GAVIN NEWSOM, GOVERNOR

OFFICE OF ADMINISTRATIVE LAW

California Regulatory Notice Register

REGISTER 2026, NUMBER 6–Z PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW FEBRUARY 6, 2026

PROPOSED ACTION ON REGULATIONS

(Continued on next page)

Time–Dated Material

GENERAL PUBLIC INTEREST

OAL REGULATORY DETERMINATION

SUMMARY OF REGULATORY ACTIONS

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814–4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for $409.00 (annual price). To order or make changes to current subscriptions, please call (800) 328−4880. The Register can also be accessed at **https://oal.ca.gov**.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict–of–interest codes, will review the proposed/amended conflict–of–interest codes of the following:

CONFLICT–OF–INTEREST CODES

AMENDMENT

MULTI–COUNTY: California Enterprise Development Authority

STATE AGENCY: Education Audit Appeals Panel

A written comment period has been established commencing on February 6, 2026, and closing on March 23, 2026. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 1102 Q Street, Suite 3050, Sacramento, California 95811.

At the end of the 45–day comment period, the proposed conflict–of–interest codes will be submitted to the Commission's Executive Director for their review, unless any interested person or their duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed codes will be submitted to the Commission for review.

The Executive Director of the Commission will review the above–referenced conflict–of–interest codes, proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon their own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed codes to the agency for revision and re–submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict–of–interest codes. Any written comments must be received no later than March 23, 2026. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code–reviewing body for the above conflict–of–interest codes shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re–submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict–of–interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict–of–interest codes should be made to Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email aspiller–hernandez@fppc.ca.gov.

AVAILABILITY OF PROPOSED CONFLICT–OF–INTEREST CODES

Copies of the proposed conflict–of–interest codes may be obtained from the Commission offices or the

respective agency. Requests for copies from the Commission should be made to Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email aspiller–hernandez@fppc.ca.gov.

TITLE 2. STATE ALLOCATION BOARD

AMEND VARIOUS REGULATION SECTIONS, ALONG WITH AN ASSOCIATED FORM; ADOPT NEW REGULATION SECTIONS, ALONG WITH A NEW FORM AND TWO NEW GRANT AGREEMENTS RELATING TO THE LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

Proposed Amendments to the Following Regulation Sections:

- 1859.2, 1859.31, 1859.51, 1859.80, 1859.81.1, 1859.90, 1859.93, 1859.93.1, 1859.104, AND 1859.106.

Proposed Amendments to the Following Form:

- Form SAB 50–05, *Fund Release Authorization,* (Rev. ~~06/17~~ *08/25*), which is incorporated by reference and referenced in Regulation Section 1859.2.

Proposed Adoption of the Following Regulation Sections:

- 1859.84, 1859.84.1, AND 1859.84.2.

Proposed Adoption of the Following Forms:

- Form SAB 195, *Application for Natural Disaster Assistance,* (New 08/25), which is incorporated by reference and referenced in Regulation Section 1859.2.
- *Grant Agreement [Interim Housing Assistance Following A Natural Disaster],* (New 08/25), which is incorporated by reference and referenced in Regulation Section 1859.2.
- *Grant Agreement [Other Assistance Following A Natural Disaster],* (New 08/25), which is incorporated by reference and referenced in Regulation Section 1859.2.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above–referenced regulation sections, including an associated form, as well as adopt new regulation sections, a new form, and two new Grant Agreements, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above–referenced regulation sections under the authority provided by Sections 17070.35, 17070.59, 17072.13, 17075.10 in effect as of January 1, 2024 and as amended by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024; 17075.15, 17075.20, 17078.64 and 17079.30 of the Education Code. The proposal interprets and make specific reference Sections 8974, 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17052, 17070.15, 17070.50, 17070.51, 17070.51(a), 17070.59, 17070.71, 17070.77, 17070.99, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.13, 17072.18, 17072.20, 17072.25, 17072.30, 17072.33, 17072.35, 17073.16, 17073.25, 17074.10, 17074.15, 17074.16, 17074.25, 17074.30, 17075.10, 17075.15, 17075.20, 17076.10, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72, 17078.72(k), 17079, 17079.10, 17079.20, 17079.30, 17251, 17280, 17375, 42268, 42270, 56026, 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per–pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At its meeting on August 19, 2025, the SAB adopted proposed regulatory amendments, on an emergency basis, that implement provisions of AB 247 (Muratsuchi, Chapter 81, Statutes of 2024) into the SFP regulations. In part, this bill incorporates Education

Code Section 17075.20 into the Education Code and specifies that the SAB has the authority to provide assistance for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms and any work associated with placing them on a site, for school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency. Education Code Section 17075.20(e) also provides other assistance to school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency. In the proposed regulatory amendments adopted by the SAB on August 19, 2025, OPSC refers to these provisions as Natural Disaster Assistance/Interim Housing and Other Assistance for purposes of the SFP.

OPSC submitted the emergency regulations to the Office of Administrative Law (OAL) and the OAL approved the emergency regulations and filed them with the Secretary of State with an effective date of October 20, 2025. Attached to this Notice are the proposed regulations, along with two associated forms and two new Grant Agreements. The proposed regulations can also be reviewed on OPSC's website at: *Laws, Regulations for School Construction Projects*. Copies of the proposed regulations, along with the two associated forms and the two new Grant Agreements will be mailed to any person requesting this information by using OPSC's contact information set forth below in this Notice. The proposed regulations amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

After the emergency regulations were approved by the OAL, OPSC identified the need to address a clarity issue relating to the "case–by–case" language in SFP Regulation Section 1859.51(v). At its meeting on December 3, 2025, the SAB adopted clarifying language changes to SFP Regulation Section 1859.51(v) that specify relevant factors the SAB may consider in cases where a school district elected not to replace classrooms that were destroyed or rendered unsafe to occupy due to a natural disaster that occurred prior to July 3, 2024.

Background and Problem Being Resolved

Within the last decade, the State of California has encountered devastating wildfires in numerous communities statewide from Alpine County to Ventura County, destroying buildings, school facilities, and communities. Since the November 2018 Camp Fire in Paradise, at least five California school districts in three counties have had one or more entire public schools destroyed in wildfires.

Historically, the Facility Hardship Program, which was statutorily created by Education Code Section 17075.10 as it read on January 1, 2024, was the primary SFP mechanism for school districts to seek state funding for the replacement or repair of school facilities lost or destroyed as a result of a disaster. The Facility Hardship Program includes the Seismic Mitigation Program, which provides grants for the most vulnerable school facilities at risk for collapse in a seismic event. Funding assistance may be provided in cases of extraordinary circumstances that have caused an imminent health and safety threat to students and staff. One of the qualifying criteria for both programs is to have governmental concurrence of the existence of a health and safety threat. The prior statutory authority for these programs did not authorize grants for interim housing but did allow expenditures for interim housing.

Proposition 2 makes numerous changes to the SFP, including authorizing the SAB to provide interim housing assistance and other assistance to school districts and county offices of education impacted by a natural disaster for which the Governor declared a state of emergency.

The problem being resolved by the proposed regulations is a lack of specificity, consistency, and accountability mechanisms to implement the new natural disaster assistance provisions in Proposition 2. The proposed regulations implement Education Code Section 17075.20, which specifies that the SAB has the authority to provide assistance for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms and any work associated with placing them on a site, for school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency. Education Code Section 17075.20(e) also provides other assistance to school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency. In the proposed regulatory amendments adopted by the SAB on August 19, 2025, OPSC refers to these provisions as Natural Disaster Assistance/Interim Housing and Other Assistance for purposes of the SFP. The proposed regulations implement the new statutory authority for the SAB to better assist school districts and county offices of education that are impacted by natural disasters, by establishing a consistent form and process for school districts to request this assistance, factors for the SAB's consideration of requests for other assistance following a natural disaster, and accountability mechanisms including Grant Agreements, fund release requirements, and reporting requirements to facilitate compliance with statutory provisions requiring SFP natural disaster assistance funds to supplement funds from insurance proceeds and other government disaster assistance.

OPSC performed a search on whether the proposed regulatory amendments were consistent and compatible with existing State laws and regulations and did not identify any inconsistent or incompatible existing State laws or regulations. The proposed regulatory amendments are consistent with and implement several provisions of statutory changes enacted with the passage of Proposition 2. Proceeding with the implementation of the proposed regulations will provide a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry. Once school districts request the release of state funds, manufacturing and construction–related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries. School districts will also have the ability to take advantage of the new Proposition 2 provisions. The proposed regulations will maintain equity, consistency, and the integrity of the SFP.

Anticipated Benefits of the Proposed Regulations

The primary benefit associated with the proposed regulations is that they implement and add specificity and clarity to significant and timely provisions of Proposition 2 that authorize the SAB to better assist school districts and county offices of education impacted by natural disasters. By implementing Education Code Section 17075.20, the proposed regulations establish a specific, consistent process for school districts to apply for state funding for critical needs following a natural disaster, which may include procurement of portable classrooms necessary to resume in–person instruction of students displaced by a natural disaster.

In addition, the proposed regulations may have a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry, by facilitating funding for school construction. Once school districts request the release of state funds, manufacturing and construction–related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries.

Summary of the Proposed Regulations

A summary of the proposed regulations is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments: 1) update the revision date of the *Fund Release Authorization,* Form SAB 50–05; 2) define a new form; 3) define two new Grant Agreements; and 4) expand the definition of an existing term, "Interim Housing," essential to these regulations for purposes of implementing Proposition 2 Natural Disaster Assistance provisions in the SFP Regulations.

Existing Regulation Section 1859.31 delineates the types of classrooms that must be identified in a school district's gross classroom inventory. The proposed amendments make non–substantive changes that capitalize defined words and terms, such as School District, Classroom, and Interim Housing throughout this section. In addition, the proposed amendment removes "for a modernization project" in subsection (i) to align with the proposed amendments in the definition of Interim Housing reflected in Section 1859.2 above.

Existing Regulation 1859.51 outlines the criteria for adjusting a district's new construction baseline eligibility. The proposed amendments: 1) make non–substantive changes that capitalize defined words and terms, such as School District, Classroom, and Portable Classroom throughout this section; 2) subsection (i)(5) clarifies that the exemption from the New Construction baseline eligibility adjustment for leased Portable Classrooms used for purposes of Interim Housing is not limited to a maximum eight–year period if the Portable Classroom was funded with a grant provided pursuant to Education Code Section 17075.20(a). In addition, "in a modernization or new construction project" was struck out to align with the proposed amendments in the definition of Interim Housing reflected in Section 1859.2 above; 3) add subsection (i)(13) to specify that classrooms constructed with a grant provided pursuant to Education Code Section 17075.20 are exempt from the New Construction baseline eligibility adjustment, unless the classroom is a Portable Classroom purchased pursuant to Education Code Section 17075.20(a); and 4) add subsections (u)(1), (u)(2), and (v). Subsection (u)(1) functions as a placeholder adjustment specifically for Portable Classrooms purchased for purposes of Interim Housing following a natural disaster; subsection (u)(2) provides a reversal of the placeholder adjustment once the school district permanently removes the purchased Portable Classrooms within eight years of occupancy as Interim Housing; and subsection (v) allows an adjustment to a district's New Construction eligibility for any classrooms destroyed or rendered unsafe to occupy due to a natural disaster declared on or after July 3, 2024, that will not be replaced. This subsection would also permit the SAB to consider adjustments based on relevant factors for classrooms destroyed or rendered unsafe to occupy due to a natural disaster that occurred prior to July 3, 2024, that the district elected not to replace.

Existing Regulation Section 1859.80 sets forth the types of hardship assistance for which a school district may apply and specifies the general requirements a school district must meet to qualify for the funding. The proposed amendments provide an additional type of hardship assistance and specify that school districts shall qualify for hardship assistance provid-

ed they qualify for natural disaster assistance pursuant to new Sections 1859.84.1 or 1859.84.2. Additionally, there are several minor edits that are considered non–substantive changes.

Existing Regulation Section 1859.81.1 specifies the limits for separate site acquisition and design grant amounts for those school districts meeting the financial hardship requirements. This section also provides for an offset in certain circumstances and establishes the procedure for a school district seeking a separate site and/or design apportionment. The proposed amendments add subsection (f) that allows the SAB to apportion an advance site and design amount not to exceed 25 percent of the state share of the grant less any school district funds available for the project pursuant to Section 1859.81(a) for applications for other assistance following a natural disaster, for which the applicant is eligible for financial hardship assistance. The amount shall be offset from the full grant amount the school district would be eligible for pursuant to new Section 1859.84.2 when the school district submits an additional *Application for Natural Disaster Assistance,* (Form SAB 195) to request additional funding. The separate design apportionment of 25 percent of costs supported by documentation is sufficient given that there are no base grants to provide compared to the New Construction and Modernization programs.

Proposed adoption of Regulation Section 1859.84 introduces the circumstances under which a school district may apply for interim housing and any other assistance pursuant to Education Code Section 17075.20. This section stipulates that the state of emergency must be open at the time of application submittal, further defines what a natural disaster may include for purposes of this section, and indicates that applications received on or after October 31, 2024 are subject to matching share requirements applicable to New Construction or Modernization projects in accordance with Regulation Sections 1859.77.1 or 1859.79, respectively.

Proposed adoption of Regulation Section 1859.84.1 introduces the eligibility criteria and process for a school district to request interim housing assistance following a natural disaster. In part, this proposed section specifies that interim housing assistance is subject to the availability of New Construction bond authority and shall supplement insurance, local, state, and federal disaster funding. This section also specifies that eligibility to request interim housing assistance is contingent upon facilities lost or damaged by a natural disaster for which the Governor declared a state of emergency, and the state of emergency must be open on the date the school district submits the new Form SAB 195. School districts must provide documentation to demonstrate that the costs associated with interim housing have not been covered by insurance proceeds or any other local, state or federal government disaster assistance if the school district will not receive insurance proceeds or other government disaster assistance for interim housing. If the school district expects to receive future insurance proceeds or other government disaster assistance attributable to the costs of interim housing, the school district must provide: 1) an estimate of expected insurance proceeds or any other government disaster assistance for interim housing expenses; 2) a narrative statement indicating the necessity for interim housing assistance prior to receipt of insurance proceeds or any other government disaster assistance for this purpose; and 3) acknowledgment of the reporting requirement and potential future adjustment to any apportionment. Any apportionment provided under this section shall be adjusted for funding received from insurance proceeds or government disaster assistance for interim housing. The apportionment shall be reduced by 50 percent of the funding received from insurance and/or government disaster assistance for interim housing, or a commensurate amount adjusted for the school district matching share. Further, a Grant Agreement is required as a condition of receiving interim housing funding, the school district is subject to the program reporting and audit requirements of Sections 1859.104 and 1859.105, and the school district is subject to fund release and priority funding requirements in Sections 1859.90 and 1859.90.2. Additionally, school districts receiving funding pursuant to this section must report the receipt of any insurance proceeds and/or government disaster assistance collected in the form of an annual narrative, from the date the school district submitted the application to OPSC until all claims for insurance proceeds and requests for government disaster assistance are closed. This ensures that apportionments provided for this purpose supplement funding from insurance proceeds and other government disaster assistance.

Proposed adoption of Regulation Section 1859.84.2 introduces the eligibility criteria and process for a school district to request other assistance following a natural disaster. This section specifies that the funding provided is subject to the availability of New Construction or Modernization bond authority as it applies to the scope of work in the request, and shall supplement insurance, local, state, and federal disaster funding. The eligibility for this funding is at the SAB's discretion if the school district is determined to be impacted by a natural disaster for which the Governor declared a state of emergency, and the state of emergency was open on the date the school district submitted the new Form SAB 195. In determining whether to provide other assistance following a natural disaster, the SAB may consider previous SFP Approved

Applications that received an apportionment for the impacted site as it relates to the natural disaster and all information required on the new Form SAB 195. School districts are required to provide documentation demonstrating that the costs associated with the scope of work on the new Form SAB 195 have not been covered by insurance proceeds or any other local, state or federal government disaster assistance if the school district will not receive insurance proceeds or other government disaster assistance for this purpose. If the school district expects to receive future insurance proceeds or other government disaster assistance attributable to the costs associated with the scope of work on the Form SAB 195, the school district must provide: 1) an estimate of expected insurance proceeds or any other government disaster assistance for this purpose; 2) a narrative statement indicating the necessity for other assistance following a natural disaster prior to receipt of insurance proceeds or other government assistance for this purpose; and 3) acknowledgment of the reporting requirement and potential future adjustment to any apportionment. Any apportionment provided under this section will be adjusted for funds received from insurance proceeds or government disaster assistance for the same purpose or scope of work funded by the apportionment, as follows: reduced by 50 percent of the funding received or a commensurate amount adjusted for the New Construction district matching share pursuant to Section 1859.77.1, or reduced by 60 percent of the funding received or a commensurate amount adjusted for the Modernization district matching share pursuant to Section 1859.79. Further, a Grant Agreement is required as a condition of receiving funding, the school district is subject to the program reporting and audit requirements of Sections 1859.104 and 1859.105, and the school district is subject to fund release and priority funding requirements in Sections 1859.90 and 1859.90.2. Additionally, school districts receiving funding pursuant to this section must report the receipt of any insurance proceeds and/or government disaster assistance collected in the form of an annual narrative, from the date the school district submitted the application to OPSC until all claims for insurance proceeds and requests for government disaster assistance are closed. This ensures that apportionments provided for this purpose supplement funding from insurance proceeds and other government disaster assistance.

Existing Regulation Section 1859.90 aligns the Apportionment process with the timelines of the existing Priority Funding process in order for school districts to submit a valid Form SAB 50–05 and Grant Agreement within 180 days of apportionment to request the release of funds for non–financial hardship school districts and 365 days for those school districts approved with financial hardship status. This section also allows flexibility for the SAB to determine whether to authorize an 18–month fund release deadline for a school district that has a school facility located on a military installation that is the recipient of a federal grant that requires a local matching share. The proposed amendments in subsections (a) and (d) reference timelines and requirements for fund release of advance design apportionments made for applications for other assistance following a natural disaster. In addition, there are also minor edits that are considered non–substantive changes.

Existing Regulation Section 1859.93 sets forth the project funding order for Modernization applications. The proposed amendments incorporate reference to the funding order of applications requesting Modernization funding for other assistance following a natural disaster. Because of the new reference to include this additional type of application, a subsequent subsection was renumbered, which is considered a non–substantive change.

Existing Regulation Section 1859.93.1 sets forth the project funding order for New Construction applications. The proposed amendments incorporate reference to the funding order of applications requesting New Construction funding following a natural disaster. Specifically, the proposed amendments make applications requesting interim housing assistance following a natural disaster the first priority, then applications requesting funding for Facility Hardship or Seismic Mitigation as second, then applications requesting funding for other assistance following a natural disaster as third. Because of the new references to include these additional types of applications, subsequent subsections were renumbered, which is considered a non–substantive change.

Existing Regulation Section 1859.104 requires an annual submittal of the *Expenditure Report* (Form SAB 50–06) following the release of funds. This section also specifies the format to be used to report all relevant expenditure information as well as the time frame to provide project progress reports. Further, this section defines when projects shall be deemed complete for purposes of program reporting requirements and specifies when the final expenditure report must be made. The proposed amendments add subsection (a)(1)(C) which specifies that a project shall be deemed complete eight years from the date of the final fund release for projects receiving funding for interim housing assistance following a natural disaster or other assistance following a natural disaster. Existing SFP regulations require the annual submittal of expenditure reports using the Form SAB 50–06 following the release of funds. The addition of new subsections (h), (h)(1), and (h)(2) relate to interim housing assistance following a natural disaster and specify that school districts must provide certifications: 1) that

upon project completion or no later than five years (60 months) from the date the lease was signed for purposes of interim housing, the leased portable classrooms have either been removed or will remain in use within the school district; 2) that for leased portables that receive a time extension from the SAB, the district shall provide an additional certification no later than the approval date of the extension; and 3) that upon project completion or no later than eight years (96 months) from the date of the apportionment, portables purchased for interim housing have either been removed or will remain in use within the school district. Additionally, there are minor edits that are considered non–substantive changes.

