

California Code of Regulations

Title 15. Crime Prevention and Corrections

Division 8. California Correctional Training and Rehabilitation Authority

**Chapter 1. Rules and Regulations of California Correctional Training and
Rehabilitation Authority**

INITIAL STATEMENT OF REASONS

SUMMARY OF PROPOSAL

California Correctional Training and Rehabilitation Authority (CALCTRA) and the Correctional Training Rehabilitation Board (CTRB) propose to amend multiple sections of the California Code of Regulations (CCR), Title 15, Division 8 in an effort to ensure the regulations comply with California and federal law, do not conflict with other California regulations, and reflect current CALCTRA practice. This proposal amends definitions, repeals unnecessary provisions related to the recruitment of incarcerated individuals into CALCTRA work/training programs, repeals the requirement for incarcerated individuals to work on a high school diploma or equivalent while participating in CALCTRA programs, aligns CALCTRA health and safety regulations with the Labor Code and Title 8 California Occupational Safety and Health (Cal/OSHA) regulations, and updates two documents incorporated by reference.

AUTHORITY & REFERENCE

Penal Code Section 2801 authorizes CALCTRA to develop and operate industrial, agricultural, and service enterprises employing incarcerated individuals in institutions under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR). It also authorizes CALCTRA to create and maintain working conditions within the enterprises as much like those which prevail in private industry as possible, to ensure incarcerated workers have the opportunity to work productively, earn funds, and acquire or improve effective work habits and occupational skills.

Penal Code Section 2808 authorizes the CTRB, in the exercise of its duties, all of the powers of and to do all of the things that the board of directors of a private corporation would do, except as limited by Article I, Chapter 6, Title I of the Penal Code, and authorizes the CTRB to contract to employ a Director to serve as the administrative officer of the authority.

Penal Code Section 2809 authorizes CALCTRA to apply disciplinary and dismissal procedures to civilian employees.

BACKGROUND

CALCTRA is a self-supporting, customer-focused business that provides productive work assignments for approximately 7,000 incarcerated individuals within CDCR institutions. CALCTRA manages over 100 manufacturing, service, and consumable operations throughout the state. The goods and services produced by CALCTRA are sold predominately to state departments as well as other governmental entities. The goal of CALCTRA is to provide work opportunities to incarcerated individuals and provide job skills training with the potential for earning industry-accredited certifications.

This regulatory proposal is considered, by CALCTRA, a maintenance package in which CALCTRA reviews its existing regulations to ensure it complies with California and federal law, does not conflict with the existing CCR, and reflects current CALCTRA practice. This review found that Title 15, Division 8 regulations contained definitions of terms that are not used in the applicable regulations or definitions that are outdated. CALCTRA determined that the regulatory requirement for incarcerated individual's to meet minimum intake requirements related to their release date is outdated since there is no longer waitlists for incarcerated individual's to enroll in CALCTRA programs. Health and safety regulation Section 8008 has not been amended since it was adopted in 2011. As a result, it was found to not fully align with Title 8 Cal/OSHA regulations that govern prison industries. This proposal rectifies these issues.

Unless discussed below, all changes to the text are nonsubstantive and do not require an explanatory statement.

DISCUSSION OF EACH AMENDMENT

CALCTRA proposes to:

Amend Section 8000 Definitions:

All definitions in Section 8000 proposed to be adopted establish the meaning of words and define the terms used in Articles 1, 3, and 6. This provides for a common terminology enabling the reader to better understand their meaning and ensures consistent meanings throughout the regulatory text.

Adopt "The following definitions apply to Articles 1, 3, and 6" to ensure employees and incarcerated individuals are aware that these definitions do not apply to Articles 2, 6.1, and 9. CALCTRA is in the process of repealing Article 6.1, and Articles 2 and 9 do not use the words and phrases defined in Section 8000.

Amend "CALCTRA Program" to specify that the type of training CALCTRA offers is work and occupational training as well as vocational education and that the type of skill sets we offer are employable skill sets which includes effective work habits. The existing

regulation is vague and incorrect. CALTRA does not teach life skills, rather it teaches employable skill sets such as occupational skills and effective work habits. CALCTRA also does not offer traditional education, rather it offers vocational education. This amendment is necessary to clarify to the reader the specific type of training, education, and skills offered and to align with our statutory mandate and mission statement: *CALCTRA provides incarcerated individuals with life-changing career development opportunities so they may be productive, successful contributors when they return to their communities.*

Amend “Certificate of Attendance and Participation” to mirror the definition of the term used in CDCR’s regulations, Title 15, Section 3000. It is necessary to include this definition in Section 8000 so CALCTRA employees and incarcerated individuals can easily locate the definition. It would not be feasible or reasonable to require employees to research through the California regulations to know exactly what a “CAP” is – nor would it be reasonable to expect them to know how to go about doing so. Additionally, CDCR sets the definition of CAP and administers the CAP program. CALCTRA has no jurisdiction over the CAP program and therefore cannot alter the definition.

