

## TEXT OF PROPOSED REGULATIONS

In the following text:

underlining indicates added or amended text.

strikeout indicates deleted text.

### Title 15. Crime Prevention and Corrections

DIVISION 8. CALIFORNIA PRISON INDUSTRY AUTHORITY

CHAPTER 1. RULES AND REGULATIONS OF CALIFORNIA PRISON INDUSTRY AUTHORITY

#### Article 3. CALPIA Inmate Work/Training and Education

Section 8004(b)(3) is amended to read:

#### **8004. Participation.**

(a) Inmates committed to the custody of the California Department of Corrections and Rehabilitation may apply to participate in CALPIA work and training programs. Inmates 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.

(b) Inmates shall not be eligible for a CALPIA assignment under the following circumstances:

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

(2) Inmates 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) Inmates 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) Inmates who are otherwise eligible for a CALPIA assignment shall be restricted as follows:

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

(2) Inmates convicted of a PC Section 290 offense shall not be assigned to the CALPIA optical program.

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

(4) Inmates who have any of the following history shall 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 shall be taken into consideration on a case-by-case basis when determining the assignment or re-assignment of an inmate to a CALPIA program:

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

(2) Inmates with Close B 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)(4) or (5) 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 inmate worker unavailability may utilize inmates with Life sentences, but shall not exceed twenty-five percent of the workforce per institution/facility.

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

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

(1) ICE Hold inmate workers 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.

**Section 8004.1 did not change.**

**Section 8004.2 did not change.**

Section 8004.3 is amended to read:

**8004.3. 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 shall 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 inmate'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.

(b) The following circumstances shall determine if an inmate is un-assigned from CALPIA when testing under subsection 8004.3(a)(3):

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

(A) Confirms the results of a positive, on-site, urine sample. Inmate shall 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 shall 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 Section 3016 and/or 3290(d) shall 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 Section 3016 and/or 3290(d) shall be immediately removed from the CALPIA work/training program, and may be subject to the provisions of Section 3315, Serious Rule Violations.