Existing Regulation Section 1859.106 requires that expenditures for SFP program projects be made in accordance with certain Education Code sections and that an adjustment be made in the SFP grant for specific factors, including, but not limited to the difference in the value of the site, relocation costs, Department of Toxic Substances Control fees, and hazardous waste/materials removal costs that were used to determine the New Construction Adjusted Grant and the actual amount paid by the school district or insurance proceeds collected by a school district for displaced facilities, to name a few. The proposed amendments add a new subsection (c) that will adjust the SFP grant for insurance proceeds or other government disaster assistance collected by the school district for any project that received funding for interim housing assistance following a natural disaster or other assistance following a natural disaster. The proposed amendments also add references to regulatory sections pertaining to natural disaster assistance (Sections 1859.84, 1859.84.1, and 1859.84.2), to specify that if an audit finding determines that some or all school district expenditures were not made in accordance with these provisions for projects following a natural disaster, OPSC shall recommend to the SAB that the apportionment be adjusted based on the audit findings. At the end of this section, a paragraph was added that specifies school districts must report to OPSC the receipt of any insurance or other government disaster assistance proceeds received after the completion of the expenditure audit within 60 days for any project that received funding for interim housing assistance following a natural disaster or other assistance following a natural disaster. Additionally, there are minor edits that are considered non–substantive changes.

Existing Form SAB 50–05, *Fund Release Authorization* (Rev. ~~06/17~~ *08/25*), (incorporated by reference), is used by school districts and charter schools to request the release of State funds that have been apportioned by the SAB, upon the school district's and charter school's certification of compliance with specific legal and SFP requirements. The proposed amendments add a new Part X recognizing natural disaster assistance projects and the applicable components under the SFP. Because of the new Part X, there are minor renumbering edits that are considered non–substantive changes. This form is not required to be submitted for advance design applications; only a signed Grant Agreement is necessary for submittal. This is in alignment with the process for SFP New Construction and Modernization program site and/or design applications.

Proposed adoption of the Form SAB 195, *Application for Natural Disaster Assistance,* (New 08/25), (incorporated by reference) is introduced and is required to be submitted by school districts to apply for funding for either interim housing assistance following a natural disaster or other assistance following a natural disaster, pursuant to Education Code Section 17075.20. This form incorporates all of the proposed regulatory requirements and provides sections wherein a school district may provide a narrative for each respective interim housing or other assistance request.

Proposed adoption of the *Grant Agreement [Interim Housing Assistance Following A Natural Disaster]* (New 08/25), (incorporated by reference) is required for projects approved by the SAB requesting this type of funding. This document is streamlined compared to the existing *Grant Agreement [Proposition 2]* as it is in alignment with the description of the scope of work and other requested information on the new Form SAB 195.

Proposed adoption of the *Grant Agreement [Other Assistance Following A Natural Disaster]* (New 08/25), (incorporated by reference) is required for projects approved by the SAB requesting this type of funding. This document is streamlined compared to the existing *Grant Agreement [Proposition 2]* as it is in alignment with the description of the scope of work and other requested information on the new Form SAB 195.

Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any infor-

mation it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

Proposition 2 makes numerous changes to the SFP, including authorizing the SAB to provide interim housing assistance and other assistance to school districts and county offices of education impacted by a natural disaster for which the Governor declared a state of emergency. The proposed regulations implement Education Code Section 17075.20, which specifies that the SAB has the authority to provide assistance for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms and any work associated with placing them on a site, for school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency. Education Code Section 17075.20(e) also provides other assistance to school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency. The proposed regulations establish a consistent form and process for school districts to request this assistance, factors for the SAB's consideration of requests for other assistance following a natural disaster, and accountability mechanisms including Grant Agreements, fund release requirements, and reporting requirements to facilitate compliance with statutory provisions requiring SFP natural disaster assistance funds to supplement funds from insurance proceeds and other government disaster assistance.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulations are within the SAB's authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

Documents Incorporated by Reference

- *Form SAB 50–05,* (Rev. ~~06/17~~ *08/25*), referenced in Regulation Section 1859.2 and is incorporated by reference.
- *Form SAB 195,* (New 08/25), referenced in Regulation Section 1859.2 and is incorporated by reference.
- *Grant Agreement [Interim Housing Assistance Following A Natural Disaster],* (New 08/25), referenced in Regulation Section 1859.2 and is incorporated by reference.
- *Grant Agreement [Other Assistance Following A Natural Disaster],* (New 08/25), referenced in Regulation Section 1859.2 and is incorporated by reference.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non–discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

The proposed regulations promote transparency because school districts and the school district community have been collaborating on the proposed regulations through a series of stakeholder meetings. The SAB has the authority to provide interim housing as-

sistance and other assistance to school districts and county offices of education impacted by a natural disaster for which the Governor declared a state of emergency. The proposed regulations implement Education Code Section 17075.20, which specifies that the SAB has the authority to provide assistance for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms and any work associated with placing them on a site, for school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency. Education Code Section 17075.20(e) also provides other assistance to school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency.

In addition, the proposed regulations will not negatively impact the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulations will result in the elimination of existing businesses or jobs within California. Additionally, the proposed regulations expand the SFP while aligning with the statute, maintaining program integrity, and equity amongst school district projects.

Benefits to Public Health and Welfare, Worker's Safety, and the State's Environment

- The proposed regulations promote transparency because school districts and the school district community have been collaborating on the proposed regulations through a series of stakeholder meetings. The SAB has the authority to provide interim housing assistance and other assistance to school districts and county offices of education impacted by a natural disaster for which the Governor declared a state of emergency.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts, charter schools, and local educational agencies utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker's safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code–compliant and safer for use by pupils, staff, and other occupants on the site.
- There is no impact to the State's environment from the proposed regulations.

The SAB finds the proposed regulations fully consistent with the stated purposes and benefits.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulations will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The proposed regulations only apply to school districts and local education agencies for purposes of funding school facility projects. Manufacturing and construction–related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries. This may include new [small] businesses, or the expansion of [small] businesses, which have a positive impact on the state's economy and may also create an unknown number of jobs.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, email or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, email or fax must be received at OPSC no later than March 23, 2026 end of day. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, email or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator
Mailing Address: Office of Public School Construction
707 Third Street, 3rd Floor
West Sacramento, CA 95605
Email Address: lisa.jones@dgs.ca.gov
Fax Number: (916) 375–6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ms. Lisa Jones at (279) 946–8459. If Ms. Jones is unavailable, these questions may be directed to the back-up contact person, Mr. Michael Watanabe, Deputy Executive Officer, at (279) 946–8463.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulation substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15–day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC's Internet Web site at: *Laws, Regulations for School Construction Projects* then scroll down to School Facility Program, Pending Regulatory Changes, August 19/December 3, 2025 Emergency Regulations, and click on the links entitled 45–day Public Notice, Initial Statement of Reasons, Proposed Regulation Text, Form SAB 50–05, Form SAB 195, and the two Grant Agreements.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB 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. The alternative to these proposed regulations would be the SAB take no action and be in violation of the statute (AB 247). The SAB is charged with ensuring that the provisions of Proposition 2 are implemented in the SFP in a timely manner.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available, and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the website listed above.

TITLE 8. LABOR AND WORKFORCE DEVELOPMENT AGENCY

PRIVATE ATTORNEYS GENERAL ACT OF 2004

The California Labor and Workforce Development Agency (Agency) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Agency proposes to:

- Adopt new sections 17400, 17401, 17410, 17411, 17412, 17413, 17414, 17415, 17420, 17420.5, 17421, 17422, 17423, 17424, 17430, 17430.5, 17431, 17432, 17433, 17434, 17435, 17436, 17437, 17438, 17439, 17439.5, 17440, 17441, 17442, 17443, 17450, 17450.5, 17451, 17460, 17461, 17462, and 17463.

PUBLIC HEARING

The Agency has not scheduled a public hearing on this proposed action. However, the Agency will hold

a hearing if it receives a written request for a public hearing from any interested person, or the representative of any interested person, no later than 15 days before the close of the written comment period. Requests for a hearing may be submitted to Danielle West, PAGA Rulemaking and Policy Analyst, whose information is below.

WRITTEN COMMENT PERIOD

Any interested person, or the representative of any interested person, may submit written comments relevant to the proposed regulatory action to the Agency. The written comment period closes on March 23, 2026, which is 45 days after the publication of this notice. The Agency will consider only comments actually received by that time. Written comments shall be submitted to:

Danielle West, PAGA Rulemaking and Policy Analyst
California Labor and Workforce Development Agency
1416 Ninth Street (MIC–55)
Sacramento, CA 95814

Comments also may be submitted by email to Danielle.West@labor.ca.gov.

AUTHORITY AND REFERENCE

Pursuant to Labor Code section 2699, the Agency is authorized to promulgate regulations to implement the provisions, and effectuate the purposes and policies, of the Labor Code Private Attorneys General Act of 2004 (PAGA), codified at Labor Code section 2698 et seq.

- General reference for **proposed section 17400**: Sections 2699, 2699.3, 2699.5, 2699.6, 2699.8, Labor Code;
- General reference for **proposed section 17401**: Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17410**: Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17411**: Sections 68632, 68633, Government Code; Sections 2699.3, Labor Code;
- General reference for **proposed section 17412**: Section 1, article 1, California Constitution; Section 1798.1, Civil Code; Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17413**: Sections 1013a, 2015.5, Code of Civil Procedure; Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17414**: Sections 12, 12a, 135, Code of Civil Procedure; Section 6700, Government Code; Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17415**: Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17420**: Section 128.7, Code of Civil Procedure; Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17420.5**: Section 128.7, Code of Civil Procedure; Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17421**: Sections 1010.6, 1013b, 2015.5, Code of Civil Procedure; Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17422**: Sections 90, 90.6, 2699, 2699.3, Labor Code;
- General reference for **proposed section 17423**: Section 11181, Government Code; Sections 90, 90.6, 91, 92, 93, 1174, 1174.1, 2699, 2699.3, Labor Code;
- General reference for **proposed section 17424**: Sections 90, 90.6, 2699, 2699.3, Labor Code;
- General reference for **proposed section 17430**: Sections 1010.6, 1013b, 2015.5, Code of Civil Procedure; Section 1152, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17430.5**: Section 1152, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17431**: Section 1152, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17432**: Section 1152, Evidence Code, Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17433**: Sections 1010.6, 1013b, 2015.5, Code of Civil Procedure; Sections 1152, 1154, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17434**: Sections 1152, 1154, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17435**: Sections 1010.6, 1013b, 2015.5, Code of Civil Procedure; Sections 1152, 1154, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17436**: Sections 1010.6, 1013b, 2015.5, Code of Civil Procedure; Sections 1152, 1154, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17437**: Sections 1010.6, 1013b, 2015.5, Code of Civil Procedure; Sections 1152, 1154, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;

- General reference for **proposed section 17438**: Section 1152, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17439**: Sections 1152, 1154, Evidence Code; Sections 92, 98, 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17439.5**: Sections 1152, 1154, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17440**: Section 2015.5, Code of Civil Procedure; Section 1152, Evidence Code; Sections 226, 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17441**: Sections 226, 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17442**: Sections 1010.6, 1013b, 2015.5, Code of Civil Procedure; Sections 226, 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17443**: Section 1152, Evidence Code; Sections 2699, 2699.3, 2699.5, Labor Code;
- General reference for **proposed section 17450**: Section 128.7, Code of Civil Procedure; Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17450.5**: Section 128.7, Code of Civil Procedure; Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17451**: Sections 2699, 2699.3, 6309, 6317, Labor Code;
- General reference for **proposed section 17460**: Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17461**: Sections 2699, 2699.3, Labor Code;
- General reference for **proposed section 17462**: Sections 2699, 2699.3, Labor Code; and,
- General reference for **proposed section 17463**: Sections 2699, 2699.3, Labor Code.

POLICY STATEMENT OVERVIEW

Background and Overview of the Law

The Labor Code Private Attorneys General Act of 2004 (PAGA) is a landmark law enacted in 2004 to augment the state's limited staffing and resources and increase enforcement for violations of state labor standards. It achieves this goal by allowing employees to file lawsuits against their current or former employers to recover civil penalties for Labor Code violations that otherwise would be recoverable only by the state. A PAGA action is representative in nature, meaning that an employee who brings such claims may do so on their own behalf and on behalf of other employees who experienced the same violations. Any civil penalties recovered by an employee under PAGA are divided between the Agency and the aggrieved employees, which are allocated with 65% going to the Agency and 35% to the aggrieved employees. While individual employees may be deputized to act on behalf of the Agency when pursuing a lawsuit filed under PAGA, the law is not designed "to promote private enforcement without regard to the [Agency]." (*Esparza v. Safeway, Inc*. (2019) 36 Cal.App.5th 42, 61.) The California Supreme Court has stated PAGA's "sole purpose is to vindicate [the Agency's] interest in enforcing the Labor Code . . ." (*Ibid*., quoting *Iskanian v. CLS Transportation Los Angeles, LLC* (2014) 59 Cal.4th 348, 388–389.) Thus, a PAGA lawsuit is a law enforcement action in furtherance of the public interest, and penalties recovered under the law are intended to serve as a deterrent to future unlawful conduct. (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 548.)

Before an employee may file a lawsuit against their current or former employer under PAGA, the employee first must provide notice both to the Agency and the employer describing the Labor Code violations alleged. This type of notice by an employee commonly is referred to as a "PAGA notice." This prelitigation notice obligation has been described as an "administrative exhaustion" requirement (*Rojas–Cifuentes v. Superior Court* (2020) 58 Cal.App.5th 1051, 1056), and courts have stated that "[p]roper notice under section 2699.3 is a 'condition' of a PAGA lawsuit." (*Uribe v. Crown Bldg. Maint. Co.* (2021) 70 Cal.App.5th 986, 1003; see *Mora v. C.E. Enterprises, Inc*. (Oct. 21, 2025, B337830) 116 Cal.App.5th 72 [2025 WL 3214076, *8] [employees' PAGA notice did not satisfy administrative notice and exhaustion requirements because it did "not set forth the specific theories of liability … much less state any facts in support of those theories"].)

An employer is entitled, but not required, to respond to the PAGA notice and the violations alleged. After an employee files a PAGA notice with the Agency, several administrative processes may follow:

First, the Agency may investigate the allegations and either cite the employer for any violations found or choose to prosecute the alleged violations itself. The employee may file a lawsuit against the employer to recover civil penalties under PAGA if the Agency does not cite the employer or choose to prosecute the case itself within the periods allowed under PAGA. In these respects, the Agency has assigned to the Division of Labor Standards Enforcement, also known as the Labor Commissioner's Office, within the Department of Industrial Relations responsibility over the investigation and handling of PAGA notices alleging wage and hour violations.

Second, an administrative procedure to "cure," or correct, certain types of alleged violations is available to employers that employed less than 100 employees

total during the one–year period before a PAGA notice is filed. If a violation or violations are not cured as a result of this prelitigation early resolution process, the employee may file a lawsuit against the employer based on any uncured violations after 65 days from the postmark date of the PAGA notice.

Third, a separate administrative cure process is available to all employers if the only alleged violation to be cured is a violation of Labor Code section 226 wage statement itemization requirements. As with the "small employer" cure process described above, an employee may file a lawsuit against the employer including the alleged wage statement violation if the employer fails to cure it during this administrative procedure after 65 days from the postmark date of the PAGA notice.

Fourth, if the employee's PAGA notice alleges health and safety violations, the Division of Occupational Safety and Health (Cal/OSHA) shall conduct an investigation of the claims.

In cases where an employee is authorized to file a lawsuit under PAGA, the employee does so on behalf of the Agency and the Agency is a real party in interest in such actions. (*Rose v. Hobby Lobby Stores, Inc*. (2025) 111 Cal.App.5th 162, 169, 173.) A plaintiff in a PAGA action is required to provide the Agency a copy of the complaint filed in court. The plaintiff also is required to submit to the Agency copies of any orders awarding or denying civil penalties, as well as a copy of a judgment entered by the court. Settlements of PAGA cases are subject to approval by the court, and a plaintiff also is required to submit the proposed settlement agreement to the Agency at the same time it is submitted to the court. The purpose of these reporting obligations, and in particular the obligation that parties submit proposed settlement agreements to the Agency, is to increase the Agency's role in monitoring PAGA actions to ensure the interests of the state and other aggrieved employees are protected. (*Turrieta v. Lyft, Inc*. (2024) 16 Cal.5th 664, 695–696; see also *California Business & Industrial Alliance v. Becerra* (2022) 80 Cal.App.5th 734, 748.)

The 2024 Legislative Reforms to PAGA and This Proposed Rulemaking

The proposed regulations implement the provisions of PAGA, as substantially amended by legislative reforms adopted in 2024. (Stats. 2024, chapter 44 [Assem. Bill Number 2288 (2023–2024 Reg. Sess.)]; Stats. 2025, chapter 45 [Sen. Bill Number 92 (2023–2024 Reg. Sess.)].) These proposed regulations are intended to provide guidance to parties and stakeholders regarding PAGA's prelitigation notice requirements and administrative procedures and to clarify the parties' obligations to the Agency after a PAGA lawsuit has been filed.

The 2024 reforms evince a legislative intent to increase Agency oversight of PAGA and provide more robust early resolution avenues for employers, both with a goal of achieving more timely remedies to make employees whole without the type of protracted and costly litigation that previously has led to criticism of the Act. (Sen. Com. on Jud., analysis of Assem. Bill Number 2288 (2023–2024 Reg. Sess.) as amended June 21, 2024, p. 1 [noting bill "increases the role of [LWDA] and better incorporates the available remedies, processes, and outcomes utilized or sought by [LWDA] in its enforcement efforts"].) This proposed rulemaking thus aims to improve administrative notice, procedural, and reporting requirements under the law consistent with these objectives, as described below:

- *Administrative Notice Requirements*: The proposed regulations provide greater clarity and guidance to parties regarding the requirements of a PAGA notice, particularly as it relates to articulation of the facts and theories alleged to support the Labor Code violations asserted. Before the 2024 reforms, an employee could allege violations in a representative capacity on behalf of other employees even if the employee did not personally experience the violations, so long as the employee experienced just one of the violations alleged. (*Huff v. Securitas Security Services, USA, Inc*. (2018) 23 Cal.App.5th 745, 754.) As a general rule after the reforms, an employee now may allege only violations the employee "personally suffered" within the year preceding the PAGA notice. (Lab. Code, § 2699, subdivision (c)(1).) Improved articulation of the facts and theories supporting the violations alleged in a PAGA notice will aid in the enforcement of new standing rules by allowing the Agency and other parties to more readily identify the bases for the violations alleged. In addition, better articulation of the facts and theories supporting the alleged violations will make new early resolution procedures before the Agency or a court operate more efficiently and effectively by providing greater clarity regarding the bases for the violations alleged so that an employer, as well as the Agency or a court, can more easily identify the nature of the violations alleged and those measures necessary to correct, or "cure," them.
- *Administrative Early Resolution ("Cure") Procedures*: Before the 2024 reforms, the law provided only a very limited opportunity to cure certain types of claims, particularly involving more technical wage statement itemization violations. The reforms expanded both the procedures available for curing violations and the types of violations subject to curing. (Assem. Com. on Jud., analysis of Sen. Bill Number 92 (2023–2024 Reg. Sess.) as

amended June 21, 2024, p. 13 ["The underlying rationale for both this measure and AB 2288 appears to be a goal of resolving PAGA disputes in a timelier manner. The cure and early evaluation conference provisions of this bill are designed to promote resolution of PAGA claims without protracted litigation"].) The reforms thus established two cure processes to be administered by the Agency and that are available before a lawsuit under PAGA can be filed. The most common types of Labor Code violations alleged in PAGA notices now are subject to cure using procedures before the Agency, including overtime, meal and rest period, and business reimbursement violations, among others. The proposed regulations implement these statutory early resolution procedures and are intended to provide greater guidance and direction to parties to ensure the efficient and effective functioning of these new administrative processes. *And*,

- *Administrative Reporting Requirements*: Consistent with the intent of increasing the Agency's oversight and enforcement functions under the law, the proposed regulations provide better guidance to parties regarding their obligations when they propose to settle a lawsuit involving claims under PAGA. While the statute states a plaintiff must submit a proposed settlement agreement to the Agency at the same time it is submitted to a court for approval, the Agency's ability to review a proposed agreement sufficiently is limited without additional materials to provide a context for the proposed agreement. (See *California Business & Industrial Alliance*, *supra*, 80 Cal.App.5th at p. 748.) Accordingly, to make the Agency's oversight and review of proposed settlement agreements more effective, the proposed regulations require a settling plaintiff to submit to the Agency additional materials accompanying the proposed settlement agreement, including a copy of a motion and other documents, such as declarations, that are submitted to the court when seeking approval of a proposed settlement. In addition, the proposed regulations require a settling plaintiff provide notice to other employees who have pending PAGA claims against the same employer. These notice requirements will provide improved transparency and coordination of multiple PAGA actions involving a single employer and will better protect the interests of the state and other affected aggrieved workers to ensure any settlement of claims under PAGA is adequate, fair, and reasonable. (*Turrieta*, *supra*, 16 Cal.5th at p. 696.)