Adopt “Compensation” by correcting an error and deleting “incarcerated individual” from the term being defined. The term “incarcerated individual compensation” is not used in CALCTRA regulations. However, “compensation” is used in subsection 8006(a). The definition has not changed and the definition for “compensation” has been moved here to its proper place alphabetically.

Amend “Correctional Training and Rehabilitation Revolving Fund” to include the descriptive words used in Penal Code 2806 versus simply stating that the Fund is described in Penal Code 2806. The existing definition is not useful. It is necessary to amend the definition with descriptive words so the reader can easily determine what the Fund is. It would not be feasible or reasonable to require employees to research through the Penal Code to determine exactly what the Fund is – nor would it be reasonable to expect them to know how to go about doing so.

Amend “Disability” to mirror the definition of the word used in CDCR’s regulations, Title 15, Section 3000. It is necessary to include this definition in Section 8000 so CALCTRA employees and incarcerated individuals can easily locate the definition. It would not be feasible or reasonable to require readers to research through the CCR to know exactly what a disability is – nor would it be reasonable to expect them to know how to go about doing so. Additionally, this definition includes examples of all types of disabilities including physical, mental, and learning.

Amend “Employee” by changing the word “hired” to “appointed” to align with Government Code 18525. CALCTRA also proposes to adopt the phrase “or the CTRB to a state civil service, career executive assignment, or exempt position” because CALCTRA only has these three types of positions which are appointed by the Director (CTRB only appoints

the Director, which is also an exempt position). This amendment is necessary to ensure the definition of “employee” is accurate.

Amend “Enterprise” by specifying additional types of enterprises CALCTRA operates. CALCTRA does not only operate manufacturing and agriculture, but also facility maintenance (including laundry), technology (i.e. computer coding, computer design), construction, and food production (i.e. coffee roasting, meat cutting). CALCTRA has expanded in the type of enterprises it operates since this regulation was initially promulgated, and it is necessary to keep the regulation current and accurate.

Repeal “External Accreditation Certificate” because the term is not used in CALCTRA regulations, Articles 1, 3, or 6.

Repeal “Family Member” and adopt “Immediate Family Member” as described below.

Amend “Health or Safety Complaint” to avoid confusion with the incarcerated individual grievance and appeal complaint process. The Health and Safety Unit has been receiving incarcerated individual grievance and appeal complaints, or allegations, and the grievance and appeal coordinators have been receiving health and safety complaints. This amendment notifies and allows incarcerated individuals to understand the difference so that they will follow the appropriate procedure based on the type of complaint they have. “Allegation” is changed to “complaint” because “allegation” is a term used in the grievance and appeal process. “Individual” is repealed to avoid redundancy (all CALCTRA incarcerated individuals are incarcerated workers). “In the environment” is adopted to specify that a health and safety complaint is a problem in the environment of the workplace versus a personal health complaint for the reason previously described (grievance and appeal versus health and safety complaint).

“Health or Safety” is changed to “Health and Safety” because it appears that it means two different types of complaints: a health complaint or a safety complaint. “Health and Safety” is a well-known term and implies a condition that is in the environment versus a condition that the incarcerated individual has (i.e., illness). This is necessary to align the term being defined with its definition.

Adopt “Immediate Family Member” to align with the definition used by CDCR in Title 15, Section 3000. CALCTRA strives to maintain a regulatory framework that aligns with CDCR to the extent possible. The term is used in Section 8116 in relation to the type of permissible relationship between an employee and an incarcerated or paroled individual. This amendment specifies exactly what an immediate family member means so there is no confusion about what is permitted and when an employee is required to provide notification to CALCTRA to avoid corrective or disciplinary action.

Repeal “Incarcerated Individual Allocation” because the term is not used in Articles 1, 3, or 6. The term that is used is “Incarcerated Individual Workforce Allocation” and is described below.

