitian, Nigerian, Hawaii, Guam, Samoa, North America, South America, Central America, Navajo Tribe, Mayan Tribe, Tlingit Tribe, Central America, Mexican, Mexican American, Puerto Rican, Cuban, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, and Spaniard.

Additional spaced is provided on the form for inmates, as an option, to write their subethnicity not included in the list above.

The following material was relied upon while making amendments to the form and was added to the rulemaking file:

- Federal Register / Vol. 62, No. 210 / Thursday, October 30, 1997 / Notices (9 pages)

All written comments must be received by 5:00 p.m. on January 21, 2016. Please limit your comments to the modifications proposed here. Submit comments to Dawn Eger, Legal Analyst, 560 East Natoma Street, Folsom, CA 95630; by fax to (916) 358-2709; or by e-mail to PIARegs@calpia.ca.gov.

ATTACHMENTS:

- CHANGES TO THE TEXT AS ORIGINALLY PROPOSED; AND
- FEDERAL REGISTER / VOL. 62, NO. 210 / THURSDAY, OCTOBER 30, 1997; AND
- WORKER APPLICATION AND INTAKE IEP-F002/IEP-F003, 12/24/2015 REV. H, FORM