INFORMATIVE DIGEST

Anticipated Benefits of the Proposed Regulations

The proposed rulemaking is intended to implement the provisions of PAGA when an aggrieved employee intends to file a lawsuit, and later after filing a lawsuit, to recover civil penalties on behalf of the Agency against a current or former employer for Labor Code violations.

Notice Requirements

Current law requires an employee provide notice to the Agency and employer before the employee may proceed with a lawsuit. This notice is intended to give the Agency a "right of first prosecution" before an employee is authorized to sue. (*Williams v. Alacrity Solutions Group, LLC* (2015) 110 Cal.App.5th 932, 941, review granted July 9, 2025, S291199.) More specifically, this prelitigation notice requirement is intended to provide the Agency the ability decide whether to devote resources to investigating or prosecuting alleged violations. The notice also must provide the employer against whom the notice is filed sufficient information to identify the bases for the violations alleged, including to allow the employer to respond or attempt to resolve them.

An employee's PAGA notice must identify the "specific provisions" of the Labor Code the employer allegedly violated and include "the facts and theories" supporting each alleged violation. (Lab. Code, § 2699.3, subdivisions (a)(1)(A), (b)(1), (c)(1)(A).) Before the 2024 legislative reforms to PAGA, courts explained a PAGA notice "must be specific enough such that the LWDA and the [employer] can glean the underlying factual basis for the alleged violations." (*Ibarra v. Chuy & Sons Labor, Inc*. (2024) 102 Cal.App.5th 874, 882, quoting *Gunther v. Alaska Airlines, Inc*. (2021) 72 Cal.App.5th 334, 351.) Thus, the notice must contain sufficient information to allow the Agency "to intelligently assess the seriousness of the alleged violations" and to give the employer enough information to understand the nature of the violations so it may decide "whether to fold or fight." (*Ibarra*, *supra*, 102 Cal. App.5th at p. 881, quoting *Brown v. Ralph's Grocery Co*. (2018) 28 Cal.App.5th 824, 837.) Proper notice to the employer informing it of the violations alleged enables the employer to submit a response to the Agency, which, in turn, further promotes informed agency decisionmaking whether to allocate resources to an investigation. (*Ibarra*, *supra*, 102 Cal.App.5th at p. 881.)

In practice, the nature of the PAGA notices received by the Agency in many cases fail to satisfy the purpose of the statutory notice requirement. One of the biggest contributors to this is the use of templates developed by some attorneys or law firms over time, which then are used to reproduce (in high volume) PAGA notices

that repeat the same or similar allegations in a conclusory, boilerplate, or frivolous manner.

To illustrate these concerns, a total of 8,846 PAGA notices were filed with the Agency during fiscal year 2024–2025 (FY 24/25). During this one–year period (from July 1, 2024, through June 30, 2025):

- Five law firms filed a total of 2,086 PAGA notices—about one–quarter (24%) of all PAGA notice filings;
- Three law firms filed on average more than one PAGA notice per day, with one filing 605 notices, another filing 535, and the third filing 409;
- Four law firms filed more than 300 PAGA notices;
- Eight law firms filed more than 200 PAGA notices;
- Five attorneys filed a total of 1,571 PAGA notices, accounting for about 18%, or almost one–fifth, of all PAGA notices;
- Ten attorneys filed a total of 2,192 PAGA notices, accounting for about one–quarter (25%) of all PAGA notices; and,
- One attorney filed 597 PAGA notices and another filed 368.

As noted, these attorneys and law firms generally use template PAGA notices they have developed, and these templates typically allege the same Labor Code violations in each case, often repeating the same conclusory descriptions of the violations alleged. This conduct impedes the Agency's role under the law. In light of the volume of PAGA notice filings received by the Agency—including by a group of actors responsible for a disproportionate amount of all filings, the boilerplate nature of the filings in many cases impedes the Agency's efforts to distinguish one case from another or "to intelligently assess" the scope or seriousness of the violations alleged in any given case. This frustrates the intent and purpose of the notice requirement to provide the Agency with sufficient information to allow the Agency to determine whether to devote resources to any particular case for further investigation or prosecution. Nor do such generic PAGA notices provide employers sufficient information to understand the nature of the violations alleged against them so they may (1) take appropriate measures to correct, or cure, alleged violations, (2) implement appropriate measures to ensure prospective compliance with the law, or (3) formulate a response to the allegations or dispute them so as to further inform the Agency's administrative review and decisionmaking processes.

Accordingly, the proposed rulemaking includes provisions designed to implement and further the purpose of PAGA's administrative notice requirements and thereby improve the functioning of the law and the administrative processes it provides. The proposed regulations will standardize the format of PAGA notices to eliminate boilerplate and facilitate review of PAGA notices. The proposed regulations provide greater guidance concerning the content required in PAGA notices, including as it relates to describing the facts and theories supporting the violations alleged in a given case. Further, the proposed regulations include provisions aimed at implementing appropriate safeguards and deterring abusive practices under the law. Specifically, the proposed regulations (1) include additional notice and certification requirements applicable to "high–frequency" PAGA notice filers, i.e., those attorneys or law firms that have filed 200 or more PAGA notices in the preceding 12–month period, and (2) would require additional procedures for reviewing and screening PAGA notices filed by persons designated as "vexatious filers" based on repeated noncompliant, frivolous, or harassing PAGA filings.

This proposed regulatory action will benefit all parties in PAGA cases by providing greater clarity and guidance regarding PAGA's prelitigation notice requirements. This will result in improved articulation of the violations alleged in cases, aid the Agency's role in reviewing PAGA notices and ascertaining the nature and seriousness of the claims at issue, and assist employers in better understanding the nature of the violations alleged against them. These requirements will provide greater transparency in, and result in more efficient review and processing of, PAGA cases.

Cure Procedures

Current law establishes multiple procedures by which employers that have received PAGA notices may cure the violations alleged against them. These early resolution processes are designed to allow employers to identify and correct violations to resolve cases more efficiently without protracted and costly litigation. Two of these procedures are administered by the Agency during the notice period before an employee may file a lawsuit. One process is available to "small employers," which is defined as those that employed less than 100 employees total during the one–year period before a PAGA notice is filed. The most common types of Labor Code violations alleged in PAGA notices are subject to cure using this process, including overtime, meal and rest period, and business reimbursement, among others. The other administrative cure process involves violations of the wage statement itemization requirements listed in subdivision (a) of Labor Code section 226. This process is more streamlined than the process for curing other violations and is available to all employers regardless of size when this is the only type of violation to be cured.

The proposed regulatory action will benefit employee and employer stakeholders by providing greater clarity regarding the Agency's processing of employer cure notices or proposals and guidance regarding the parties' rights and obligations during such administra-

tive proceedings. This will result in better transparency and improved efficiencies in the Agency's review and processing of employer cures consistent with the goals of the 2024 reforms to encourage and facilitate early resolution of cases.

Litigation Reporting Obligations

Current law allows an employee to file a lawsuit against their current or former employer to recover civil penalties under PAGA if the Agency does not cite the employer for the violations alleged or choose to prosecute the violations itself within the time required. In this regard, the Agency may provide notice to the parties within 65 days from the postmark date of the PAGA notice that it will investigate violations alleged in a PAGA notice. In such circumstances, the Agency has 120 days to investigate the claims. If no citation is issued during this time or the Agency does not file its own lawsuit to prosecute the violations, PAGA authorizes the employee to file their own lawsuit.

An employee filing a PAGA lawsuit does so on behalf of the Agency. Current law requires a PAGA plaintiff to submit to the Agency various court–related filings to facilitate the Agency's review and oversight of such actions, including a complaint, court orders awarding or denying civil penalties, court judgments, and proposed settlement agreements.

This proposed regulatory action will benefit employee and employer stakeholders by clarifying their litigation reporting obligations to the Agency and providing further guidance regarding the submission of documents to the Agency. This also will benefit the Agency, other aggrieved employees, and the public by aiding the Agency in the fulfillment of its role to monitor PAGA cases. By clarifying the scope of the parties' reporting obligations to the Agency with respect to proposed settlement agreements specifically, including the documents required to be submitted to the Agency, this proposed regulatory action also will benefit the public by enabling the Agency to review proposed settlements more effectively to ensure they are fair and reasonable both to the state and other affected employees harmed by the employer's workplace violations.

Specific Amendments and Additions

This proposed rulemaking involves only the adoption of new regulations, as there currently are no regulations implementing or governing PAGA's administrative procedures and requirements. The following digest provides a concise summary of the regulations proposed to be adopted. Please refer to the proposed regulatory language and the Agency's initial statement of reasons in support of the proposed rulemaking for more information regarding the specific proposed regulations.

Proposed Subchapter 1. Scope and Application

Proposed section 17400 adds language defining the scope and application of the proposed regulations as governing procedures and requirements under PAGA.

Proposed section 17401 adds provisions defining terms commonly used in or applicable to actions brought under PAGA.

Proposed Subchapter 1.5. Filing and Service

Proposed section 17410 adds provisions instructing parties how to electronically file or submit documents in PAGA actions to the Agency using the online PAGA filing portal at https://www.dir.ca.gov/Private–Attorneys–General–Act/Private–Attorneys–General–Act.html, including the proper hyperlink to use based on the type of document being filed or submitted. Consistent with the statutory scheme requiring electronic filing or submission of documents to the Agency, this proposed regulation also clarifies that a party consents to receive electronic communications or documents regarding a case unless otherwise provided by statute or regulation.

Proposed section 17411 adds provisions regarding the $75 filing fee applicable when an aggrieved employee files a PAGA notice or an employer files a response, including a response that proposes to cure alleged violations or provides notice an alleged wage statement violation has been cured. This section also describes the process by which a party may request a waiver of applicable filing fees.

Proposed section 17412 adds language instructing parties to redact various forms of personally identifiable information from any documents submitted to the Agency in PAGA matters, which generally are public records under the California Public Records Act, Government Code section 7920.000 et seq., subject to certain exceptions applicable to records related to administrative cure procedures.

Proposed section 17413 adds language instructing parties how to serve documents on other parties in PAGA proceedings before the Agency.

Proposed section 17414 adds language clarifying how timeframes and deadlines are calculated in PAGA proceedings conducted before the Agency. This section also clarifies that documents filed electronically with the Agency are deemed filed that same day, unless it is a weekend or holiday in which case the documents will be deemed filed the next business day.

Proposed section 17415 adds provisions governing high–frequency or vexatious PAGA filers. Certain filing practices have impacted the Agency's administration of the law and have frustrated the purposes of PAGA's administrative notice and investigation procedures, including attorneys who file PAGA notices that generally repeat boilerplate, conclusory, or frivolous allegations of Labor Code violations. This regulation would designate any attorney or law firm that has filed

200 or more PAGA notices in a 12–month period to comply with additional notice requirements, including providing a certification by the aggrieved employee that the employee has reviewed the PAGA notice and believes the allegations have support and are not intended for an improper purpose, such as to harass or annoy. This regulation also would allow the Agency to designate a person or attorney, after notice and an opportunity to be heard, as a vexatious filer on grounds the person or attorney has repeatedly filed PAGA notices that do not comply with legal requirements, including failing to adequately describe the facts and theories supporting the violations alleged or alleging violations that are frivolous or appear intended to harass. A person or attorney designated as a vexatious filer would be subject to a prefiling screening order, which would require the Agency to review a submitted PAGA notice for compliance with legal requirements before the notice is deemed accepted for filing. This regulation would require the Agency to maintain a list of all persons, attorneys, or law firms designated as high–frequency or vexatious filers. A person or attorney designated as a vexatious filer could petition the Agency to remove the designation after a period of six–months or such other time specified by the Agency.

Proposed Subchapter 2. Pre–Litigation Notice and Investigation of Claims Filed Under Subdivisions (a) or (c) of Labor Code Section 2699.3

Proposed section 17420 adds provisions describing the requirements for an aggrieved employee filing a PAGA notice alleging violations of wage and hour requirements. This regulation describes the requirements for serving a PAGA notice on an employer. This regulation requires the Agency to prepare a prescribed "PAGA notice" form employees must use when filing claims under PAGA, and further describes the content required in a PAGA notice, including background information regarding the employee's employment with the employer, specification of the Labor Code sections allegedly violated, the facts and theories supporting the violations alleged, and the basis for the civil penalties sought by the employee. In addition, an employee or attorney filing a PAGA notice must sign a certification stating the claims asserted are not presented for an improper purpose, have legal support, and have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for investigation and discovery. This regulation also adds provisions specifying that no violation, or theory of violation, may be alleged in any subsequent lawsuit by an employee or included in any settlement agreement unless the violation, or theory of violation, was included in a PAGA notice or amended PAGA notice and the procedural requirements of subdivisions (a) or (c) of Labor Code section 2699.3 have been satisfied.

Proposed section 17420.5 adds provisions describing the process by which an employee can amend a PAGA notice previously filed with the Agency. This regulation also clarifies that the 65–day review and 120–day investigation periods applicable to PAGA notices as set forth in statute also apply to amended PAGA notices. This regulation additionally would prohibit an employee from filing an amended PAGA notice adding new claims not previously alleged as part of, or after an employee has reached, a proposed settlement agreement with an employer in a pending civil action.

Proposed section 17421 adds provisions describing the process and requirements for an employer that seeks to file a response to a PAGA notice with the Agency. This regulation describes the electronic service requirements for an employer filing a response to a PAGA notice, and requires a PAGA notice be filed and served within 33 days after the employer receives a PAGA notice. This regulation also describes the content the response must include, including that it respond to each violation alleged and describe the basis for disputing any violation.

Proposed section 17422 adds language describing the requirements when the Labor Commissioner's Office gives notice to the parties it will conduct an investigation of claims alleged in a PAGA notice. This regulation would require the Labor Commissioner's Office to provide notice of an investigation to the parties by certified mail and require the notice identify the violations to be investigated and the period covered by the investigation.

Proposed section 17423 adds provisions governing investigations conducted by the Labor Commissioner's Office. This regulation describes the manner by which the Labor Commissioner's Office may conduct an investigation, including interviewing the employee who filed by the PAGA notice. This section further describes the authority of the Labor Commissioner's Office to issue interrogatories to an employer, inspect or copy an employer's records, issue subpoenas to witnesses, and take depositions or affidavits of witnesses during the course of an investigation.

Proposed section 17424 adds language describing the authority of the Labor Commissioner's Office to issue citations or commence a lawsuit based on violations determined to exist following an investigation of claims alleged in a PAGA notice. This regulation also would clarify an employee that filed a PAGA notice may not proceed with a lawsuit under PAGA if the Labor Commissioner's Office has issued a citation to the employer or commenced an action to prosecute violations itself.

Proposed Subchapter 3. Small Employer Cure Proposals

Proposed section 17430 adds provisions describing the requirements for an employer submitting to the Agency a confidential proposal to cure violations alleged in a PAGA notice. This regulation specifies a cure proposal need not be served on an employee, but if the employer does serve the employee it shall do so electronically and provide proof of service to the Agency. This regulation provides a cure proposal must be submitted to the Agency within 33 days after the employer receives a PAGA notice or an amended notice alleging violations not alleged in an earlier notice, and requires an employer to identify the date it received the PAGA notice or amended PAGA notice. This regulation also describes the employees that must be counted in determining whether the employer employed less than 100 employees during the one–year period before it received a PAGA notice to be eligible for this administrative process, and further would allow the Agency to decline a proposal or conclude cure proceedings if separate business entities may constitute a single enterprise or joint employer and the total number of employees between the multiple entities would total 100 or more. This regulation additionally describes the content required in a cure proposal, including that the employer include a statement of the actions it intends to take to cure each alleged violation encompassed by its proposal, and additionally specifies a cure proposal is considered a confidential settlement communication.

Proposed section 17430.5 adds language clarifying an employer's ability to cure violations alleged in a PAGA notice when the employer has cured violations in response to an earlier PAGA notice within the previous 12 months.

Proposed section 17431 adds provisions describing the nature of the Agency's review of an employer's cure proposal, including the Agency's notice to an employer in circumstances where the Agency has determined not to select a matter for conference because the proposal is not sufficient to cure alleged violations or some other defect is present (e.g., the employer is not eligible to use the small employer cure process or the proposal was not timely submitted).

Proposed section 17432 adds provisions describing the requirements when the Agency has determined an employer's cure proposal is facially sufficient to cure the violations addressed or that a conference would assist in determining if a sufficient cure is possible. This regulation sets forth the requirements for the Agency when providing parties written notice that a cure conference will be held, including the contents of a notice in setting the time, date, and location of the conference. This regulation further requires a notice of cure conference to identify the dates by which the parties are required to submit preconference statements to the Agency, as well as any other records requested to be produced. This regulation also describes the process by which parties may request continuances or reasonable accommodation. This regulation also would specify that an employee may not commence a civil action based on claims alleged in a PAGA notice while the Agency's cure review process remains pending.

Proposed section 17433 adds provisions regarding an employer's and employee's obligations in preparing for a cure conference, including specifically regarding the filing and service of preconference statements. This regulation describes the requirements for filing and serving preconference statements and the required contents or accompanying records to be included with each party's preconference statement. This regulation also states the Agency's authority and discretion to cancel a conference when an employer fails to file a preconference statement, or to disregard allegations or facts an employee fails to articulate in a preconference statement as a basis for disputing the sufficiency of an employer's cure proposal, provided the allegations or facts are of a nature of which the employee was aware or should have been aware at the time. This regulation also specifies the parties' preconference statements are deemed confidential settlement communications.

Proposed section 17434 adds provisions regarding the conduct of a cure conference. This regulation describes the format of a cure conference and the persons whose attendance at a conference is required. This regulation would require the Agency to terminate the conference process based on the failure of an employer representative to attend, absent good cause shown. This regulation also would preclude an employee from disputing the sufficiency of an employer's cure proposal or the measures determined by the Agency to be necessary to cure an alleged violation where the employee fails to attend a conference, absent good cause shown. This regulation also describes the manner in which the Agency proceeds when it is determined a sufficient cure is possible for violations alleged in a PAGA notice, including the memorialization of the required cure measures in a written plan provided to the parties.

Proposed section 17435 adds provisions describing the requirements for an employer to cure violations pursuant to a cure plan reached after a cure conference with the Agency. This regulation describes the time in which the employer must complete the prescribed cure measures and the form of the notice the employer must provide to the Agency and employee regarding the completed cure measures.

Proposed section 17436 adds language describing the Agency's review of an employer's notice it has completed measures required to cure alleged viola-

tions, including the time in which the Agency must issue a determination verifying whether an employer's cure is complete. If the Agency during its review of an employer's cure notice finds an aspect of the cure remains incomplete, this regulation would allow the Agency to request the employer complete those aspects of the cure. This regulation also describes the manner in which the Agency notifies the parties whether the Agency has verified an employer has cured violations or, if not, which violations are not deemed cured and why.

Proposed section 17437 adds language describing the process by which an employee may dispute an Agency determination an employer has cured violations. This regulation describes the time in which an employee must file and serve a request for a hearing to dispute the Agency's cure determination, as well as what the employee's request for a hearing must include. Specifically, this regulation would require an employee file and serve a hearing request within 10 days after the Agency issues its cure determination, and the request must identify each violation the claimant disputes is cured and state the factual basis supporting each dispute. This regulation would provide the Labor Commissioner's Office must dismiss, in whole or in part, a cure hearing request that does not comply with these requirements.

Proposed section 17438 adds language describing the requirements when the Labor Commissioner's Office issues the parties a written notice of the scheduling of a cure hearing when an employee has filed a cure hearing request. This regulation describes the time in which the Labor Commissioner's Office will issue notice of a cure hearing and when the cure hearing will be held. This regulation describes the required contents of a cure hearing notice, including the time, date, and location of the hearing, as well as the process by which parties may request continuances or any reasonable accommodation.

Proposed section 17439 adds provisions governing the conduct of a cure dispute hearing held by the Labor Commissioner's Office. This regulation describes the parties' rights at hearing and rules governing the presentation of witnesses and evidence.

Proposed section 17439.5 adds provisions regarding the time in which the Labor Commissioner's Office must issue a determination regarding the adequacy of a cure completed by the employer and the manner in which that determination is served on the parties.

Proposed Subchapter 4. Wage Statement Cure Procedures

Proposed section 17440 adds provisions setting forth the requirements by which an employer may provide notice to the Agency and employee it has cured a violation of wage statement itemization requirements. This regulation describes what an employer's cure notice must include and the manner by which it must be filed with the Agency and served on the employee. This regulation also describes the Agency's review of a cure notice in situations where an employee does not dispute the cure action taken by the employer, including the Agency's issuance of a determination regarding an employer's cure notice in such situations.