Repeal “Incarcerated individual compensation” and change to “compensation” as described above.

Adopt “Incarcerated Individual Workforce Allocation” by correcting and error and adding the word “workforce” to the term being defined. The term “incarcerated individual allocation” is not used in CALCTRA regulations. However, “incarcerated individual workforce allocation” is used in the Section 8004.4. The definition of the term is unchanged and moved here to alphabetize it.

Repeal “Learning Disability” because the stand-alone term is not defined in the Americans with Disabilities Act (ADA) as is stated in the existing definition. The term that is defined in the ADA is “disability” which includes learning disabilities. The term “disability” is defined above. This amendment is necessary to ensure CALCTRA definitions are accurate.

Adopt “Local CALCTRA Safety Committee” as a new term used in Section 8008. The current term is “CALCTRA Safety Committee” and “local” has been added to differentiate between the “local” safety committee at each institution and the higher level safety committee housed at Central Office (headquarters). The purpose for the clarification is to avoid confusion among local, institutional staff and to ensure they are properly notified that the complaint is to be resolved at the local level, by the local CALCTRA safety committee.

Repeal “Test of Adult Basic Education (TABE)” because the term is no longer used in CALCTRA regulations.

Repeal “Unauthorized Electronic Communication Device” and adopt the new term, “Unauthorized Cell Phone” for the purpose of updating outdated language. The new definition details exactly what a cell phone is and reflects new CALCTRA policy which allows employees to have their personal cell phones that have been approved for use under CALCTRA’s staff cell phone use policy. Prior to this policy, an unauthorized device was one that was not issued by CALCTRA. This new and updated definition properly notifies CALCTRA employees specifically what defines an authorized cell phone. This regulation is necessary to properly notify CALCTRA’s civilian employees and assist with avoiding disciplinary actions.

Amend “workplace” to reflect telework environments and to specify that CDCR institutions are considered the workplace. This is necessary since many Central Office employees telework from home and most non-Central Office employees work at CDCR institutions where CALCTRA enterprises are located. This amendment properly notifies CALCTRA employees that both circumstances are subject to CALCTRA regulations and policies.

Amend Title of Article 3 to include the word “vocational” to describe the type of education CALCTRA offers. This is necessary to distinguish between traditional education, which CALCTRA does not offer, and vocational education.

Section 8004.1

Amend subsection (a) by replacing “job” with “work.” This is necessary to align with the remainder of CALCTRA regulations and maintain consistent language throughout.

Repeal subsection (a)(6) because state entities are prohibited, pursuant to the United States Constitution’s Equal Protection Clause, the California Constitution, Article I, Section 31 (Prop 209), and Title VI of the Civil Rights Act of 1964 from using race and ethnicity as a factor in providing access to public programs, allocating program slots based on racial balancing, or prioritizing incarcerated workers based on race for participation, except for extremely limited circumstances which are not applicable here.

Private employers are restricted from using race or ethnicity as a consideration in hiring pursuant to Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act. Repealing this regulation is required to comply with state and federal law and CALCTRA’s statutory mandate to create working conditions for incarcerated individuals as much like those which prevail in private industry as much as possible (Penal Code 2801).

Repeal existing subsections (b), (c), (c)(1), and (c)(2) to align with current practice and need. In the past, CALCTRA had incarcerated individual waitlists for various work/training positions throughout the institutional enterprises. Over time the waitlists have been diminished due to a significant decline in the incarcerated individual population. Due to the lack of waitlists, it is not necessary to have time-related intake requirements.

Repeal subsection (g). The requirement for incarcerated individuals to complete a General Education Diploma (GED), CAP, or high school diploma (HSD) within two years of an initial CALCTRA work/training assignment was originally written to provide incentive for incarcerated individuals to obtain an education, increase literacy levels, and help prepare incarcerated individuals for the workplace upon release. However, unlike CDCR which has a statutory mandate to provide academic and vocational education and literacy to incarcerated persons (Penal Code section 2054.2), CALCTRA’s statutory mandate is to ensure incarcerated individuals employed within its enterprises have the opportunity to work productively, earn funds, and acquire or improve effective work habits and occupational skills (Penal Code section 2801). This repeal is necessary for CALCTRA to maintain compliance with its governing statutes.