Proposed section 17441 adds provisions describing the requirements when an employee disputes the sufficiency of actions taken by an employer to cure a wage statement violation. This regulation prescribes the time in which an employee must file a cure dispute notice with the Agency and serve the notice on the employer. This regulation also sets forth the information that must be included in an employee's cure dispute notice.

Proposed section 17442 adds provisions describing the process by which the Agency will review an employer's wage statement cure notice in cases where the employee disputes the sufficiency of the employer's cure. This regulation describes the time in which the Agency must issue a determination whether the employer's cure is sufficient. This regulation also describes the requirements and procedures applicable when the Agency determines an employer's cure is insufficient, including circumstances where the Agency allows the employer additional time to complete the cure. This regulation also would specify that an employee may not commence a civil action based on claims alleged in a PAGA notice while the Agency's cure review process remains pending.

Proposed section 17443 adds language clarifying an employer's ability to cure violations alleged in a PAGA notice when the employer has cured violations in response to an earlier PAGA notice within the previous 12 months.

Proposed Subchapter 5. Pre–Litigation Notice and Investigation of Claims Arising Under Division 5 (Lab. Code, § 2699.3, subdivision (b))

Proposed section 17450 adds provisions governing the requirements for an employee filing a PAGA notice that alleges violations of health and safety requirements. This regulation describes the requirements for serving a PAGA notice on an employer. This regulation requires the Agency to prepare a prescribed "PAGA notice" form employees must use when filing claims under PAGA, and further describes the content required in a PAGA notice, including background information regarding the employee's employment with the employer, specification of the Labor Code sections allegedly violated, the facts and theories supporting the violations alleged, and the basis for the civil penalties sought by the employee. In addition, an employee or attorney filing a PAGA notice must sign a certification stating the claims asserted are not presented for an improper purpose, have legal support, and have

evidentiary support or are likely to have evidentiary support after a reasonable opportunity for investigation and discovery. This regulation also adds provisions specifying that no violation, or theory of violation, may be alleged in any subsequent lawsuit by an employee or included in any settlement agreement unless the violation, or theory of violation, was included in a PAGA notice or amended PAGA notice and the procedural requirements of subdivisions (b) and (c) of Labor Code section 2699.3 have been satisfied.

Proposed section 17450.5 adds provisions describing the process by which an employee can amend a PAGA notice previously filed with the Agency that alleges health and safety violations. This regulation additionally would prohibit an employee from filing an amended PAGA notice adding new claims not previously alleged as part of, or after an employee has reached, a proposed settlement agreement with an employer in a pending civil action.

Proposed section 17451 adds provisions describing applicable procedures when the Division of Occupational Safety and Health (Cal/OSHA) conducts an investigation of alleged health and safety violations. This regulation also describes the periods in which Cal/OSHA shall conduct its investigation and issue a citation, if appropriate. This regulation also describes the procedures applicable when Cal/OSHA does not conduct an investigation, including the circumstances and periods after which an employee is permitted to commence a civil action under PAGA.

Proposed Subchapter 6. Submitting Court Filings, Proposed Settlements, and Other Documents to the Agency

Proposed section 17460 adds provisions clarifying the obligations of an employee that has filed a lawsuit including claims under PAGA to submit documents to the Agency, including complaints, amended complaints, orders or judgments, and proposed settlements, including the times in which such documents must be submitted to the Agency and instructions for submitting documents using the online PAGA filing portal. This regulation also specifies that submitting documents using the online PAGA filing portal does not constitute service of process on the Agency.

Proposed section 17461 adds provisions clarifying the obligations of an employee in a PAGA lawsuit when providing notice of a proposed settlement agreement and submitting that proposed agreement to the Agency. This regulation sets forth the documents required to be submitted to the Agency with a proposed settlement agreement filed in the court, including a notice to other employees with pending actions against the same employer regarding the proposed settlement. This regulation also describes the process for other employees with pending PAGA actions against the same employer to submit comments in favor of or against the proposed settlement, and specifies the Agency must be provided at least 45 days to review a proposed settlement agreement.

Proposed section 17462 adds language clarifying that a private agreement between an employee and employer after the employee has filed a PAGA notice against the employer, but before filing a PAGA lawsuit, cannot release the employer from claims under PAGA or purport to release claims belonging to the state or other persons.

Proposed section 17463 adds provisions describing the process by which a party to a PAGA lawsuit may serve litigation–related documents on the Agency. This regulation also explains procedures by which a party may contact the Agency to facilitate service in connection with a pending lawsuit.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

The Agency has determined the proposed regulatory adoptions are not inconsistent or incompatible with existing regulations. There are no other regulations adopted by any other state agency that affect the procedures encompassed by the proposed regulatory adoptions. Thus, the Agency has concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

NO EXISTING AND COMPARABLE FEDERAL REGULATION OR STATUTE

The Agency has determined there are no existing, comparable federal regulations or statutes addressing the matters encompassed by this regulatory action. PAGA is a state law authorizing aggrieved employees to recover civil penalties on behalf of the state for violations of state labor laws. Accordingly, the Agency has concluded these regulations are neither inconsistent nor incompatible with existing federal regulations or statutes.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Agency has made the following initial determinations:

Mandate, cost or savings imposed on local agencies and school districts: The proposed action will not impact local agencies or school districts, result in any costs or savings to local agencies or school districts, or impose any new mandate on local agencies or school districts that must be reimbursed pursuant to Government Code section 17500 et seq.

Cost or savings to state agency: The proposed action will result in additional costs to the Agency in ad-

ministering the small employer cure procedures under Labor Code section 2699.3, subdivision (c)(2). However, such additional costs, to the extent they emerge from these rules and not the statutes they interpret, are negligible and can be absorbed within existing budgets and resources. Having rules in place may even ultimately save the Agency money as compared to operation of the statute without clear standards.

Non–discretionary cost or savings imposed upon local agencies: The proposed action will not result in any non–discretionary cost or savings to local agencies.

Cost or savings in federal funding to the state: The proposed action will not result in any new costs or savings in federal funding to the state.

Cost impact on private persons or directly affected businesses: A representative private person or business would incur minimal costs as a result of compliance with the proposed action, which in the context of administering the small employer cure procedures under Labor Code section 2699.3, subdivision (c)(2) are expected to be offset by larger cost savings as a result of resolving claims early and avoiding more costly and time–consuming litigation.

Significant adverse economic impact on business, including the ability of California businesses to compete with businesses in other states: The proposed action will have no significant adverse economic impact on California businesses.

Significant effect on housing costs: The proposed action will have no effect on housing costs.

Business Reporting Requirement: The proposed action will not require a report to be made.

Small Business Impact: The Agency has determined the proposed regulations will not affect small business because the proposed regulations will not result in any additional costs or burdens on small businesses. Although small businesses electing to participate in procedures to cure violations under Labor Code section 2699.3, subdivision (c)(2) would incur additional, minimal costs as a result of compliance with procedures described in this proposed rulemaking, such costs are expected to be offset by larger cost–savings as a result of resolving claims early and avoiding more costly and time–consuming litigation.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The proposed regulations implement and clarify procedures to comply with obligations already enacted in statute. The Agency concludes that the adoption of the proposed regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

BENEFIT ANALYSIS

The Agency currently lacks regulations offering guidance to parties regarding the administrative processes that take place after a PAGA notice has been filed with the Agency and before a lawsuit may be filed. By providing clear guidance to affected stakeholders regarding the requirements for filing notices with the Agency and the Agency's administrative procedures, including the parties' rights and obligations in such proceedings, the Agency's proposed regulatory action will improve the administration of PAGA. The proposed regulations thus will benefit workers and employers.

The proposed regulatory action will not adversely affect the health and welfare of California residents, worker safety, or the state's environment. The proposed regulatory action will further the policies of increasing enforcement of state labor laws while facilitating the early resolution of disputes consistent with PAGA's purposes. California residents' general welfare will be benefited by more effective labor law enforcement and dispute resolution, which translates to healthier and safer workplaces for all Californians.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), a rulemaking agency must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency 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.

No reasonable alternatives to this proposed rulemaking have been identified or brought to the Agency's attention that would be more effective, as effective and less burdensome, or more cost–effective and equally effective in carrying out the purpose for which this action is proposed. The Agency invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at any scheduled hearing if one is requested.

CONTACT PERSONS

Any questions or suggestions regarding the proposed action should be directed to:

Danielle West, PAGA Rulemaking and Policy Analyst

California Labor and Workforce Development Agency
1416 Ninth Street (MIC–55)
Sacramento, CA 95814
Email: Danielle.West@labor.ca.gov

The backup person for these inquiries is:

Alisa Melendez–Collier, PAGA Unit Supervisor
California Labor and Workforce Development Agency
1416 Ninth Street (MIC–55)
Sacramento, CA 95814
Email: Alisa.Melendez–Collier@labor.ca.gov

Please direct requests for copies of the proposed text (i.e., the express terms) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Danielle West, PAGA Rulemaking and Policy Analyst, at the above address.

PRELIMINARY ACTIVITIES

The Agency has determined the proposed regulatory action is neither complex nor involves a large number of proposals such that the proposed regulations could not be reviewed sufficiently within the prescribed public comment period.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Agency will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the proposed regulations and the initial statement of reasons with appendices. Copies of these documents may be obtained by contacting Danielle West, PAGA Rulemaking and Policy Analyst, at the above address and are also available on the Agency's Web site at https://www.labor.ca.gov/resources/paga/rulemaking.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a hearing, if one is requested, and considering all timely and relevant comments, the Agency may adopt the proposed regulations substantially as described in this notice. If the Agency makes modifications that are sufficiently related to the originally proposed text, the modified text with changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the Agency adopts the regulations as revised. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of Danielle West, PAGA Rulemaking and Policy Analyst, at the above address. The Agency will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Danielle West, PAGA Rulemaking and Policy Analyst, at the above address or accessed on the Agency's Web site as set forth below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this notice of proposed rulemaking, the initial statement of reasons, and the text of the proposed regulations in underline and strikeout, can be accessed on the Agency's Web site at https://www.labor.ca.gov/resources/paga/rulemaking throughout the rulemaking process. Written comments received during the written comment period also will be posted on the Agency's Web site. The final statement of reasons or, if applicable, notice of a decision not to proceed will be posted on the Agency's Web site following the Agency's action.

TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

The Public Employment Relations Board (PERB or Board) proposes to adopt and amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt proposed new sections 31190, 32002, 32705, 93000, 93010, 93030, 93040, 93050, 93060, 93070, 93080, 93090, 93100, 93110, 93120, 93130, 93140, 93150, 93160, 93200, 93210, 93220, and 93230; and repeal sections 32006, 32008, 32008, 32039, 32165, 32166, 32721, 33001, 33015, 40160, 51010, 61005, 81005, 91005, and 95020.

PUBLIC HEARING

The Board has not scheduled a public hearing for this proposed action. However, a hearing will be held if a written request is received from any interested

person or their authorized representative. Such requests must be submitted no later than 15 days before the close of the written comment period to:

J. Felix De La Torre, General Counsel
Public Employment Relations Board
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 327–6377 or by email to felix.delatorre@perb.ca.gov. The written comment period closes at midnight on March 24, 2026, which is 45–days after the publication of this notice. The Board will only consider comments received at the Board offices by that date and time. Submit written comments to:

J. Felix De La Torre, General Counsel
Public Employment Relations Board
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811

AUTHORITY AND REFERENCE

A. Authority

The Board is vested with the authority to determine questions concerning employee representation and to adopt such rules and regulations as may be necessary to carry out the provisions and to effectuate the purposes and policies of the labor relations statutes within its jurisdiction, pursuant to the following statutory authority: Government Code sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3599.52(a), 3603, 71639.1(b), and 71825(b); Public Utilities Code sections 25052, 28849(b), 40122.1(a), 50121, 70122, 90300(f), 95651, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1 section 4.4, and Appendix 2 section 13.91; and Education Code sections 8431(e), 8432(m), and 8439.5(a).

B. Reference

The proposed amended regulations below reference the following:

Government Code sections 3501(c), 3501(f), 3501.5, 3502.5, 3505.4, 3505.8, 3506.5, 3507, 3507.1, 3507.3, 3507.5, 3508, 3509, 3509.3, 3509.5, 3513, 3512, 3513(h), 3514.5, 3514.5, 3514.5(a), 3514.5(c), 3515.7, 3518, 3519, 3519.5, 3520, 3520.5(b), 3520.8, 3523, 3524.52(a), 3524.53, 3524.55, 3524.59, 3524.68, 3524.71, 3524.72, 3524.73, 3524.74, 3524.76, 3524.78, 3524.79, 3540, 3540.1(a), 3540.1(d), 3541, 3541(f), 3541(g), 3541.3, 3541.3(a), 3541.3(b), 3541.3(c), 3541.3(f), 3541.3(g), 3541.3(h), 3541.3(i), 3541.3(j), 3541.3(k), 3541.3(l), 3541.3(m), 3541.3(n), 3541.5, 3541.5(a), 3541.5(c), 3541.35, 3542, 3543.5, 3543.6, 3544.1(a), 3544.3, 3544.7(a), 3544.7(b), 3546, 3546.5, 3547, 3547.5, 3550 et seq., 3551(a), 3555 et seq., 3555.5(c), 3557, 3558.8, 3562, 3562(b), 3562(f), 3563, 3563(a), 3563(b), 3563(c), 3563(e), 3563(f), 3563(g), 3563(h), 3563(i), 3563(j), 3563(k), 3563(l), 3563(m), 3563.2, 3563.3, 3563.5, 3564, 3571, 3571.1, 3571.3, 3574(a), 3577, 3577(b), 3579(e), 3583.5, 3584, 3587, 3589, 3590, 3595, 3599.52, 3599.52(a), 3600, 3601, 3602, 3603, 3611 et seq., 11425.60, 71632.5, 71636, 71636.1, 71636.3, 71637, 71637.1, 71639.1, 71639.1(a), 71639.15, 71639.4, 71807, 71814, 71823, 71825, 71825(a), 71825.(b), 71825.05, and 71825.1;

Public Utilities Code sections 25051, 25052, (a), 28849(a), 28849(b), 28850, 28851, 28857, 28858, 28859, 28860(b), 30750, 30751, 30754, 30756, 40000 et seq., 40120, 40122, 40122.1, 40122.1(a), 50120, 50121, 70120, 70122, 90300, 95650, 95651, 98160.5(b), 98162.5, 98171(b), 99560.1(b), 99560.1(e), 99560.1(f), 99560.1(g), 99560.1(i), 99561, 99561(a), 99561(c), 99561(e), 99561(f), 99561(g), 99561(h), 99561(i), 99561(j), 99561(k), 99561(l), 99561(m), 99561.2, 99561.3, 99561.4, 99562, 99563, 99563.2, 99563.4, 99563.7, 99563.8, 99564, 99564.1, 99564.2, 99564.3, 99564.4, 99564.4(b), 99566.1, 99566.3, 99567, 99569, 100301, 100305, 100309(b), 101341, 101342, 101344, 102398, 102399(b), 102400, 102401, 102403, 102404, 102405, 102406, 102414, 103401, 103404, 103405, 103406, 120505, 125521, 125526, Appendix 1, Sections 1.1 et seq., 4.2 and 4.4, and Appendix 2, Sections 1.1 et seq., 13.90, 13.91, and 13.96;

Welfare and Institutions Code sections 10427.5, 10427.7, 10428, 10428.3, and 10428.5;

California Rule of Court 2.257;

Business and Professions Code section 19604;

Food and Agricultural Code section 57031;

Labor Code section 2686;

Code of Civil Procedure sections 12, 12(a) and 1013;

Firefighters Union, Local 1186 v. City of Vallejo (1974) 12 Cal.3d 608; *Coachella Valley Mosquito and Vector Control District v. Public Employment Relations Board* (2005) 35 Cal.4th 1072.

POLICY STATEMENT OVERVIEW

PERB is a quasi–judicial agency that oversees public sector collective bargaining in California. It currently administers 17 collective bargaining statutes, ensures these laws are applied consistently, and resolves disputes between the parties covered by them.

The laws under PERB's jurisdiction cover a wide range of public employees across the state. The Meyers–Milias–Brown Act (MMBA) of 1968 established collective bargaining rights for employees of California's cities, counties, and local special districts. The Educational Employment Relations Act (EERA) of 1976 extended these rights to employees in public K–12 schools and community colleges. In 1978, the Ralph C. Dills Act (commonly known as the Dills Act) provided bargaining rights for state government employees. A year later, the Higher Education Employer–Employee Relations Act (HEERA) of 1979 brought employees of the California State University system, the University of California system, and the University of California, College of the Law, San Francisco under PERB's coverage.

Additional statutes expanded PERB's role in the years that followed. The Transit Employer–Employee Relations Act (TEERA) of 2003 granted bargaining rights to supervisory employees of the Los Angeles County Metropolitan Transportation Authority. The Trial Court Employment Protection and Governance Act of 2000, along with the Trial Court Interpreter Employment and Labor Relations Act of 2002, established collective bargaining rights for most trial court employees. In 2017, the Judicial Council Employer–Employee Relations Act (JCEERA) created similar rights for Judicial Council employees.

That same year, the Public Employee Communication Chapter (PECC) gave PERB jurisdiction over violations of laws related to employee communications. In 2018, PERB gained further authority through the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD), allowing it to handle violations related to union membership rights. In 2019, the Childcare Provider Act (CCPA), part of the Building a Better Early Care and Education System Act, granted collective bargaining rights to family childcare providers. Also in 2019, the Orange County Transit District Act (OCTDA) expanded PERB's authority to include labor relations at the Orange County Transit District.

Further jurisdiction was added in 2020 with the San Francisco Bay Area Rapid Transit Act (SFBART Act), which put BART labor relations under PERB's authority. In 2021, the Sacramento Regional Transit District Act (Sacramento RTD Act) extended PERB's oversight to disputes involving the Sacramento Regional Transit District, but only for those union representatives who opt to bring one or more of their bargaining units under PERB's jurisdiction.

Effective January 1, 2023, two new laws further expanded PERB's responsibilities. Senate Bill 957 gave PERB the authority to administer and enforce labor provisions in the Santa Cruz Metropolitan Transit District Act, which governs labor relations for employees of the Santa Cruz Metropolitan Transit District. Assembly Bill 2524 granted PERB similar authority over labor relations at the Santa Clara Valley Transportation Authority (VTA) for units that opt in to PERB's jurisdiction, as outlined in the Public Utilities Code.

PERB's jurisdiction is now further expanded as a result of the enactment of Assembly Bill 1 (Stats. 2023, Ch. 313). Through this bill, the Legislature established the Legislature Employer–Employee Relations Act (LEERA) that provides collective bargaining rights for employees of the California State Legislature, with PERB having jurisdiction over related disputes. It was chaptered in October 2023 and becomes operative on July 1, 2026.

As explained in more detail in the Informative Digest, the regulatory changes proposed by this notice address PERB's need to implement a process for resolving disputes arising under LEERA, including the filing and processing of unfair practice charges. The regulatory changes proposed by this notice also address PERB's need to implement rules and procedures regarding representation matters, including in representation petitions, elections, decertification, and unit determinations.

Finally, the proposed amendments also consolidate and refine duplicative definitions to ensure uniformity and ease of application, and update other terms to clarify their intended application.

INFORMATIVE DIGEST

A. *Adoption of New Sections*

Proposed Section 31190 adopts a definition of "Exclusive Representative," for all labor relations acts under the Board's jurisdiction as, "an employee organization recognized or certified as the exclusive negotiating representative of a bargaining unit."

Proposed Section 32002 adopts a definition of "LEERA," as "the Legislature Employer–Employee Relations Act as contained in Chapter 12.5 of Division 4 of Title 1 of the Government Code (commencing with Section 3599.50)."

Proposed Section 32705 defines the universal terms used in representation matters. It establishes "Employee organization" to include any two or more employee organizations that join together to become "joint requesters," "joint intervenors," or "joint petitioners." The term "Requester" is defined as an employee organization that has filed a request for recognition under an applicable law. "Petitioner" refers to an employee organization or group of employees that has filed a representation petition other than a request for recognition. An "Intervenor" is an employee organization that, after filing a competing claim to be the exclusive representative of some or all of the employees in ques-

tion, has been granted such status by the Board. Finally, "Parties" encompasses the employer, the requestor or petitioner, any intervenor, any employee organization currently serving as the exclusive representative of employees covered by the request or petition, and any employee organization granted joinder under Section 32164(e).

Proposed Section 93000 defines the term "window period," under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.), which is the time period when representation proceedings may be filed during the term of a memorandum of understanding. This proposed section provides clarity to the parties regarding when a representation proceeding may be initiated under LEERA during the term of a memorandum of understanding.

Proposed Section 93010 provides a process for employee organizations that are not the exclusive representative of employees of the Legislature to receive notice from PERB regarding representation petitions, election notices, or decisions affecting those employees under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). This proposed section provides clarity to the parties regarding the procedures for filing a statement of interest with PERB.

Proposed Section 93020 provides a procedure for employee organizations to petition to be certified by PERB as the exclusive representative of an appropriate unit of unrepresented employees under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). This proposed section provides clarity to employee organizations and the Legislature of the procedure for employee organizations to petition to be certified as the exclusive representative of an appropriate unit of unrepresented employees.

Proposed Section 93030 provides for the posting of the notice of the petition for certification under proposed Chapter 9 for LEERA (Government Code section 3599.50et seq.), which provides notice to affected employees of the petition.

Proposed Section 93040 provides a process for the Board to determine proof of employee support for certification petitions filed under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). Proof of support is defined under Section 32700 of existing PERB regulations.

Proposed Section 93050 allows an employee organization to withdraw a petition for certification filed under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.), that the employee organization no longer wishes to pursue.

Proposed Section 93060 concerns amendments to a petition for certification filed under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.), which allows a petitioning party to correct mistakes in a petition for certification that are generally non–substantive in nature.

Proposed Section 93070 provides the process for the employer to file a response to provide its position regarding a petition for certification filed under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.).

Proposed Section 93080 concerns the Board's investigation of a petition for certification filed under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). This proposed section enumerates the circumstances under which the Board will dismiss a petition.

Proposed Section 93100 provides for the filing of a severance petition under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). A severance petition is used where an employee organization wishes to become the exclusive representative of an appropriate unit consisting of employees who are already members of a larger established unit represented by an incumbent exclusive representative. This proposed section provides clarity to the parties regarding the Board's procedures for initiating severance.

Proposed Section 93110 provides for the posting of the notice of the severance petition under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.), which provides notice to affected employees of the petition.

Proposed Section 93120 provides the process for the Board to determine proof of employee support for severance petitions filed under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). Proof of support is defined under Section 32700 of existing PERB regulations.

Proposed Section 93130 permits the employer and exclusive representative of the established unit to each file a response to provide their positions regarding a severance petition filed under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.).

Proposed Section 93140 concerns amendments to a severance petition filed under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). This proposed section allows the petitioning employee organization to amend its petition to correct any technical errors or to delete or add job classifications or positions to the proposed unit. This proposed section also provides for the posting of the notice of the amendment to the petition and the opportunity for parties to provide a response.

Proposed Section 93150 allows an employee organization to withdraw a severance petition filed under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.), that the employee organization no longer wishes to pursue.

Proposed Section 93160 provides for the Board's investigation of a severance petition filed under pro-

posed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). This proposed section enumerates the circumstances under which the Board will dismiss a petition.

Proposed Section 93200 concerns the required notice to interested parties when the Board makes the determination to conduct a representation election under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). This proposed section ensures that all interested parties receive adequate notice of PERB's intent to conduct a representation election.

Proposed Section 93210 provides a procedure for employee organizations to file an intervention petition to appear on the ballot of a representation election conducted by PERB under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.).

Proposed Section 93220 provides a process for the Board to determine proof of employee support for representation elections and interventions under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.). Proof of support is defined under Section 32700 of existing PERB regulations.

Proposed Section 93230 concerns the election procedures contained in PERB's regulations that will apply to elections conducted under proposed Chapter 9 for LEERA (Government Code section 3599.50 et seq.).

B. *Amendment to the Text of Existing Sections*

Section 32001 defines three terms under EERA: "Employee Organization", "Intervening Organization", and "School District". The proposed amendment deletes the definitions for "Employee Organization" and "Intervening Organization". It further provides a non–substantive amendment to the definition of "School District" by adding quotes to the term.

Section 32011 defines five terms under HEERA: "Employee organization", "Requester", "Intervenor", "Petitioner", and "Election Intervenor". The proposed amendment deletes all five definitions and adds a definition for "academic year" to mean the period of time including, and limited to, July 1 of any year through June 30 of the succeeding year.

Section 32016 defines three terms under MMBA: "Public agency", "Exclusive representative", and "Local rules". The proposed amendment deletes the definition for "Exclusive Representative".

Section 32018 defines three terms under TEERA: "Employee organization", "Exclusive representative", and "Established bargaining unit". The proposed amendment deletes the definition for "Exclusive organization".

Section 32019.8 defines three terms under the Sacramento RTD Act: "Employer", "Exclusive representative", and "opt in unit". The proposed amendment deletes the definition for "Exclusive representative".

Section 3209.84 defines three terms under the Santa Clara Valley Transportation Authority Act: "Employer", "Exclusive representative", and "opt in unit". The proposed amendment deletes the definition for "Exclusive representative".

Section 32033 defines three terms under the Trial Court Act: "Trial court", "Exclusive representative", and "Local rules". The proposed amendment deletes the definition for "Exclusive representative".

Section 32035 defines five terms under the Court Interpreter Act: "Regional committee", "Trial court", "Exclusive representative", "Local rules", and "Employer". The proposed amendment deletes the definition for "Exclusive representative".

Section 32085 provides a definition of the term "workday" for matters over which the Board has jurisdiction. The proposed amendment to the text of subdivision (h) provides a definition for the term "workday" for matters arising under LEERA.

Section 32100 provides for when regulations contained in Chapter 1 apply to PERB proceedings conducted under statutes within PERB's jurisdiction. The proposed amendment to the text of subdivision (a) extends the application of existing PERB regulations under Chapter 1 to proceedings conducted under LEERA, and to proposed Chapter 9, which governs representation matters under LEERA. The proposed amendment to the text of subdivision (f) provides that proposed Chapter 9, which governs representation matters under LEERA, does not apply to mediation, election or other services provided by mediators or conciliators pursuant to Government Code sections 3600 and 3601.

Section 32115 specifies the locations for filing documents with PERB in representation matters that are not filed electronically. The proposed amendment to the text of subdivision (c) extends its application to representation matters filed under LEERA.

Section 32120 provides for the filing of written agreements or memorandums of understanding with the Board. The proposed amendment to the text of this section extends its application to agreements entered under LEERA.

Section 32130 addresses the computation of time for filings with PERB. Subdivision (a) includes a reference to Section 32776, which is an exception to the general rule for computing time. Section 32776 addresses when PERB must summarily dismiss a decertification petition under EERA, the Dills Act, HEERA, and TEERA. One instance is when the decertification petition is filed outside the designated "window period" in a memorandum of understanding between the employer and exclusive representative. Another instance is when the decertification petition is filed within 12 months of a representation election result being certified. The proposed amendment to the text of subdivi-

sion (a) includes a reference to proposed subdivision (h) in Section 32776, which addresses when PERB must summarily dismiss a decertification petition filed under LEERA.

The proposed amendment to subdivision (b) serves as a clarifying carve–out for LEERA to the general definition of "holiday" for the purpose of calculating filing deadlines. For LEERA cases, holidays are determined by the Assembly Committee on Rules or the Senate Committee on Rules, rather than as defined in the Government Code. The proposed phrase "unless superseded by an applicable memorandum of understanding" means that even the applicable legislative committee's determination of holidays can be overridden a collective bargaining agreement (MOU) that specifies different holidays. This amendment is crucial because the Legislature's designated holidays may differ from those outlined in the Government Code for other public entities. It ensures that the definition of "Holiday" accurately reflects the specific dates observed by legislative employees.

Section 32140 addresses the proper recipient for filing or service of documents. The proposed amendment adds subdivision (J) to identify the Chief Administrative Officer of the Assembly or their designated representative as the employer for the Assembly Committee on Rules. The proposed amendment also adds subdivision (K) to identify the Secretary of the Senate or their designated representative as the employer for the Senate Committee on Rules.

Section 32147 provides for expediting matters before the Board. Subdivision (b) enumerates specific representation matters that may be expedited to quickly resolve matters involving employee choice of their representative. The proposed amendment to the text of subdivision (b(1)(A)) adds a reference to proposed Section 93020, which governs the filing of petitions for certification under LEERA, and proposed Section 93100, which governs the filing of severance petitions under LEERA. This proposed amendment will allow for the timely resolution of these types of petitions and provides consistency in PERB's procedures.

Section 32155 concerns the circumstances when a Board agent or Board member will be disqualified to hear a case. Subdivision (h) provides that parties to cases arising under the MMBA, the Dills Act, EERA, HEERA, the Trial Court Act, the Court Interpreter Act, and TEERA may include a matter of claimed disqualification in a writ of extraordinary relief seeking judicial review of the Board's decision on the merits. The proposed amendment to subdivision (h) adds references to Government Code section 3599.71 (LEERA), Welfare and Institutions Code section 10428.5 (applicable to In–Home Supportive Services providers), Public Utilities Code section 28861 (San Francisco Bay Area Rapid Transit District Act), section 40122.2 (Orange County Transit District Act), and section 98172 (Santa Cruz Metropolitan Transit District Act). Each of these statutes governs a party's right to file a petition for a writ of extraordinary relief to seek judicial review of a Board decision. This amendment will allow a party aggrieved by a Board decision under these statutes to pursue judicial review in the same manner as permitted under the other statutes already referenced in subdivision (h).

Section 32164 describes the process for an employee, employee organization or employer to file an application for joinder. The proposed amendment to subdivisions (a) and (b) add the term "applicant" to describe the entity or individual that files a joinder application. The proposed amendment to subdivision (e) provides that an employee organization will be allowed to join a representation case if it meets certain requirements. However, the amendment makes clear that joining the case only allows the organization weigh in on whether the bargaining unit being proposed makes sense. If the organization wants to become the exclusive representative of employees it doesn't already represent, the Board agent would treat the application for joinder as an intervention petition, which must meet extra requirements, including showing support from those employees—similar to what's needed when first trying to become a union.

Section 32305 provides that proposed decisions become final if no timely exceptions are filed. Subdivision (b) states that in representation matters arising under the EERA, the Dills Act, HEERA, MMBA, TEERA, the Trial Court Act, and the Court Interpreter Act, a Board agent's decision becomes final unless the Board itself issues a decision not later than 180 days from the date exceptions were filed with the Board. The proposed amendment to the text of subdivision (b) extends the application of this subdivision to LEERA by including a reference to proposed Section 93020, which governs the filing of petitions for certification under LEERA, and proposed Section 93100, which governs the filing of severance petitions under LEERA.

Section 32602 provides for the processing of unfair practice charges. Subdivision (a) provides that alleged violations of statutes within PERB's jurisdiction will be processed as unfair practice charges. Government Code sections 3599.52, subdivision (a), and 3599.55 provide PERB with jurisdiction over LEERA, and the authority to process alleged violations of LEERA as unfair practice charges. The proposed amendment to the text of subdivision (a) provides that alleged violations of LEERA will also be processed as unfair practice charges. Subdivision (c) of this section provides that alleged violations by an employer or exclusive representative of the public notice requirements set forth in Government Code sections 3523, 3524.78,

3547, 3547.5, 3595, and Public Utilities Code section 99569 will be processed as unfair practice charges and may be filed by any affected member of the public. The proposed amendment to the text of subdivision (c) extends the application of this subdivision to LEERA by adding a reference to Government Code section 3599.76, which sets forth public notice requirements under LEERA.

Section 32615 requires that an unfair practice charge include the name and address of the "appointing power," as defined in Government Code section 18524, and the Governor, when the State of California is alleged to have committed the unfair practice. The proposed amendment eliminates this requirement and instead provides that the charge must only include the name and address of the party alleged to have committed the unfair practice. PERB follows notice pleading practices, and many charging parties (particularly those unrepresented by counsel) are unable to correctly identify the appointing power.

Section 32620 concerns the processing of unfair practice charges by Board agents. Subdivision (b)(5), in part, prohibits the issuance of a complaint where the conduct alleged to violate the applicable Act is also prohibited by the parties' written agreement, until the grievance machinery or other remedies have been exhausted under Government Code sections 3514.5 (Dills Act), 3524.55 (JCEERA) 3541.5 (EERA), 3563.2 (HEERA), 71639.1(c) (Trial Court Act), 71825(c) (Court Interpreter Act), or Public Utilities Code section 99561.2 (TEERA). The proposed amendment to the text of subdivision (b)(5) extends the application of this subdivision to LEERA by adding a reference to Government Code section 3599.55.

Section 32720 concerns when an election will be conducted in representation matters under EERA, the Dills Act, HEERA, JCEERA, and TEERA. The proposed amendment to the text of this section adds a reference to proposed Chapter 9, Subchapter 1, which implements representation procedures for LEERA.

Section 32754 concerns when the Board must dismiss a petition requiring a representation election. Under EERA, the Dills Act, HEERA, JCEERA, and TEERA, a petition requiring a representation election must be dismissed if either of the following conditions exist: (1) the petition is filed outside of a designated "window period" for a current collective bargaining agreement between the employer and exclusive representative; or (2) a representation election result has been certified affecting the described unit or a portion thereof within 12 months immediately preceding the date of filing of the petition. The former is colloquially referred to as "the contract bar" and the latter as the "certification bar." The purpose of the contract bar is to balance the need for stability during the life of a collective bargaining agreement with the employees' right to free choice of their representative. The purpose of the certification bar is to provide an insulating period of 12 months to permit the employee organization to represent its unit and negotiate with the employer without interference with its representational rights. The proposed amendment to subdivision (b) includes language to ensure that the contract bar and certification bar apply to representation petitions arising under LEERA in the same way they are applied to the Dills Act.

Section 32772 provides for notification to employees in a voting unit of a decertification petition. Subdivision (c) sets forth the time that a notice of decertification petition must be posted. The proposed amendment to the text of subdivision (c) includes language requiring a notice of a decertification petition filed under LEERA to be posted for a minimum of 20 days.

Section 32776 concerns the Board's procedure for investigating decertification petitions. The Board must dismiss a decertification petition under EERA, the Dills Act, HEERA, and TEERA if either of the following conditions exist: (1) the petition is filed outside of a designated "window period" for a current collective bargaining agreement between the employer and exclusive representative; or (2) a representation election result has been certified affecting the described unit or a portion thereof within 12 months immediately preceding the date of filing of the petition. The former is colloquially referred to as "the contract bar" and the latter as the "certification bar." The purpose of the contract bar is to balance the need for stability during the life of a collective bargaining agreement with the employees' right to free choice of their representative. The purpose of the certification bar is to provide an insulating period of 12 months to permit the employee organization to represent its unit and negotiate with the employer without interference with its representational rights.

Proposed subdivision (h) includes language to ensure that the contract bar and certification bar apply to petitions for decertification filed under LEERA. Subdivision (i) (formerly subdivision (h)), defines "window period." The proposed amendment to the text of this subdivision adds a reference to proposed Section 93000, which defines the "window period" for matters filed under LEERA.

Section 32781 provides a procedure for the filing of petitions to modify existing employee units and the way employee units may be modified. Subdivision (b)(1) permits, in relevant part, the deletion of classifications or positions that are not covered by TEERA, EERA, HEERA, JCEERA, or the Dills Act. The proposed amendment to the text of subdivision (b)(1) adds a reference to LEERA to extend the application of this subdivision to LEERA. Subdivision (b)(4) permits, in relevant part, the deletion of classifications or

positions not subject to subdivision (b)(1), that are not covered by TEERA, EERA, HEERA, JCEERA, or the Dills Act. The proposed amendment to the text of subdivision (b)(4) adds a reference to LEERA to extend the application of this subdivision to LEERA. Subdivision (b)(4)(C) provides for the filing of unit modification petitions under subdivision (b)(4), provided that the petition is filed during the "window period" as defined for EERA, the Dills Act, HEERA, JCEERA, and TEERA. The proposed amendment to the text of subdivision (b)(4)(C) adds a reference to proposed Section 93000, which defines the "window period" for matters filed under LEERA, and corrects the reference to TEERA from section 71026 to 71010(j).

Section 32792 outlines the process for requesting that the Board determine whether an impasse exists in negotiations and, if so, appoint a mediator. The proposed amendment adds LEERA to the list of statutes—currently including the Dills Act, JCEERA, EERA, and HEERA—under which this process applies. Additionally, the proposed amendments to subdivisions (a)(1) and (a)(2) require that any party filing a request for impasse include the email addresses of both the employer and the designated representative for each party.

Section 71010 provides the following definitions for the Los Angeles County Metropolitan Transportation Authority Transit Employer–Employee Relations Act: "Election Intervenor", "Employee", "Employee organization", "Employer", "Intervenor", "Parties", "Petitioner", and "Requester". The proposed amendment would delete the definitions for "Election Intervenor", "Intervenor", "Parties", "Petitioner", and "Requester". These definitions would be replaced in proposed amendments that consolidate universal definitions applicable to all acts under PERB's jurisdiction.

C. *Sections Repealed*

Section 32006 defines terms under the Ralph C. Dills Act. The proposed repeal of this section is necessary because these terms are being consolidated into a single, comprehensive definition section (proposed Section 32705) that will apply to all labor relations acts under PERB's jurisdiction.

Section 32008 defines terms under JCEERA. The proposed repeal of this section is necessary because these terms are being consolidated into a single, comprehensive definition under proposed Section 32705 that will apply to all labor relations acts under PERB's jurisdiction.

Section 32039 defines "Exclusive Representative" under PEDD. The proposed repeal of this section is necessary because the term is being consolidated into a single, comprehensive definition under proposed Sections 31190 that will apply to all labor relations acts under PERB's jurisdiction.

Section 32165 concerns an application to join a representation hearing as a limited party. The proposed repeal of this section is necessary because the rules for joining a case are addressed exclusively in the proposed amendments to section 32164.

Section 32166 concerns an application to join a representation hearing as a full party. The proposed repeal of this section is necessary because the rules for joining a case are addressed exclusively in the proposed amendments to section 32164.

Section 32721 defines the term "parties" in representation matters under EERA, the Dills Act, HEERA, and TEERA. The proposed repeal of this section is necessary because the term "parties" in representation matters is being consolidated into a single, comprehensive definition under proposed Sections 32705(e) that will apply to representation matters for all labor relations acts under PERB's jurisdiction.

Section 33001 defines the term "Parties" under MMBA, Trial Court Act, or Court Interpreter Act. The proposed repeal of this section is necessary because the term "parties" in representation matters is being consolidated into a single, comprehensive definition under proposed Sections 32705(e) that will apply to representation matters for all labor relations acts under PERB's jurisdiction.

Section 33015 defines the term "parties" in representation matters under EERA. The proposed repeal of this section is necessary because the term "parties" in representation matters is being consolidated into a single, comprehensive definition under proposed Sections 32705(e) that will apply to representation matters for all labor relations acts under PERB's jurisdiction.

Section 40160 defines the term "parties" in representation matters under the Dills Act. The proposed repeal of this section is necessary because the term "parties" in representation matters is being consolidated into a single, comprehensive definition under proposed Sections 32705(e) that will apply to representation matters for all labor relations acts under PERB's jurisdiction.

Section 51010 defines the term "parties" in representation matters under HEERA. The proposed repeal of this section is necessary because the term "parties" in representation matters is being consolidated into a single, comprehensive definition under proposed Sections 32705(e) that will apply to representation matters for all labor relations acts under PERB's jurisdiction.

Section 61005 defines the term "parties" in representation matters under the MMBA. The proposed repeal of this section is necessary because the term "parties" in representation matters is being consolidated into a single, comprehensive definition under proposed Sections 32705(e) that will apply to representation matters for all labor relations acts under PERB's jurisdiction.

Section 81005 defines the term "parties" in representation matters under the Trial Court Act. The proposed repeal of this section is necessary because the term "parties" in representation matters is being consolidated into a single, comprehensive definition under proposed Sections 32705(e) that will apply to representation matters for all labor relations acts under PERB's jurisdiction.

Section 91005 defines the term "parties" in representation matters under Court Interpreter Act. The proposed repeal of this section is necessary because the term "parties" in representation matters is being consolidated into a single, comprehensive definition under proposed Sections 32705(e) that will apply to representation matters for all labor relations acts under PERB's jurisdiction.

Section 95020 defines the term "parties" in representation matters under JCEERA. The proposed repeal of this section is necessary because the term "parties" in representation matters is being consolidated into a single, comprehensive definition under proposed Sections 32705(e) that will apply to representation matters for all labor relations acts under PERB's jurisdiction.

D. *Amendments Only to the Authority and Reference Citations of Existing Regulations*

Section 31001 provides for meetings of the Public Employment Relations Board.

Section 32020 provides a definition for the term "Board."

Section 32030 provides a definition for the term "Board itself."