Repeal subsection (h). The requirement for incarcerated individuals to remain at their current skill level while completing a GED or HSD and not be allowed to promote to a higher pay level until the education is complete does not align with CALCTRA’s governing statutes. As stated in the explanation for subsection (g), CALCTRA does not have a

statutory mandate to incentivize academic education or to increase literacy levels for incarcerated individuals.

Additionally, Section 8006 does not require incarcerated individuals to complete any type of education prior to moving up a skill/pay level. Section 8006 addresses increases in pay and advancement to CALCTRA higher skill level positions. The incarcerated individual is evaluated not on the level of education obtained, but instead on the incarcerated individuals productivity (quality and quantity of work, performance, technical skills, and abilities required for performance), the supervisor's recommendation, and the work/training performance report. Therefore, subsection (h) conflicts with 8006. This repeal is necessary for CALCTRA to maintain compliance with its governing statutes and not conflict with Section 8006.

Section 8004.2

Amend subsection (b) by updating the form incorporated by reference, Worker Application and Intake form, (IEP-F002/F003, Rev. 1/26/23). The form has been updated to include the new CALCTRA logo due to CALCTRA's departmental name change from CALPIA to CALCTRA in January 2026. The form has also been updated to include "High School Equivalency" and "Certificate of Attendance & Participation (CAP)" to the Education section on page one to align with subsection 8004.2(f)(3)(A).

Amend subsection (f)(4) by updating the form incorporated by reference, Offender Job Change form (SOMS-F001, Rev. 03/26/2016). The form has been updated to include the following nonsubstantive changes:

- Removal of logo
- Page 1, 2: Title of document from "Offender Job Change Request Form" to "Incarcerated Worker Job Change."
- Page 1, 2, Column 2: "Inmate Name" to "Incarcerated Worker Name"
- Page 1: "Admin/PIM Approval" to "Admin/Manager Approval"
- Page 2, bottom left corner: "Admin/PIM Initial" to "Admin/Manager Initial"

"PIM" and "Manager" denotes the same CALCTRA position.

Repeal Section 8007 because the regulation referenced (Title 15, Division 3, Chapter 1, Article 8) refers to CDCRs incarcerated individual grievance and appeal regulations which were amended and moved to Title 15, Division 3, Chapter 1, Subchapter 5.1, Article 1 in 2020. At that time, CDCR amended their regulations to no longer include processing incarcerated individual grievance and appeals for outside departments. As a result, CALCTRA has been processing its own incarcerated individual grievance and appeals, and CALCTRA is currently in the process of drafting its own incarcerated individual grievance and appeal regulations.

Section 8008

Section 8008 was originally promulgated in 2011 and has not been substantively amended since that time. The primary purpose for the current amendment is to ensure the CALCTRA health and safety regulations, and subsequently the CALCTRA health and safety policies and procedures, comply with the Labor Code and align with Cal/OSHA correctional industries regulations (Title 8, Division 1, Chapter 3.2, Subchapter 2, Article 9). CALCTRA aims to incorporate Cal/OSHA requirements to its own regulations more comprehensively to ensure CALCTRA incarcerated individuals and employees are properly notified of that which is required of them in relation to health and safety issues without the need to search through the entire CCR to locate the information.

Amend the title of Section 8008. Repealing “CALCTRA” and adopting “incarcerated worker” to the title makes it clear to the reader that the regulation applies to incarcerated worker health and safety complaints only – not to CALCTRA civilian employee health and safety complaints. Prior to this amendment, there was confusion as to who the regulation applied to, and this amendment rectifies that problem.

Repeal existing subsection (a) because the regulation referenced (Title 15, Division 3, Chapter 1, Article 3) refers to CDCRs incarcerated individual grievance and appeal regulations which were amended and moved to Title 15, Division 3, Chapter 1, Subchapter 5.1, Article 1 in 2020. At that time, CDCR amended their regulations to no longer include processing incarcerated individual grievance and appeals for outside departments. As a result, CALCTRA has been processing its own incarcerated individual grievance and appeals, and CALCTRA is currently in the process of drafting its own incarcerated individual grievance and appeal regulations.

Amend existing subsection (b) and renumber to subsection (a).

- Replace “situation” with “hazard in the environment” avoids confusion among the incarcerated workers and provides clarification as to exactly what needs to be reported. For example, an incarcerated individual having an interpersonal problem with another person may feel like an urgent health and safety situation to that incarcerated worker. However, for the purposes of this section, CALCTRA wants to make clear that which needs to be reported immediately – a hazard in the environment.
- Replace “should” with “must.” Reporting an urgent hazard in the environment (i.e. a broken sewer line) is not optional – it must be reported immediately to avoid the hazard escalating and causing harm to people.
- Specify that the hazard must be reported to a person in authority who can address the hazard immediately. In this case that would be the Superintendent or the incarcerated worker’s direct supervisor at an institution or a Central Office Manager. The requirement to report an urgent hazard to any staff member is vague

and has the potential for the hazard not being addressed immediately. This specific amendment will be seen throughout Section 8008.

Amend existing subsection (c) and renumber to subsection (b).

- Replace “alleging” with “who identify” for the purpose of avoiding confusion with the CALCTRA grievance and appeal process. “Allege” is a term that is used frequently in the grievance and appeal process and incarcerated individuals sometimes confuse that process with the health and safety complaint process. This amendment seeks to avoid that confusion and reduce using unnecessary resources to address issues.
- Replace “prison” with “correctional” to align with the remainder of CALCTRA’s regulatory scheme.
- The existing requirement to submit a written health and safety complaint is not located in Labor Code Section 6304.3. However, it is located in CCR, Title 8, Section 344.40. This is necessary to ensure the regulations are accurate.
- The requirement to submit the written complaint in a complaint box or submitting to a CALCTRA staff member is moved to proposed subsection (b)(2).

Adopt subsections (b)(1)-(2) by specifying how incarcerated workers are to carry out the requirement of proposed subsection (b). This informs the incarcerated worker which form to use (Report of Health Safety Hazard form HSU-F001 (Rev. 8/22/25), where to find the form, and how to submit the form. The requirement in existing subsection (c) was vague and did not explain how to submit the complaint and allowed the complaint to be submitted to any CALCTRA staff member regardless if that person is on the Committee or if that person holds a supervisory/managerial position, causing confusion and not lending itself to the Committee providing incarcerated individuals with an expedient means of submitting complaints to the Committee, as required in Title 8, Section 344.41. This amendment is necessary to ensure incarcerated workers report hazards to someone who has the ability to address the complaint.

Incorporate by Reference *Report of Health and Safety Hazard form HSU-F001 (Rev. 8/22/25)*

Section I

- Requires the reporting party (incarcerated worker) to include location details (institution, enterprise, work area, date, time). The hazard cannot be resolved if the CALCTRA supervisor does not know where the hazard is located. Including the date and time indicates the known amount of time the hazard has been in existence.
- Requires the reporting party to include a description of the hazard in the environment including the approximate number of employees exposed to or threatened by each hazard (if any). Describing the hazard in the environment and the number of people threatened helps the supervisor prioritize the hazard.

- Requests (but does not require) the incarcerated worker to include a recommended remedy for the hazard. This can accelerate the process of the remedy being implemented thereby decreasing the time the hazard is in existence.
- Requires the incarcerated worker to include if and if so, which supervisor the hazard was reported to. The incarcerated worker is also allowed to drop the complaint form in a local suggestion box, therefore, reporting the hazard to a supervisor is not required. This complies with proposed subsection (b)(2).
- Requests (but does not require) that the incarcerated worker provide their name, CDCR number, and signature. The incarcerated worker is not required to disclose their name and may remain anonymous if desired.

Section II

- Requires the Superintendent, Supervisor, or Central Office Manager to document their identity and when they received the health and safety complaint, which complies with proposed subsection (c) and also begins the 15 calendar day timeframe for when the complaint is to be resolved, according to subsection (e).
- Requires the supervisor to indicate if the complaint was resolved at the enterprise level (lowest level) and to attach the supervisor's recommendation [to the Committee].

Section III

- Directs the Health & Safety Coordinator to complete section III by indicating if a corrective action notice, dismissal notice, or referral notice was completed, which complies with (e)(1)-(e)(3).
- Informs the Local Safety Committee that one of the three actions must be taken within 15 calendar days of the complaint being filed, which complies with subsection (e).
- Option 4 directs the Health & Safety Coordinator to document when the corrective action is complete, thereby documenting that the complaint had actions one, two, or three taken within 15 calendar days of the complaint being filed.
- The following note: "*Note: If an incarcerated worker is not satisfied with corrective actions or the dismissal justification, the incarcerated worker can request the complaint be referred to Cal/OSHA,*" which complies with subsection (f).

Section IV

- Directs the Central Office Health & Safety Unit to complete this section and document if the complaint was referred to Cal/OSHA (at the request of the incarcerated worker, which complies with subsection (f) and/or when the complaint is resolved.