Section 32040 provides a definition for the term "Executive Director."

Section 32050 provides a definition for the term "General Counsel."

Section 32055 provides a definition for the term "Chief Administrative Law Judge."

Section 32060 provides a definition for the term "headquarters office."

Section 32075 provides a definition for the term "regional office."

Section 32080 provides a definition for the term "day."

Section 32090 provides a definition for the term "e–PERB."

Section 32091 provides a definition for the term "electronic filing."

Section 32092 provides a definition for the term "electronic signatures" and when documents are determined to be electronically signed.

Section 32093 provides a definition for the term "electronic service" where authorized or required by statute or within PERB's regulations.

Section 32094 provides a definition for the term "filed" as the term is used for the formal submission of documents with PERB.

Section 32096 provides a definition for the term "bargain."

Section 32105 provides for the severability of PERB's regulations.

Section 32110 sets forth the requirements that govern the way parties electronically file documents with PERB through ePERB, as that term is defined by section 32090.

Section 32111 authorizes the Board to direct parties to use electronic means to post and thereby notify remote workers that a representation petition has been filed.

Section 32125 describes the filing requirements for documents with confidential information.

Section 32132 concerns the requirements for an extension of time in which to file documents with the Board.

Section 32135 concerns filing requirements for non–electronic filings.

Section 32136 concerns late filing requirements.

Section 32143 concerns the placement of PERB cases in abeyance.

Section 32145 concerns the waiver of time period requirements to expedite a matter.

Section 32149 concerns the issuance of investigative subpoenas.

Section 32150 concerns the issuance of subpoenas.

Section 32162 concerns the confidentiality of Board investigations.

Section 32168 concerns the conduct of hearings.

Section 32169 concerns the taking of depositions.

Section 32170 concerns the powers and authority of a Board agent conducting a hearing.

Section 32175 concerns the rules of evidence in representation cases.

Section 32176 concerns the rules of evidence in unfair practice cases.

Section 32178 concerns the burden of proof in unfair practice cases.

Section 32180 concerns the "rights of parties" to representation including self–representation.

Section 32185 concerns ex parte communications with Board agents.

Section 32190 concerns filing and rulings on motions.

Section 32200 concerns the appeal of rulings on motions and other interlocutory matters.

Section 32205 concerns requests for continuances.

Section 32206 concerns the production of statements of witnesses after testimony.

Section 32207 concerns stipulation of facts for purposes of hearing.

Section 32209 concerns the procedure for correction of hearing transcripts.

Section 32210 concerns the filing of informational briefs and oral argument.

Section 32212 concerns briefs and oral argument.

Section 32215 concerns issuance of proposed decisions.

Section 32220 concerns contemptuous conduct by a party or a party's agent.

Section 32230 concerns the refusal of a witness to testify.

Section 32295 concerns ex parte communications with members of the Board itself or legal advisers to Board members.

Section 32300 concerns the filing of exceptions to Board agent decisions.

Section 32310 provides for the filing of responses to exceptions.

Section 32312 provides for the filing of reply briefs in support of exceptions.

Section 32315 provides for oral argument on exceptions.

Section 32320 concerns issuance of decisions by the Board itself.

Section 32325 concerns the remedial powers of the Board.

Section 32350 provides for a definition of administrative decisions.

Section 32360 concerns requirements for appeals of administrative decisions.

Section 32370 concerns requests for a stay following an appeal.

Section 32375 provides for responses to administrative appeals.

Section 32380 provides for administrative decisions that are not appealable.

Section 32400 provides that a motion for reconsideration is not required to exhaust administrative remedies.

Section 32410 provides for the filing of requests for reconsideration.

Section 32450 concerns the filing of requests for injunctive relief.

Section 32455 concerns the investigation of requests for injunctive relief.

Section 32460 provides for recommendations by the General Counsel concerning requests for injunctive relief.

Section 32465 provides for decisions by the Board itself concerning requests for injunctive relief.

Section 32470 concerns the authority of the General Counsel regarding requests for injunctive relief where a quorum of the Board itself is unavailable.

Section 32500 concerns procedures for requesting judicial review of a decision in a representation case.

Section 32616 specifies in which regional office unfair practice charge filings should be made.

Section 32621 concerns the amending of unfair practice charges.

Section 32625 concerns the withdrawal of unfair practice charges.

Section 32630 concerns the dismissal of unfair practice charges.

Section 32635 provides for the appeal of dismissals of unfair practice charges.

Section 32640 concerns the issuance of complaints in unfair practice charge cases.

Section 32644 provides for the filing of an answer in unfair practice charges where a complaint issues.

Section 32645 concerns non–prejudicial errors in unfair practice charges and related documents.

Section 32647 concerns amendments to complaints in unfair practice charge cases before hearing.

Section 32648 concerns amendments to complaints in unfair practice charge cases during a hearing.

Section 32649 concerns the filing of answers to amendments to complaints in unfair practice charge cases.

Section 32650 concerns the conduct of settlement conferences in unfair practice charge cases.

Section 32680 concerns the conduct of hearings on unfair practice charges.

Section 32690 concerns notice of hearing in unfair practice charge cases.

Section 32700 concerns the requirements for valid proof of employee support in representation proceedings.

Section 32722 concerns the preparation of ballots in representation matters.

Section 32724 concerns service on the parties of a Directed Election Order or Consent Election Agreement regarding the conduct of an election, and notification to employees in a voting unit of an election.

Section 32726 concerns the employer's obligation to file a voter list with PERB.

Section 32728 concerns the requirements for an employee to be eligible to vote in an election.

Section 32730 concerns the parties' right to station observers at an election.

Section 32732 concerns challenges to the eligibility of a voter.

Section 32734 concerns the parties' right to station an authorized agent at the ballot count.

Section 32735 concerns the resolution of challenged ballots.

Section 32736 provides for a runoff election when no ballot choice receives a majority of votes.

Section 32738 concerns party objections to the conduct of an election.

Section 32739 concerns a Board agent's powers and duties concerning objections to the conduct of an election.

Section 32740 concerns the withdrawal of objections to the conduct of an election.

Section 32742 provides for hearing procedures to resolve objections to the conduct of an election or challenges to ballots.

Section 32744 provides the procedure for parties to file exceptions to a Board agent's proposed decision on objections to the conduct of an election or challenged ballots.

Section 32746 concerns the revised tally of ballots following a ruling on challenged ballots.

Section 32748 permits a party to file objections to a revised tally of ballots.

Section 32750 concerns the certification of results of an election or certification of an exclusive representative.

Section 32752 concerns when the Board may stay an election pending the resolution of an unfair practice charge relating to the voting unit.

Section 32761 provides for the filing of petitions by employee organizations requesting amendment of certification.

Section 32762 concerns an employer's response to a petition for amendment of certification.

Section 32763 concerns the Board's investigation of a petition for amendment of certification.

Section 32770 provides for the filing of decertification petitions.

Section 32774 concerns the process for the Board to determine proof of employee support for decertification petitions.

Section 32783 concerns the filing of responses to petitions for unit modification.

Section 32784 provides the process by which the Board will determine proof of employee support for petitions for unit modification.

Section 32786 concerns the Board's investigation and disposition of a petition for unit modification.

Section 32791 provides for the selection by the parties of a mediator.

Section 32792 concerns the procedures for parties to request the Board determine the existence of impasse and appointment of a mediator.

Section 32793 concerns the procedure for the Board to determine the existence of impasse.

Section 32795 concerns subsequent requests by parties to the Board to determine the existence of impasse and appointment of a mediator after the Board's determination that an impasse does not exist.

Section 32980 concerns enforcement of compliance with final decisions of the Board.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

The Board has determined that the proposed regulatory adoptions and amendments are not inconsistent or incompatible with existing regulations. After conducting a review of all regulations that would relate to or affect this area of California law, the Board has determined that due to PERB's exclusive jurisdiction to implement and enforce LEERA and other acts within its jurisdiction, the proposed regulations are the only regulations concerning the implementation of LEERA. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

LEERA's implementation affects hundreds of employees of the Legislature for purposes of collective bargaining, the employee organizations that represent these employees, and the Legislature. The proposed regulatory changes will implement the Board's jurisdiction over matters arising under LEERA and will extend the application of PERB's existing unfair practice procedures to alleged violations of LEERA. Because PERB's unfair practice charge process is well–established, the application of these existing procedures will aid in the expedient resolution of disputes arising under LEERA, in furtherance of the policies underlying the act. The proposed regulations will also extend existing regulations and add new procedures for the filing and processing of representation petitions and unit determinations arising under LEERA, and for conducting elections. The proposed regulations will ensure that the procedural and substantive rights of Legislature employees, employee organizations, and the Legislature, provided by LEERA will be protected. In so doing, California residents' welfare will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that the Legislature and its employees provide to California communities.

NO EXISTING AND COMPARABLE FEDERAL REGULATION OR STATUTE

During the process of developing these proposed regulatory adoptions and amendments, the Board has conducted a search for any similar federal regulations and statutes on this topic and has determined that there are no existing, comparable federal regulations or statutes that govern matters arising under LEERA, as these proposed regulatory changes apply solely to the Legislature, a public employer, public employees of the Legislature, and employee organizations representing Legislature employees. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing Federal regulations or statutes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: The proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq.: The proposed action would not impose any new costs which must be reimbursed.

Other non–discretionary costs or savings imposed upon local agencies: The proposed action would not result in any new costs which must be reimbursed, or savings imposed upon local agencies.

Cost or savings to state agency: The proposed action would not result in any new costs or savings.

Cost or savings in federal funding to the state: The proposed action would not result in any new costs or savings.

Cost impact on private persons or directly affected businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Benefits to health and welfare of California residents, worker safety, and the state's environment: The regulations will make the Board's processes more transparent and accessible when disputes arise under LEERA, providing essential guidance to all parties. Ultimately, this enhanced clarity and efficiency in dispute resolution will promote stable collective bargaining, ensuring the continuous delivery of vital services that the Legislature and its employees provide to California communities, thereby benefiting the welfare of all California residents.

Significant statewide adverse economic impact on business including the ability of California businesses to compete with businesses in other states: The proposed action will have no impact.

Significant effect on housing costs: There will be no effect on housing costs.

Business Reporting Requirement: The proposed action will not require a report to be made.

The proposed regulations will not affect small business because the proposed regulations will only affect a public employer, public employees, and public employee organizations.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board concludes that the adoption of the proposed regulations and amendments will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

BENEFIT ANALYSIS

The adoption of these proposed regulations will implement and clarify procedures for PERB's administration and enforcement of LEERA. This will significantly benefit employees of the Legislature, their representatives, the Legislature itself, and the broader community by facilitating the expedient resolution of public sector labor disputes. The regulations will make the Board's processes more transparent and accessible when disputes arise under LEERA, providing essential guidance to all parties. Ultimately, this enhanced clarity and efficiency in dispute resolution will promote stable collective bargaining, ensuring the continuous delivery of vital services that the Legislature and its employees provide to California communities, thereby benefiting the welfare of all California residents.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), a rulemaking agency must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency 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.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Any questions or suggestions regarding the proposed action should be directed to:

J. Felix De La Torre, General Counsel
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 322–3198
Email: felix.delatorre@perb.ca.gov

The backup person for these inquiries is:

James Coffey, Principal Attorney Supervisor
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811

(916) 322–3198
Email: james.coffey@perb.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to J. Felix De La Torre at the above address.

PRELIMINARY ACTIVITIES

On February 13, 2025, PERB held a public meeting wherein the public was given the opportunity to provide comments regarding the implementation of LEERA and the proposed text of the regulations. In response to constituent feedback, the Board agreed to modify the proposed text and present it at the next public meeting for further comment. On April 10, 2025, the Board itself approved the publication of the proposed regulatory text and the commencement of the formal rulemaking process. On August 14, 2025, the Board considered modifications to two sections, and again approved the publication of the proposed regulatory text and the commencement of the formal rulemaking process. PERB has also relied upon the Economic Impact Assessment identified in this notice in proposing regulatory action.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the proposed regulations and the initial statement of reasons. Copies of these documents may be obtained by contacting J. Felix De La Torre at the above address, and are also available on the Board's web site at https://perb.ca.gov/laws–and–regulations/rulemaking/rulemaking/LEERA/.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a hearing, if one is requested, and considering all timely and relevant comments, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, the modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations as revised. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of J. Felix De La Torre at the above address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting J. Felix De La Torre at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this notice of proposed action, the initial statement of reasons, and the text of the proposed regulations in underline and strikeout, can be accessed through PERB's website at www.perb.ca.gov throughout the rulemaking process. Written comments received during the written comment period will also be posted on PERB's website. The final statement of reasons or, if applicable, notice of a decision not to proceed will be posted on PERB's website following the Board's action. These documents may be viewed on PERB's website at the following address: https://perb.ca.gov/laws–and–regulations/rulemaking/leera/.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to adopt section 3418 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, concerning tuberculosis (TB) testing.

PUBLIC HEARING

A virtual public hearing will be held on **March 24, 2026,** from **1:30 p.m. to 2:00 p.m.** To join the virtual hearing, follow this link: *click here* or you may call (916) 701–9994 and enter phone conference ID 728 827 103# to join by phone (audio only). The purpose of the hearing is to receive written and oral comments about the proposed regulations. Any person may submit public comments orally or in writing during the hearing.

PUBLIC COMMENT PERIOD

The public comment period will close on **March 24, 2026, at 5:00 p.m**. Any person may submit public comments in writing (by mail or by email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to HCregulationsandpolicy@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

R. Hart
Associate Director
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691–2922

A. Burrell
Supervisor II
Health Care Regulations and Policy Section
California Correctional Health Care Services
(916) 691–2921

AUTHORITY AND REFERENCE:

GC section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

PC section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: 6006, 6006.5, and 6007, PC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDCR and CCHCS propose to adopt section 3418 of the CCR, Title 15, Division 3, Chapter 1, governing TB testing. Effective July 1, 2025, amendments to PC sections 6006, 6006.5, and 6007 were made, resulting in changes to the TB testing process for CDCR employees. The amendments were made to streamline the hiring process and align with the California Department of Public Health requirements and Centers for Disease Control and Prevention recommendations.

The regulatory action ensures compliance with the PC sections 6006, 6006.5, and 6007 TB testing requirements through proper screening and documentation of CDCR employees.

This action provides the following:

- Clarifies existing TB testing process and certification requirements for CDCR employees.
- Clarifies and streamline the hiring process.
- Eliminates unnecessary TB testing and screening certification requirements for CDCR employees.
- Ensures CDCR maintains accurate records for affected employees.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the proposed regulations will benefit the CDCR staff by ensuring the Department follows standardized TB testing processes and guidelines. The proposed changes will also improve efficiency for CDCR staff by reducing unnecessary TB testing and screening, thereby streamlining internal processes and reducing repetitive administrative tasks.

FORMS INCORPORATED BY REFERENCE

Not applicable.

EVALUATION OF CONSISTENCY/ COMPATIBILITY WITH EXISTING REGULATIONS

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has determined these proposed regulations

are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code section 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any State agency: *None.*
- Cost to any local agency or school district that is required to be reimbursed*: None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because this regulatory action relates solely to the internal administrative process regarding TB testing and requirements within CDCR which only affect CDCR staff.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because this regulatory action relates solely to the internal administrative process regarding TB testing and requirements within CDCR which only affect CDCR staff.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California because this regulatory action relates solely to the internal administrative process regarding TB testing and requirements within CDCR which only affect CDCR staff.

In accordance with Government Code (GC) section 11346.3(b), the Department has made the following assessments regarding the proposed regulation:

1. *Creation or Elimination of Jobs within the State of California*

The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing jobs within the State of California. These regulatory changes pertain solely to internal administrative process regarding TB testing and requirements within CDCR.

2. *Creation of New or Elimination of Existing Businesses within the State of California*

The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing businesses within the State of California. These regulatory changes pertain solely to internal administrative process regarding TB testing and requirements within CDCR.

3. *Expansion of Businesses Currently Doing Business within the State of California*

The Department does not expect that the proposed regulations will have an impact on the expansion of businesses currently doing business within the State of California. These regulatory changes pertain solely to internal administrative processes regarding TB testing and requirements within CDCR.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will protect public health and safety, worker safety, and benefit CDCR staff by ensuring the Department follows standardized TB testing processes and guidelines. The proposed changes will also improve efficiency for CDCR staff by reducing unnecessary TB testing and screening, thereby streamlining internal processes and reducing repetitive administrative tasks. The proposed regulations will have no effect on the State's environment as the State's environment is not impacted by these administrative and operational changes.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This regulation change pertains solely to the internal administrative process regarding TB testing and requirements within CDCR which only affect CDCR staff.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because this regulation

change pertains solely to the internal administrative process regarding TB testing within CDCR which only affects CDCR staff.

CONSIDERATION OF ALTERNATIVES

The Department 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 provisions of law.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website https://cchcs.ca.gov and CDCR institution law libraries.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 calendar days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person listed in this Notice. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the department), proposes to amend sections 3000, 3040, 3040.1, 3040.3, 3043.3, 3044, 3044.1, 3044.2, 3045, 3375, 3375.6, and 3404 of Title 15, Division 3, Chapter 1, regarding Waiting Lists and Rehabilitative Program Assignments.

PUBLIC COMMENT PERIOD

The public comment period begins **February 6, 2026,** and closes on **March 24, 2026.** Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the contact person listed below.

CONTACT PERSONS

Primary Contact:

S. Pollock
Telephone: (279) 223–2308
Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Back–Up:

Y. Sun
Telephone: (916) 203–9779
Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Program Contact:

Abby Steinmetz
(279) 300–5877
Division of Rehabilitative Programs
P.O. Box 942883
Sacramento, CA 94283–0001

PUBLIC HEARING

Date and Time:

March 24, 2026 — 10:00 a.m. to 11:00 a.m.

Place:

State of California, Building C,
First Floor, Room 101
8260 Longleaf Drive
Elk Grove, CA 95758

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

Additional Authority and Reference Citations cited in the amended CCR sections include:

Sections 186.22, 243, 314, 502, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203.8, 1364, 1389, 2053, 2053.1, 2080, 2081.5, 2084, 2600, 2601, 2684, 2690, 2694, 2700, 2701, 2717.1, 2717.3, 2717.6, 2905, 2932, 2932.5, 2933, 2933.05, 2933.3, 2933.6, 2935, 3000.03, 3003.5(a), 3007.05, 3020, 3021, 3041, 3070, 3411, 3414, 3450, 3550, 4570, 4576, 5005, 5009, 5058.3, 5068, 6250, 6250.5, 6252, 6258.1, 7000 et seq., 11180 and 11191, Penal Code; Sections 4525(a), 4526, 8550, 8567, 12838, 12838.7, and 14837, Government Code; Sections 1132.4 and 1132.8, 1182, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3, 10115.3(b), and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Sections 19011, and 19012 Welfare and Institutions Code; Section 12030, Education Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker* (1997) 55 Cal.App. 4th 1004; *Madrid v. Dept. of Corrections* (N.D. Cal. C90–3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate* (E.D. Cal. 2:08–CV–01196–TLN–EFB); *In re Garcia* (2012) 202 Cal.App.4th 892; *Quine v. Beard* (N.D. Cal. C 14–02726 JST); Cal. Const., article I, Section 32(b); Cal. Const., article I, Section 32(a)(2); *In re Monigold*, 205 Cal.App.3d 1224 (1988); Title 20 United States Code Sections 6421, 6431, 6432, 6434; Title 34 Code of Federal Regulations Sections 200.90, 200.91.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, incarcerated persons are assigned to work or program assignments via a classification committee who reviews the incarcerated person's case factors to determine proper placement. Assignments to work or programs via a classification committee takes more time and is a more involved process. These proposed regulations allow for reassignment, assignment, and unassignment (without adverse reasons for doing so) of incarcerated persons for education programs, to be completed by Assignment Office staff and, in some instances, the institution's school principal or designee. This workflow improvement will allow for changes to program waiting lists and program assignments to be made more quickly, enabling quicker placement of incarcerated persons and more efficient use of staff resources.

This action will:

- Establish the Cognitive Behavioral Interventions (CBI) programs: CBI Aftercare, and CBI Short Term Education, and their criteria, within section 3040.1, Integrated Substance Use Disorder Treatment and Cognitive Behavioral Interventions Criteria.
- Allow for Division of Rehabilitative Programs (DRP) Correctional Counselor (CC) IIIs to remove incarcerated persons from specific CBI programs in certain circumstances, without requiring a classification committee action.
- Establish the Peer Literacy Mentor Program and its criteria.
- Allow for assignments, unassignments, and reassignments to alternative education, education support, and voluntary education programs to be made by the institution school principal or designee, based on specific criteria, and without a classification committee action.