Renumber existing subsection (d) to (c) and amend by requiring the specified staff member who receives the complaint to complete Section II of the HSU-F001 form,

investigate the hazard, and recommend an appropriate action within 5 calendar days of the complaint being filed. Requiring the specified staff member to make a recommendation to the Committee within 5 calendar days decreases the potential time and resources used to address the complaint. Most often, complaints are easily addressed and only need the Committee to approve the remedy. This amendment is necessary to ensure CALCTRA uses resources efficiently and meets the 15 calendar day requirement, pursuant to CCR, Title 8, Section 344.42(b).

The last sentence of proposed subsection (c) has been moved from existing subsection (c) with the change in designated staff member receiving the complaint discussed above for existing subsection (b).

Adopt subsection (d). There are instances when the Superintendent, supervisor, Central Office Manager are not able to make a recommendation on the complaint within 5 calendar days. In an effort to ensure CALCTRA meets the 15 calendar day requirement, pursuant to CCR, Title 8, Section 344.42, the specified employee must forward the complaint directly to the local Safety Committee so they can review the complaint and take action within the required timeframe.

Amend subsection (e) and adopt subsections (e)(1)-(3) by amending “respond” to “take action” to align with Title 8, Article 9. “Taking action” is also active language and is described in proposed subsections (e)(1)-(3). CALCTRA proposes to repeal the language that only refers to Title 8, Section 344.42 and instead detail those exact requirements in this section for the purpose of properly notifying CALCTRA incarcerated workers of their duty to report hazards in their environment as well as specifically how a supervisor is to take action on those complaints. Subsection (e)(1)-(3) mirrors Title 8, Sections 344.40(c) and 344.42(c) with the following exceptions:

- Naming the “Committee Notice” as stated in Title 8, Section 344.40(c) as “Notice of Correction.” This tailors the regulation to CALCTRA operations and what CALCTRA has historically called the “Committee Notice.”
- Including the Correctional Training Administrator (or Assistant Deputy Director) instead of the Warden. This tailors the regulation to CALCTRA operations (vs. CDCR operations).
- The provision in Title 8, Section 344.42, “Said writing shall also inform the complainant of his/her right to require the committee to have the initial complaint and the committee finding reviewed by the Division in the event that the complainant finds the conclusions of the committee to be unsatisfactory for any reason” is included in proposed subsection (f)(2).

The requirement in Title 8, Section 344.42 to notify the complainant (incarcerated worker) of their right to be notified is discussed below for proposed subsection (f).

Amend subsection (f) by moving the provision stating that *if the incarcerated worker (complainant) is not satisfied with the CALCTRA Safety Committee response, the incarcerated worker may request that the complaint be forwarded to Cal/OSHA* to subsection (f)(1) and (f)(2). The reference to Labor Code 6304.3(b) is repealed because this requirement is not stated here-it is an inaccurate reference.

Adopt subsections (f)(1)-(f)(2) by moving the provision in existing (f) to proposed (f)(1) and (f)(2) and amend by expanding. The amendment includes adding the title phrase “Incarcerated Worker Rights” and revising “complainant” to “incarcerated worker” so the readers understands, and is not unclear, as to who the person making the complaint is.

Existing subsection (f) is vague and does not specify what “response” means. What is clear is that proposed subsections (f)(1) and (f)(2) align with Title 8, Section 344.42 (c)(1) and (c)(3) respectively and are included here to organize all Cal/OSHA requirements in one section so the reader is not required to search for other regulations in the CCR. It is not reasonable to expect CALCTRA employees and incarcerated individuals to search for requirements they are being held to, nor would it be reasonable to expect them to know how to do so.

Adopt subsection (g) to inform the incarcerated individual how to exercise the rights described in subsection (f)-(f)(2). CALCTRA existing regulation (Title 15, Section 8008) and Cal/OSHA existing regulation (Title 8, Division 1, Chapter 3.2, Subchapter 2, Article 9) both do not provide for this information. CALCTRA wants to ensure incarcerated workers not only know that they can request that the Notice of Correction or the Dismissal of Complaint can be forwarded to Cal/OSHA for their review, but CALCTRA also wants to ensure the incarcerated worker is properly notified of who to give the request to and that the person receiving the request is required, by this subsection, to forward it to the Committee, who will forward it to Cal/OSHA for their review. This adoption is necessary to properly notify incarcerated workers of their rights and what is required of CALCTRA employees.