- Allow for reassignments to traditional education programs to be made by DRP Office of Correctional Education staff via the automated Education Progress Record (03/2025) and signed by the institution school principal or designee, based on specific criteria, without a classification committee action.
- Incorporate by reference the automated Education Progress Record (03/2025), into the California Code of Regulations, Title 15.
- Establish that incarcerated persons are placed in Adult Basic Education (ABE) or Adult Secondary Education (ASE) courses based upon their highest assessed reading level on their current term of incarceration, absent a health care recommendation.
- Revise and add primary determinants for priority placement on institution waiting lists.
- Adopt language which establishes educational and work programs that will be considered to have satisfied a medium to high need for employment based on the department's automated needs assessment tool.
- Adopt language that requires the Warden's approval for the hiring of ex–offenders to be employed as a contractor or serve as a volunteer within an institution or perform duties that require communication with incarcerated persons.

DOCUMENTS INCORPORATED BY REFERENCE

Automated Education Progress Record (03/2025)

This note explains the department's justification for incorporating forms by reference. The department uses over 1,500 forms, many of which are regulatory. It would be unduly cumbersome, expensive and impractical to print all of these forms in the CCR text, therefore the department has always incorporated forms by reference, except in specific circumstances which do not apply in the case of these regulations.

The adopted, amended, and/or repealed forms included in this rulemaking action are available to the public for review and are included in the notice of rulemaking sent to all parties who have requested notification.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will provide for greater flexibility of rehabilitation program assignments by allowing the Office of Correctional Education staff and/or the institution principal or their designee the authority to assign, reassign, and unassign incarcerated persons to or from rehabilitative programs when there are no adverse reasons for doing so and there are legitimate reasons to do so. This will enable quicker and more efficient processing, which will benefit incarcerated persons by putting them in the right programs at the right time to ensure their successful rehabilitation and aid in their success once released from prison. Additionally, it will benefit the department by streamlining processes and improving efficiencies statewide.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern Waiting Lists and Rehabilitative Program Assignments.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None.*
- Cost to any local agency or school district that is required to be reimbursed: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulations will have no effect on the creation of new, or the elimination of existing jobs or businesses within California or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will not have an impact on worker safety, and the State's environment. However, the health and welfare of California residents may benefit by incarcerated persons being processed more efficiently into appropriate rehabilitation programs and waiting lists, which may aid in incarcerated persons' quicker rehabilitation and success; and will also provide more efficient use of staff resources. New CBI programs will assist with the rehabilitation of incarcerated persons with substance use disorders, and their success once released back into society. Lastly, by obtaining a Warden's approval prior to the hiring of an ex–offender, it will ensure safety and security within the institutions.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department 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 regulatory action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

PRACTICE OF CHIROPRACTIC PROHIBITED WITH INACTIVE LICENSE

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Board at its office no later than by Monday, March 23, 2026**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 4 of the Chiropractic Initiative Act of California (Act) [Initiative Measure, Stats. 1923, p. lxxxix, § 4, as amended by Stats. 1978, chapter 307, p. 636, § 1], and to implement, interpret, or make specific section 5 of the Act (Initiative Measure, Stats. 1923, pp. lxxxix–xc, § 5, as amended by Stats. 1978, chapter 307, pp. 639–640, § 2.5) and sections 700 and 702 of the Business and Professions Code (BPC), the Board is considering adding section 310.3 to Title 16, Division 4, Article 2 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, BPC section 700, establishes an inactive category of licensure which is intended to allow a healing arts licensee who is not actively engaged in the practice of their profession to maintain licensure in a nonpracticing status. BPC section 702 prohibits an inactive licensee from: 1) engaging in any activity for which an active license or certificate is required; and 2) representing that they have an active license.

However, the phrases "actively engaged in the practice" and "engage in any activity for which an active license is required," as used within BPC sections 700 and 702, are vague and do not provide clear direction to the Board's licensees on the activities within the practice of chiropractic that require an active doctor of chiropractic with annual continuing education and that cannot be performed by the holder of an inactive license.

This proposal will add CCR section 310.3 to specify that the following types of activities within the practice of chiropractic require an active doctor of chiropractic license and cannot be performed by the holder of an inactive license:

- Directing, performing, or providing any of the activities specified in CCR section 302, subdivision (a)(1)–(3) and (5)–(7).
- Conducting, directing, performing, or recommending an evaluation, physical examination, or diagnostic imaging.
- Rendering an assessment, diagnosis, interpretation, prognosis, clinical impression, conclusion, or recommendation.
- Creating, directing, monitoring, or updating a treatment or care plan or clinical order.

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents and strengthen consumer protection by ensuring that only actively licensed doctors of chiropractic engage in the practice of chiropractic in the state, which helps assure that consumers are treated by a provider that has met ongoing requirements such as continuing education. This proposal also benefits licensed doctors of chiropractic by clearly specifying the types of activities within the practice of chiropractic that require an active license, which helps to avoid misconduct and prevent potential harm.

This regulatory proposal does not affect worker safety or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that this proposal is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The regulation does not result in a fiscal impact to the state. This proposal is intended to clarify the types of activities that require an active doctor of chiropractic license and cannot be performed by the holder of an inactive license. The Board does not anticipate any additional workload or costs resulting from the proposed regulation. The regulation does not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500–17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The rulemaking file includes the facts, documents, testimony, and/or other evidence that support this determination.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily occur in reasonable compliance with the proposed action.

The proposal is intended to clarify the types of activities that require an active doctor of chiropractic license and cannot be performed by the holder of an inactive license. This clarification of existing law does not result in additional costs to individuals or businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Board has determined that this regulatory proposal will not have any impact on the following:

1) the creation or elimination of jobs within the state,
2) the creation of new businesses or the elimination of existing businesses within the state, or,
3) the expansion of businesses currently doing business within the state.

Benefits of Regulation

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents and strengthen consumer protection by ensuring that only actively licensed doctors of chiropractic engage in the practice of chiropractic in the state. This proposal also benefits licensed doctors of chiropractic by clearly specifying the types of activities within the practice of chiropractic that require an active license.

This regulatory proposal does not affect worker safety or the state's environment as this proposal is not related to any of those issues.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulation will not affect small businesses. The proposal is intended to clarify the types of activities that require an active doctor of chiropractic license and cannot be performed by the holder of an inactive license. This clarification of existing law does not result in additional costs to small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation 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 proposal described in this Notice; or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit written comments relevant to the above determinations to the Board's office at 1625 N. Market Blvd., Suite N–327, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 N. Market Blvd., Suite N–327, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Tammi Herrera
Address: Board of Chiropractic Examiners
1625 North Market Blvd., Suite N–327
Sacramento, CA 95834
Telephone Number: (916) 574–8983
Fax Number: (916) 327–0039
Email Address: tammi.herrera@dca.ca.gov

The backup contact person is:

Name: Kristin Walker
Address: Board of Chiropractic Examiners
1625 North Market Blvd., Suite N–327
Sacramento, CA 95834
Telephone Number: (916) 574–7784
Fax Number: (916) 327–0039
Email Address: kristin.walker@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at https://www.chiro.ca.gov/laws_regs/prop_regs.shtml.

TITLE 16. BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

EXAM APPLICATION REPEAL, TERMINOLOGY AND TRAINING–RELATED UPDATES

NOTICE IS HEREBY GIVEN that the Bureau of Security and Investigative Services (Bureau or BSIS) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau will hold a hearing if it receives a written request for a public hearing from any interested person, or the interested person's authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request, in writing, addressed to the individuals listed under "Contact Person" in this Notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Bureau at its office no later than Midnight, March 24, 2026**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 7501.6, 7515, 7574.05, 7581, 7583.6, 7583.7, and 7591.6 of the Business and Professions Code (BPC), the Bureau is considering amending sections 601, 601.1, 621, 628, 636, & 643 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing California law at CCR 601 and 601.1 mandate that licensees file an application to be eligible for an exam, which were held at least once every two months. The Bureau also regulates advertisements at CCR 621 related to licensee business. Additionally, licensee categories regulated by the BSIS must complete specified training per CCR 628 and 643. For example, proprietary private security officers (PSOs) must complete a course in security officer skills that includes Power to Arrest (PTA) training pursuant to the BPC section 7574.18(a) and (b). Alarm agents, security guards, and private investigators must complete a course of training in the carrying and usage of firearms in order to obtain a BSIS firearms permit, pursuant to BPC sections 7583.23, 7596(a), and 7542(a)(1).

Effective July 1, 2023, Assembly Bill (AB) 229 (Holden, Chapter 697, Statutes of 2021) and AB 2515 (Holden, Chapter 287, Statutes of 2022), require the Bureau to expand PTA training to include appropriate use of force topics for applicants and licensees. In 2023, the Bureau updated PTA training requirements, but there are still requirements in regulation that are no longer a current practice of the Bureau (application for exams) as well as terminology that is not consistent with updated statute. Additionally, the Bureau has received public inquiries seeking additional insight and clarification on licensing requirements.

This proposal updates the application for examination process, and repeals the time requirements for examinations to be consistent with current business practice. This proposal broadens what the Bureau considers an advertisement. This proposal aligns regulatory language with updated statutory terminology for consistency and clarity. This proposal repeals CCR 636, course approval related to firearms, because it is no longer necessary as CCR 635 mandates a course outline for firearms training instructors.

This proposal also clarifies that 16 hours of elective courses for security personnel shall be completed within 6 months of initial registration or date of employment. It also clarifies/adds elective courses to be consistent with the most recent version of the "Power to Arrest and Appropriate Use of Force Training Manual" dated January 2025. The proposal would also make other minor, technical non–substantive changes to cross–references to address consistency with statutory authority.

This proposal is necessary to help ensure Bureau licensees have additional code references outlining their training requirements and licensing terms. Ensuring licensees have the proper resources to remain compliant is the Bureau's highest priority of consumer safety and protection.

Anticipated Benefits of Proposal

The Bureau has determined that this regulatory proposal will have the following benefits to the welfare and public safety of California residents:

This action benefits the health and safety of California consumers by clarifying the licensing requirements for security personnel to help ensure that they meet training standards implemented by the Bureau, which has the primary mission of public protection.

This regulatory proposal does not affect worker safety or the environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Bureau conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

This rulemaking does not incorporate forms or documents by reference.

DISCLOSURES REGARDING THIS PROPOSED ACTION

The Bureau has made the following initial determinations:

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The regulations do not result in a fiscal impact to the state. The Bureau does not anticipate additional workload or costs resulting from the proposed amendments.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500–17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Bureau has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, specifically individuals applying for licensure or current licensees of the Bureau, including

the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on Small Business

While the Bureau does not have, nor does it maintain, data to determine if any of its licensees are a "small business," as defined in Government Code section 11342.610, the Bureau has made an initial determination that the proposed regulatory action may have an effect on small businesses. However, the effect will not be significant.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Bureau has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/Businesses

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because the proposed fees are anticipated to have minimal impact on businesses because the incremental fee increase is negligible compared to the average salary of licensees.

As stated earlier, this action benefits the health and safety of California consumers by clarifying the licensing requirements for security personnel to help ensure that they meet training standards implemented by the Bureau, which has the primary mission of public protection.

This regulatory proposal does not affect worker safety or the environment.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Bureau.

CONSIDERATION OF ALTERNATIVES:

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau must determine that no reasonable alternative it considered to the regulation 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 proposal described in this Notice, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Bureau in writing relevant to the above determinations at 2420 Del Paso Road, Suite 270, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Briana Goularte
Address: Bureau of Security and Investigative Services
2420 Del Paso Road, Suite 270, Sacramento, CA 95834
Telephone Number: 279–895–1250
Email Address: BSISRegs@dca.ca.gov

The backup contact person is:

Name: Valerie Peterson
Address: Bureau of Security and Investigative Services
2420 Del Paso Road, Suite 270, Sacramento, CA 95834
Telephone Number: 916–623–1049
Email Address: BSISRegs@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Bureau's website at https://www.bsis.ca.gov/about_us/laws/prop_regs.shtml.

TITLE 18. DEPARTMENT OF TAX AND FEE ADMINISTRATION

PROPOSED ADOPTION OF AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 18, SECTION 3500, APPLICATION OF THE FEE COLLECTION PROCEDURES LAW

NOTICE IS HEREBY GIVEN that the California Department of Tax and Fee Administration (Department), pursuant to the authority in Revenue and Taxation Code (RTC) section 55301, proposes to adopt amendments to California Code of Regulations (CCR), title 18, section (Regulation) 3500, Application of the Fee Collection Procedures Law. The proposed amendments to Regulation 3500 clarify that the California Electronic Cigarette Excise Tax, covered battery–embedded waste recycling fee, environmental mitigation surcharge, firearm, ammunition, and firearm precursor part excise tax, and lithium extraction excise tax are collected by the Department pursuant to the Fee Collection Procedures Law (FCPL) (RTC section 55001 et seq.).

AUTHORITY

RTC sections 55301, Government Code (GC) sections 15570.22 and 15570.24.

REFERENCE

Health and Safety Code section 25215.45; Public Resources Code (PRC) sections 4629.5, 42064, 42464.2 and 42882; Public Utilities Code section 893; RTC sections 31002, 34013, 36031, 42103, 44003 and 47060; and Water Code section 1537.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background and Current Law

Regulation 3500 clarifies what taxes and fees are collected pursuant to the FCPL. Regulation 3500 was adopted January 27, 2010, and was last updated on June 8, 2022.

The following taxes and fees are collected pursuant to the FCPL, but not currently listed in Regulation 3500:

1. The California Electronic Cigarette Excise Tax imposed by and collected pursuant to the FCPL in accordance with RTC section 31002.
2. The covered battery–embedded waste recycling fee imposed by PRC section 42464 and collected pursuant to the FCPL in accordance with PRC section 42464.2.
3. The environmental mitigation surcharge imposed by and collected pursuant to the FCPL in accordance with RTC section 42064.
4. The firearm, ammunition, and firearm precursor part excise tax imposed by RTC section 36011 and collected pursuant to the FCPL in accordance with RTC section 36031.
5. The lithium extraction excise tax imposed by RTC section 47010 and collected pursuant to the FCPL in accordance with RTC section 47060.

Proposed Amendments to Regulation 3500

The Department determined that there is an issue (or problem within the meaning of GC section 11346.2, subdivision (b)) because the California Electronic Cigarette Excise Tax, covered battery–embedded waste recycling fee, environmental mitigation surcharge, firearm, ammunition, and firearm precursor part excise tax, and lithium extraction excise tax are collected by the Department pursuant to the FCPL, but not listed in Regulation 3500 and it may be causing confusion about whether those fives taxes and fees are in fact collected pursuant to the FCPL. Therefore, the Department determined that it is reasonably necessary to propose to amend the text of Regulation 3500 to add "California Electronic Cigarette Excise Tax" after "California Battery Fee," add "Covered Battery–Embedded Waste Recycling Fee" after "Cannabis Excise Tax," add "Environmental Mitigation Surcharge," "Firearm, Ammunition, and Firearm Precursor Part Excise Tax," and "Lithium Extraction Excise Tax" after "Covered Electronic Waste Recycling Fee" to have the effect and accomplish the objective of addressing the issue (or problem) by clarifying that all five of the taxes and fees are collected pursuant to the FCPL. The Department also determined that it is reasonably necessary to propose to amend Regulation 3500's reference note to refer to PRC section 42064 and RTC sections 31002, 36031, and 47060 to have the effect and accomplish the objective of addressing the issue (or problem) because those statutes are being implemented, interpreted, and made specific by the proposed amendments to the regulation's text, but not currently included in the reference note.

The Department anticipates that the adoption of the amendments to Regulation 3500 will promote fairness and benefit both the public and the Department by clarifying that the California Electronic Cigarette Excise Tax, covered battery–embedded waste recycling fee, environmental mitigation surcharge, firearm, ammunition, and firearm precursor part excise tax, and lithium extraction excise tax are collected pursuant to the FCPL.

The Department has performed an evaluation of whether the proposed amendments to Regulation 3500 are inconsistent or incompatible with existing state regulations and determined that they are not inconsistent or incompatible with existing state regulations. This is because there are no other state regulations that clarify that the California Electronic Cigarette Excise Tax, covered battery–embedded waste recycling fee, environmental mitigation surcharge, firearm, ammunition, and firearm precursor part excise tax, and lithium extraction excise tax are collected by the Department pursuant to the FCPL. The Department has also determined that there are no existing federal regulations or statutes that are comparable to the proposed amendments to Regulation 3500.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department has determined that the adoption of the proposed amendments to Regulation 3500 will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement under part 7 (commencing with section 17500) of division 4 of title 2 of the GC.

ONE–TIME COST TO THE DEPARTMENT, BUT NO OTHER COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Department has determined that the adoption of the proposed amendments to Regulation 3500 will result in an absorbable $484 one–time cost for the Department to update its website after the proposed regulatory action is completed. The Department has determined that the adoption of the proposed amendments to Regulation 3500 will not result in any other direct or indirect cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the GC, no other non–discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the adoption of the proposed amendments to Regulation 3500 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESS

The Department has determined that the adoption of the proposed amendments to Regulation 3500 may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT REQUIRED BY GC SECTION 11346.3, SUBDIVISION (B)

The Department assessed the economic impact of adopting the proposed amendments to Regulation 3500 on California businesses and individuals and determined that the proposed regulatory action is not a major regulation, as defined in GC section 11342.548 and CCR, title 1, section 2000. Therefore, the Department prepared the economic impact assessment required by GC section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. In the economic impact assessment, the Department determined that the proposed amendments to Regulation 3500 will neither create nor eliminate jobs in the State of California nor result in the creation of new businesses or the elimination of existing businesses within the state and will not affect the expansion of businesses currently doing business within the State of California. Furthermore, the Department determined that the proposed amendments to Regulation 3500 will not affect the benefits of the regulation to the health and welfare of California residents, worker safety, or the state's environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of the proposed amendments to Regulation 3500 will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

The Department must determine that no reasonable alternative considered by it 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 than the proposed action.

CONTACT PERSONS

Questions regarding the substance the proposed amendments to Regulation 3500 should be directed to Michael Patno, Business Taxes Specialist II, by telephone at (916) 309–5303, by email at Michael.Patno@cdtfa.ca.gov, or by mail at California Department of Tax and Fee Administration, Attention: Michael Patno, MIC:50, 651 Bannon Street, Suite 100, Sacramento, CA 95811–0299.

Written comments for the Department's consideration, written requests to hold a public hearing, notices of intent to present testimony or witnesses at the public hearing, and other inquiries concerning the proposed regulatory action should be directed to Kim DeArte, Regulations Coordinator, by telephone at (916) 309–5227, or by email at CDTFARegulations@cdtfa.ca.gov, or by mail to: California Department of Tax and Fee Administration, Attention: Kim DeArte, MIC:50, 651 Bannon Street, Suite 100, Sacramento, CA 95811–0299. Kim DeArte is the designated backup contact person to Michael Patno.

WRITTEN COMMENT PERIOD

The written comment period ends on March 23, 2026. The Department will consider the statements, arguments, and/or contentions contained in written comments received by Kim DeArte at the postal address, email address, or fax number provided above, prior to the close of the written comment period, before the Department decides whether to adopt the proposed amendments to Regulation 3500. The Department will only consider written comments received by that time.

However, if a public hearing is held, written comments may also be submitted during the day of and at the public hearing and the Department will consider the statements, arguments, and/or contentions contained in written comments submitted during the day of or at the public hearing before the Department decides whether to adopt the proposed amendments to Regulation 3500.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Department has prepared copies of the text of the proposed amendments to Regulation 3500 illustrating the express terms of the proposed action. The Department has also prepared an initial statement of reasons for the proposed amendments to Regulation 3500, which includes the economic impact assessment required by GC section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed regulatory action is based are available to the public upon request. The rulemaking file is available for public inspection at 651 Bannon Street, Suite 100, Sacramento, California. The express terms of the proposed amendments to Regulation 3500, and the initial statement of reasons are also available on the Department's website at www.cdtfa.ca.gov/taxes–and–fees/regscont.htm.

PUBLIC HEARING

The Department has not scheduled a public hearing to discuss the proposed amendments to Regulation 3500. However, any interested person or their authorized representative may submit a written request for a public hearing no later than 15 days before the close of the written comment period, and the Department will hold a public hearing if it receives a timely written request.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GC SECTION 11346.8

The Department may adopt the proposed amendments to Regulation 3500 with changes that are non–substantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made pursuant to GC section 11346.8, the Department will make the full text of the resulting regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Kim DeArte. The Department will consider timely written comments it receives regarding a sufficiently related change.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Department adopts the proposed amendments to Regulation 3500, the Department will prepare a final statement of reasons. Upon its completion, the final statement of reasons will be made available for inspection at 651 Bannon Street, Suite 100, Sacramento,

California, and available upon request by contacting the contact person(s) named above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice, initial statement of reasons, and the text of the proposed amendments to Regulation 3500 are available on the Department's website at www.cdtfa.ca.gov/taxes–and–fees/regscont.htm. If the Department publishes other related documents, they will also be available at that website.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

RENEWAL OF 1915(C) HOME AND COMMUNITY BASED SERVICES (HCBS) SELF–DETERMINATION PROGRAM WAIVER

The Department of Health Care Services (DHCS) requests input from beneficiaries, providers, and other interested stakeholders concerning the renewal application for the Medi–Cal 1915(c) Home and Community–Based Services Self–Determination Waiver (SDP Waiver), a copy of which is attached. DDS intends to renew the Waiver for a five–year period from July 2026 to June 2031.

Under the Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions (W&I) Code section 4500 et seq., people with developmental disabilities, as defined in W&I Code section 4512(a), are eligible to receive services and supports that meet their individual needs and choices as defined in W&I Code section 4512(a). The Department of Developmental Services (DDS) administers the Lanterman Act.

DDS administers the SDP Waiver. DDS ensures, under the oversight of DHCS as the State Medicaid agency, that the SDP Waiver is implemented in accordance with Medicaid law and the State's approved Waiver application. SDP provides individuals and their families more freedom, increased flexibility in the person–centered planning process, and greater control of an individual budget, allowing them to direct and choose services and supports that best suit their needs. SDP supports individuals by helping them meet objectives in their Individual Program Plan (IPP) while maintaining their independence and promoting integration within the community. Information about the SDP Waiver can be found at www.dds.ca.gov/initiatives/hcbs/.

Proposed major changes in this waiver renewal application include:

- Add telehealth as a service delivery method for: community integration services; behavioral intervention services; speech, hearing and language services; and psychology services;
- Describe the recently implemented standardized Individual Program Plan template;
- Adjust the methodology by which Financial Management Services (FMS) are reimbursed for their services;
- Update performance measures to more accurately reflect monitoring protocols; and,
- Update Participant Rights and Participant Safeguards sections to reflect the state's current procedures and reporting requirements.

All waiver renewal applications must be approved by the Centers for Medicare and Medicaid Services (CMS) to be effective.

PUBLIC REVIEW AND COMMENTS

DHCS plans to submit the proposed waiver renewal application to CMS no later than March 30, 2026, for a proposed effective date of July 1, 2026.

A copy of the proposed waiver amendment will be posted on February 6th, 2026, at https://www.dhcs.ca.gov/services/Pages/Medi–CalWaivers.aspx and at https://www.dds.ca.gov/initiatives/hcbs/.

Copies of the proposed amendment can be obtained by sending a written request to the mailing or email addresses listed below, or by visiting your local regional center. Please indicate 'SDP Waiver' in the subject line or message.

Written comments may be sent to the following address:

Department of Developmental Services
Attention: Jonathan Hill
1215 O Street MS 7–40
Sacramento, CA 95814
Email: Federal.Programs@dds.ca.gov

To be assured consideration prior to DHCS' submission of the waiver amendment to CMS, comments must be received no later than February 27th, 2026. Please note that comments will continue to be accepted after February 27th, 2026, but DHCS may not be able to consider those comments prior to the initial submission of the SDP waiver amendment to CMS.

DEPARTMENT OF HEALTH CARE SERVICES

PROPOSED CONTINUING CALAIM SECTION 1115 DEMONSTRATION RENEWAL APPLICATION

This abbreviated public notice provides information of public interest regarding a proposed renewal request to the federal Centers for Medicare & Medicaid Services (CMS) for the California Advancing & Innovating Medi–Cal (CalAIM) Section 1115 demonstration by the California Department of Health Care Services (DHCS). DHCS is seeking this demonstration approval to build upon and consolidate the successes of the CalAIM initiative.

The current CalAIM demonstration is currently in effect through December 31, 2026. The effective term of the proposed renewal for the CalAIM Section 1115 demonstration is January 1, 2027 to December 31, 2031. All proposed requests are subject to approval by CMS.

A copy of the proposed CalAIM Section 1115 demonstration and initial notice of public interest, both posted on February 10, 2026 is available on the DHCS website at: https://www.dhcs.ca.gov/provgovpart/Pages/CalAIM–1115–and–1915b–Waiver–Renewals.aspx.

Following are the elements of the CalAIM Section 1115 demonstration that are proposed to continue under the renewal:

- Reentry Services for Justice–Involved Populations 90–Days Pre–Release.
- Drug Medi–Cal Organized Delivery System — Waiver of the Institutions for Mental Disease Exclusion for Substance Use Disorder (SUD) Services.
- County Option to Cover Select Outpatient SUD Services.
- Recovery Incentives.
- Traditional Healers and Natural Helpers.
- Coverage of Out–of–State Former Foster Care Youth.
- Chiropractic Services from Indian Health Service and Tribal Facilities.
- Modification of Asset Test for Deemed Supplemental Security Income Populations.
- Align Dually Eligible Enrollees' Medi–Cal Managed Care Plan and Medicare Advantage Plan.
- Managed Care Authority to Limit Plan Choice in Certain Counties.
- Global Payment Program.

Following are initiatives that are newly proposed for inclusion under the CalAIM Section 1115 demonstration:

- Employment Supports.
- BridgeCare Pilots.

Following are the elements of the CalAIM Section 1115 demonstration that DHCS proposes to continue and authorize via an alternate authority:

- Community–Based Adult Services.
- Recuperative Care and Short–Term Post Hospitalization Housing.

Following are the elements of the CalAIM Section 1115 demonstration that will or have sunset and are not included for renewal under the CalAIM Section 1115 demonstration:

- Providing Access and Transforming Health Initiative.
- Designated State Health Program.
- Low–Income Pregnant Women.

PUBLIC REVIEW AND COMMENT PROCESS

The 30–day public comment period for the CalAIM Section 1115 demonstration application is from Tuesday, February 10, 2026 until Thursday, March 12, 2026. All comments must be received no later than 11:59 p.m. (Pacific Time) on Thursday, March 12, 2026.

All information regarding the CalAIM Section 1115 demonstration application can be found on the DHCS website (https://www.dhcs.ca.gov/provgovpart/Pages/CalAIM–1115–and–1915b–Waiver–Renewals.aspx). DHCS will update this website throughout the public comment and application process.

DHCS will host the following public hearings to solicit stakeholder comments. The public hearings will take place in–person and have online video streaming and telephonic conference capabilities to ensure accessibility.

- Wednesday, February 25, 2026 — First Public Hearing.
  - 1:55–2:55 p.m. PT
  - Department of Health Care Services
    - 1501 Capitol Avenue (First Floor Conference Center 71.1316) Sacramento, CA 95814
  - Register for the Teams conference link: https://events.gcc.teams.microsoft.com/event/b4d7693c–2d1c–4b01–af69–aea6ce68612a@265c2dcd–2a6e–43aa–b2e8–26421a8c8526
    - Please register in advance if you plan to attend in–person or virtually to receive

your unique link to join the meeting and to add the hearing to your calendar.
    - Dial in by Phone: +1 279–895–6425; Phone Conference ID: 394 775 261#
- Tuesday, March 3, 2026 — Second Public Hearing.
    - 11:30 a.m.–12:30 p.m. PT
    - Department of Health Care Services
        - 1700 K Street (First Floor, Conference Room 17.1014) Sacramento, CA 95814
    - Register for Teams conference link: https://events.gcc.teams.microsoft.com/event/97c8a84e–6b28–4ddb–b2cd–1747b9413628@265c2dcd–2a6e–43aa–b2e8–26421a8c8526
        - Please register in advance if you plan to attend in–person or virtually to receive your unique link to join the meeting and to add the hearing to your calendar.
    - Dial in by Phone: +1 279–895–6425; Phone Conference ID: 973 094 191#

The complete version of the draft of the CalAIM Section 1115 demonstration application is available for public review at: https://www.dhcs.ca.gov/provgovpart/Pages/CalAIM–1115–and–1915b–Waiver–Renewals.aspx.

You may request a copy of the proposed CalAIM Section 1115 demonstration application and/or a copy of submitted public comments related to the CalAIM Section 1115 demonstration application by sending a written request to the mailing or email address listed below. Written comments may be sent to the following address; please indicate "CalAIM Section 1115 Waiver" in the written message:

Department of Health Care Services
Director's Office
Attention: Tyler Sadwith
P.O. Box 997413, MS 0000
Sacramento, California 95899–7413

Comments may also be emailed to 1115waiver@dhcs.ca.gov. Please indicate "CalAIM Section 1115 Waiver" in the subject line of the email message. To be assured consideration prior to submission of the CalAIM Section 1115 demonstration application to CMS, comments must be received no later than 11:59 PM PT (Pacific Time) on Thursday, March 12, 2026. Please note that comments will continue to be accepted after March 12, 2026, but DHCS may not be able to consider those comments prior to the initial submission of the CalAIM waiver application to CMS.

Upon submission to CMS, a copy of the proposed CalAIM Section 1115 demonstration will be published at the following internet address: https://www.dhcs.ca.gov/provgovpart/Pages/CalAIM–1115–and–1915b–Waiver–Renewals.aspx.

After DHCS reviews comments submitted during this State public comment period, the CalAIM Section 1115 demonstration will be submitted to CMS. Interested parties will also have the opportunity to officially comment on the CalAIM Section 1115 demonstration during the federal public comment period. The submitted application will be available for comment on the CMS website at: https://www.medicaid.gov/medicaid/section–1115–demo/demonstration–and–waiver–list.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board ("Board") of the State of California has set the time and place for a Public Meeting and Business Meeting:

QR Code for Access:

On **February 19, 2026**, at 10:00 a.m.
Hotel Katerina
Tack Room
1930 Baney Lane
Chico, California 95928

As well as via the following:

- Videoconference at https://tkoworks.zoom.us/j/87501250331.
- Teleconference at (669) 444–9171 (Webinar ID 875 0125 0331).
- Live video stream and audio stream (English and Spanish) at: https://videobookcase.com/california/oshsb/.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Board should contact the Disability Accommodation Coordinator at (916) 274–5721 or the state–wide Disability Accommodation Coordinator at 1 (866) 326–1616 (toll free). The state–wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1 (800) 735–2929 (TTY) or 1 (800) 855–3000 (TTY–Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer–Aided Transcription System or Communication Access Realtime Translation (CART), a sign–language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS

(PURSUANT TO GOVERNMENT CODE SECTION 11340.5 AND SECTION 270 OF TITLE 1 OF THE CALIFORNIA CODE OF REGULATIONS)

Exhibit A to the determination is not being printed for practical reasons or space consideration. If you would like to view Exhibit A, please contact Margaret Molina at (916) 324–6044 or Margaret.Molina@oal.ca.gov.

Date: January 26, 2026

To: Kourtney Michelle Ussery–Sweet, on behalf of Crystal Sweet, aka Michael Allen Sweet

From: Chapter Two Compliance Unit

Subject: 2026 OAL DETERMINATION NUMBER 2 (S) (CTU2025–1218–02)

(Summary Disposition issued pursuant to Gov. Code, § 11340.5; Cal. Code Regs., title 1, § 270, subdivision (f).)

Petition challenging as an underground regulation a memorandum dated January 2, 2024, issued by the California Department of Corrections and Rehabilitation under signature of Travis Pennington, Warden (A), California Institution for Men, titled "Prevention from Opposite Gender Viewing for Perforated Steel Cell Doors California Institution for Men Facility Bravo."

On December 18, 2025, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether a memorandum dated January 2, 2024, issued by the California Department of Corrections and Rehabilitation, titled "Prevention from Opposite Gender Viewing for Perforated Steel Cell Doors California Institution for Men Facility Bravo" (One–Towel Memo) is an underground regulation.[1] In substance, the One–Towel Memo articulates a rule under which incarcerated persons may use a single towel to provide temporary privacy screening in certain situations. The One–Towel Memo was issued under signature of the warden at the California Institution for Men, a state prison located in San Bernardino County, and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600[2] which should have been, but was not, adopted pursuant to the Administrative Procedure Act (APA).[3] Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical

[1] OAL also received your "resubmission and amended petition" concerning this same matter on December 19, 2025.

[2] "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

[3] Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a): "Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, Government Code section 11340.5 requires that a rule which is a "regulation," as defined in Government Code section 11342.600, must be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the Department of Corrections and Rehabilitation:

> (c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:
> (1) Rules issued by the director applying solely to a particular prison or other correctional facility….

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a "local rule" adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

> The Donovan inter–institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.
> …
> The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by the warden of the California Institution for Men and applies solely to the persons incarcerated in that facility. Incarcerated persons at other facilities are governed by those other facilities' criteria for privacy screening. Therefore, the rule is a "local rule" and is exempt from compliance with the APA pursuant to Penal Code section 5058, subdivision (c)(1). It is not an underground regulation.[4]

[4] The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to California Code of Regulations, title 1, section 270. Subsections (f)(1) and (f)(2) of section 270 provides: (f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the challenged rule is not an underground regulation, OAL may issue a summary disposition stating that conclusion. A summary disposition may not be issued to conclude that a challenged rule is an underground regulation. (2) Circumstances in which facts demonstrate that the challenged rule is not an underground regulation include, but are not limited to, the following: (A) The challenged rule is contained in a California statute. (B) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA. **(C) The challenged rule is statutorily exempt from the rulemaking provisions of the APA.**

The issuance of this summary disposition does not restrict your right to litigate the alleged violation of section 11340.5 of the Government Code.

January 26, 2026

/s/

Timothy D. Findley

Senior Attorney

For: Kenneth J. Pogue

Director

Copy: Jeffrey Macomber, Secretary, CDCR

Renee Rodriguez, CDCR

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653−7715. Please have the agency name and the date filed (see below) when making a request.

Department of Corrections and Rehabilitation

File # 2025–1208–03

Staff Misconduct, Employee Discipline, and Administrative Remedies

This certificate of compliance pursuant to Government Code section 11346.1(e) makes permanent, with amendments, changes adopted by the California Department of Corrections and Rehabilitation (CDCR) in Office of Administrative Law regulatory action numbers 2024–1206–02EON, 2025–0522–02EON, and 2025–0822–01EE, which revised the existing procedures by which CDCR receives and reviews grievances and requests for reasonable accommodation as well as the procedures regarding requests to inspect and to amend CDCR records containing personal information. This regulatory action is a resubmittal of the CDCR certificate of compliance identified as regulatory action number 2025–1016–04C, which CDCR withdrew from Office of Administrative Law review on November 17, 2025.

Title 15
Adopt: 3481, 3482, 3483, 3483.5, 3485
Amend: 3369.9, 3392, 3392.1, 3392.3, 3392.5, 3392.8, 3392.9, 3450, 3480, 3484, 3486, 3486.1, 3486.2, 3486.3
Repeal: 3481, 3482, 3483, 3485
Filed 01/22/2026
Effective 01/22/2026
Agency Contact: Josh Jugum (916) 798–1484

Department of Financial Protection and Innovation
File # 2025–1215–02
Amendment of Regulations to Update Filing Fees

This section 100 action pursuant to California Code of Regulations, title 1, section 100 by the Department of Financial Protection and Innovation revises outdated references to the Department of Business Oversight and the Commissioner of Business Oversight. This action also updates the initial and subsequent notice filing fees for exemptions concerning the registration of an offer in the sale of a franchise in California.

Title 10
Amend: 310.101, 310.106
Filed 01/27/2026
Agency Contact:
Jackeline Sanchez (916) 628–9158

Department of Toxic Substances Control
File # 2025–1205–01
Adding K Listings for Inorganic Chemical Waste and Hazardous Nonwaste

This nonsubstantive action by the Department of Toxic Substances ("DTSC" or "department") updates California regulations to conform with corresponding federal regulations for the purpose of maintaining state authorization under Health and Safety Code ("HSC") section 25159 to administer the state hazardous waste program in lieu of the federal program prescribed by the Resource Conservation and Recovery Act of 1976 ("RCRA"). Specifically, this action:

(i) adds industry–specific, inorganic chemical codes to the hazardous waste listing (Hazardous Wastes from Specific Sources);

(ii) identifies hazardous constituents associated with K176, K177, K175, K181, and F039 hazardous wastes;

(iii) establishes land disposal restriction prohibitions and treatment standards for K176, K177, K175, and K181 hazardous wastes;

(iv) establishes universal treatment standards for four hazardous constituents associated with F039 hazardous waste;

(v) adds K181 hazardous waste as listed waste that uses the mass loading–based approach;

(vi) narrows the applicability of the exclusion of mixtures of waste and hazardous waste listed solely for the characteristics of ignitability, reactivity, or corrosivity; and

(vii) repeals zinc fertilizer and zinc–bearing feedstocks containing recycled characteristic hazardous waste from applicable treatment standards. This action also corrects formatting and typographical errors, revises cross–references and symbols related to units of measurement.

Title 22
Adopt: 66268.36.5, 66268.39.5
Amend: 66261.3, 66261.30, 66261.32, 66261.33, 66261.100, Appendix VII of chapter 11, Appendix VIII of chapter 11, 66268.36, 66268.40, 66268.48
Filed 01/21/2026
Agency Contact: Clara Silva (916) 324–0912

Office of Health Care Affordability
File # 2025–1230–02
Health Care Spending Targets, Definitions

This submission pursuant to 1 CCR 100 by the Office of Health Care Affordability updates statutory cross–references included within definitions in 22 CCR 97445 to reflect statutory changes to those cross–reference citations that took effect on January 1, 2026.

Title 22
Amend: 97445
Filed 01/26/2026
Agency Contact:
Heather Cline Hoganson (916) 326–3657

Commission on Peace Officer Standards and Training
File # 2025–1208–01
Adopt Regulation 1022 — Determination of Bias

In this rulemaking action, the Commission on Peace Officer Standards and Training adopts a regulation which defines "biased conduct," pursuant to Penal Code section 13510.6, for purposes of investigating complaints against peace officers of bias–related conduct.

Title 11
Adopt: 1022
Filed 01/22/2026
Effective 01/22/2026
Agency Contact:
Raymund Nanadiego (916) 227–2852

Department of Corrections and Rehabilitation

File # 2025–1211–02

Milestone Completion Credit Schedule

This rulemaking action by the Department of Corrections and Rehabilitation amends the Milestone Completion Credit Schedule (MCCS) to provide credits for Fire Camp Special Skills, Essential Skills for the Workforce, Certified Health Care Environmental Services Technician (CHEST), and newly added welding courses. Additionally, it removes credits offered for the printing program as the program is now defunct.

Title 15
Amend: 3043.3
Filed 01/27/2026
Effective 01/27/2026
Agency Contact: Sarah Pollock (279) 223–2308

Department of Financial Protection and Innovation

File # 2025–1212–02

Money Transmission Act — Officer Certification

This regular rulemaking by the Department of Financial Protection and Innovation amends implementing regulations for the Money Transmission Act, which licenses and regulates money transmission businesses. The rulemaking amends requirements for officer certification of receipts used by an applicant business, which must be filed with the department's commissioner for review prior to use.

Title 10
Amend: 80.4119, 80.5200.1
Filed 01/28/2026
Effective 04/01/2026
Agency Contact: Diana Pha (916) 208–8326

State Water Resources Control Board

File # 2025–1209–01

Water Measurement and Reporting Revisions

In this rulemaking action, the State Water Resources Control Board is adopting and amending regulations regarding reporting information pertaining to (1) appropriation of water and (2) water diversion and use reports.

Title 23
Adopt: 931, 932, 933, 934, 935, 936, 937, 938, 939, 939.1
Amend: 931 [renumbered to 939.2], 931.5, 932 [renumbered to 939.3], 933 [renumbered to 939.4], 934 [renumbered to 939.5], 935 [renumbered to 939.6]
Repeal: 936, 937, 938
Filed 01/21/2026
Effective 02/01/2026
Agency Contact: Samantha Olson (916) 327–8235

Superintendent of Public Instruction

File # 2025–1205–04

Instructional Materials Sufficiency

This action by the Superintendent of Public Instruction (SSPI) establishes procedural requirements for complaints filed directly with SSPI pursuant to Education Code section 35186, subdivision (d).

Title 05
Adopt: 4685.5
Filed 01/21/2026
Effective 01/21/2026
Agency Contact: Lorie Adame (916) 319–0860

PRIOR REGULATORY DECISIONS AND CCR CHANGES FILED WITH THE SECRETARY OF STATE

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit oal.ca.gov.