Additionally, as required in Title 8, Section 344.42(c)(1), CALCTRA proposes to adopt similar language which informs the Committee that they must notify the incarcerated individual in writing of these rights. CALCTRA is specifying the Cal/OSHA requirement further by stating where (within the Notice of Correction or Dismissal of Complaint) this information must be located.

Section 8105.

Amend subsection (a) by using gender-neutral language to align with the remainder of CALCTRA's regulation, and to use more active, specifying language by stating “any” violation of law is reportable, and when it is reported it must be reported to the employee's direct supervisor, meaning the person in which that employee directly reports (versus their second or third line supervisor), for the purpose of ensuring everyone in the employee's chain of command is made aware of the issue. It is then the duty of the direct supervisor

to ensure this information is communicated up the chain of command, as described in proposed subsection (d). This amendment is necessary to properly notify employees of what is required of them to assist in avoiding employee corrective actions.

Amend subsection (b) by adopting a statement that notifies civilian employees and their supervisors that the employee is not required to disclose a medical condition or disability that a driving restriction is based upon. This is necessary to comply with the Americans with Disabilities Act. Although an employee is required to report when their driving privilege has been restricted when it affects their job, it is not necessary for the employee to disclose specifically what the medical condition or disability is, if there is one. This is also necessary to help avoid discrimination and employee corrective actions on the part of the supervisor.

Amend subsection (c) adding that reports made to the direct supervisor must be communicated up the chain of command within one business day. This is necessary to properly notify direct supervisors that they are responsible for relaying this information up the chain of command since there have been issues with them not doing so. Replacing “working” with “business” is done to align with the remainder of CALCTRA’s regulatory scheme.

Amend subsection (d) by adopting the phrase, “up to and including dismissal.” Disciplinary action, progressive discipline specifically, can end with dismissal and CALCTRA wants to ensure employees are properly notified that they can be dismissed from their position permanently for misconduct that impairs their ability to do their job, causes discredit to, or involves CALCTRA.

Section 8108.

Amend subsections (a), (b), and (c) by modernizing the term “electronic communication device” to “cell phone.” This terminology aligns with everyday language use and with CALCTRA’s personal cell phone use policy. This, along with adding where the definition for “cell phone” is located (section 8000), add clarity for the employee and reduces their confusion as to exactly what an authorized cell phone is.

Section 8116.

Amend subsection (a)(1) by adopting “immediate” to align with the adopted definition in Section 8000.

CONSIDERATION OF ALTERNATIVES

CALCTRA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more

cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

ECONOMIC IMPACT ASSESSMENT

- **Creation/Elimination of Jobs Within the State:** CALPIA has determined that this regulatory proposal will have no impact on the creation or elimination of existing jobs within the State of California.
- **Creation/Elimination of Business Within the State:** CALPIA has determined that this regulatory proposal will have no impact on the creation or elimination of businesses within the State of California because businesses are not affected by the internal management of CALPIA and the employment of incarcerated workers within CDCR institutions and CALPIA operations.
- **Expansion of Business Within the State:** CALPIA has determined that this regulatory proposal will have no impact on the expansion of business within the State of California because businesses are not affected by the internal management of CALPIA and the employment of incarcerated workers within CDCR institutions and CALPIA operations.
- **Significant Adverse Impact on Business:** CALPIA has determined that this regulatory proposal will have no significant statewide adverse impact on business because businesses are not affected by the internal management of CALPIA and the employment of incarcerated workers within CDCR institutions and CALPIA operations.

BENEFIT TO THE CALIFORNIA PUBLIC

The following benefits lend themselves to increased work skills, decreased recidivism, and therefore a decreased public tax burden:

- Helps ensure CALCTRA enterprises operate without undue risk of personal injuries and property damage from unaddressed health and safety complaints
- Provides incarcerated individuals with workplace standards similar to that of private industry
- Provide incarcerated individuals with work opportunities to develop work skills and experience applicable upon release from custody
- Increases the potential for incarcerated individuals to be able to participate in CALTRA programs by eliminating time-related intake requirements

LOCAL MANDATE

CACTRA has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of Division 4 of the Government Code.

DOCUMENTS RELIED UPON

In proposing amendments to these regulations, CALCTRA has neither identified nor relied upon any technical, theoretical, or empirical study, report, or similar document.