

## Commission on Peace Officer Standards and Training

### INITIAL STATEMENT OF REASONS

#### Public Safety Dispatcher Selection Requirements

#### Regulation 1018(c) and portions of Procedure C-1 Replaced by 9056-9060

(The reasons are shown in bold font following each section.)

#### **Regulation 9056 Public Safety Dispatcher Selection Requirements**

**§ 9056 (a)** The purpose of these regulations is to set forth the minimum public safety dispatcher selection standards as authorized by [California Penal Code Section 13510\(c\)](#). Public safety dispatcher training requirements are addressed separately in [Commission Regulation 1018\(d\)](#).

The first sentence references the statutory basis for these standards. The second sentence provides clarity as to the location of the POST training requirements. This is in response to common confusion regarding these two categories (selection and training) of POST standards. No regulatory change.

**(1)** Every department and/or independent communications agency (hereinafter referred to as “department”) that participates in the POST Public Safety Dispatcher Program shall ensure that every “public safety dispatcher candidate” as defined in subsection 9056(b) satisfies all minimum selection requirements specified in the following regulations:

- Verbal, Reasoning, Memory, and Perceptual Abilities Assessment ([Regulation 9057](#))
- Oral Communication Assessment ([Regulation 9058](#))
- Background Investigation ([Regulation 9059](#))
- Medical Evaluation ([Regulation 9060](#))

This paragraph provides clarity by listing the entire set of selection requirements. It also adds clarity as to the application of these standards by specifying that they only apply to public safety dispatcher candidates from agencies who participate in POST’s Public Safety Dispatcher Program.

**(2)** All requirements specified in these regulations shall be satisfied **prior to the date of appointment** as a public safety dispatcher.

Replaces the “before hire” language in Regulation 1018(c)(1)-(4). Provides clarity as to when these requirements need to be met. “Date of appointment” refers to the hire date listed on the individual’s POST profile (employment and training record), as provided by the employer.

#### **§ 9056 (b) Public Safety Dispatcher Candidate Definition**

For purposes of this regulation, a “public safety dispatcher candidate” is any individual who applies for a full-time or part-time position that involves receiving emergency calls for law enforcement service and/or dispatching law enforcement personnel. This includes any individual who:

- (1) Applies for a public safety dispatcher position with a POST-participating department regardless of the individual’s prior public safety dispatcher experience, or
- (2) Is being reappointed as a public safety dispatcher after a separation from the same POST-participating department. A separation occurs upon the department’s submittal to POST of a Notice of

Appointment/Termination (NOAT) indicating that the individual has been terminated; conversely, a reappointment occurs upon the department's submittal to POST of an NOAT indicating a new appointment.

- (3) Applies for a public safety dispatcher position with a different POST-participating department within the same city, county or district.

This new language provides clarity by defining who is a "public safety dispatcher candidate".

**§ 9056 (c) Exception**

- (1) The department has the discretion to impose any or all of these selection requirements for a public safety dispatcher who is employed by an agency that, through reorganization, is absorbed by another agency within the same city, county or district, if documentation is available for inspection that verifies that the candidate was hired in accordance with the POST requirements in effect at the time of hire.

This language provides clarity as to when a dispatcher may be exempt from the selection requirements. In this situation, the individual dispatcher is not seeking a transfer; rather, the entire department is being absorbed by another agency. Therefore, it is unnecessary and unwarranted to automatically require these dispatchers to submit to a new selection process.

- (2) Peace officers who are assigned to dispatcher duties do not need to meet these selection requirements.

Replaces the portion of Regulation 1018(a) that refers to selection requirements.

**§ 9056 (d) Adoption of Additional Requirements and/or Higher Standards**

The requirements described herein serve as minimum selection requirements. Per Penal Code § 13510(d), the adoption of more rigorous requirements, higher standards, additional assessments (e.g. psychological examination, detection of deception examination), or more in-depth evaluations than those stated in these regulations is at the discretion of the employing department.

This references a pertinent statute, and clarifies that agencies are not limited by POST's minimum selection requirements.

**Regulation 9057 Public Safety Dispatcher Verbal, Reasoning, Memory, and Perceptual Abilities Assessment**

**§ 9057 (a)** Every public safety dispatcher candidate shall demonstrate verbal, reasoning, memory, and perceptual abilities at levels necessary to perform the job. Satisfactory completion of this requirement may occur at any time prior to appointment, and shall be demonstrated by one of the following:

- (1) Completion of the POST Entry-Level Dispatcher Selection Test Battery or alternative job-related tests of these abilities, administered by either the hiring department or another entity, with a score deemed acceptable by the hiring department. All tests must include assessments of the following:

(A) **Verbal.** This ability includes written and oral comprehension (the ability to read passages and listen to orally-imparted information and retrieve facts, draw conclusions, and derive meaning); and written expression (the ability to use language to convey information clearly in writing).

(B) **Reasoning.** This ability includes at least one of the following:

1. Deductive reasoning - the ability to apply general rules to specific problems to attain logical answers, or
2. Information ordering - the ability to correctly follow a given rule or set of rules to arrange things or actions in a certain order.

(C) **Memory.** This ability includes the capacity to store and retrieve facts, details, and other information.

(D) **Perceptual.** This ability includes speed and accuracy (the ability to quickly and accurately compare letters and numbers presented orally and in written form); and time sharing (the ability to shift back and forth between two or more sources of information, both written and orally-imparted, in performing a task or set of tasks).

(2) Proof of possession of a valid California POST Public Safety Dispatcher Basic Certificate.

(3) Proof of successful completion of the POST-certified Public Safety Dispatcher Basic Course (80 hours minimum) and completion of probation as a public safety dispatcher during previous employment.

This section replaces Regulation 1018(c)(4), and has been reworded and reformatted for clarity. Deletes reference to the Dispatcher Training Equivalency Exam as it is no longer available. Clarifies that agencies must determine and set their own passing score, consistent with current practice.

**§ 9057 (b)** A department that uses the POST Entry-Level Dispatcher Selection Test Battery must have a current Test Use and Security Agreement, herein incorporated by reference, on file with POST.

Clarifies that POST has regulatory authority to compel agencies that use the POST exam to comply with test security procedures.

### **Regulation 9058 Public Safety Dispatcher Oral Communication Assessment**

**§ 9058 (a)** Every public safety dispatcher candidate shall participate in an oral interview or other measure of oral communication abilities to determine suitability for public safety dispatcher service. The oral communication assessment shall be made prior to a conditional offer of employment (COE).

This section replaces Regulation 1018(c)(3); it is reworded and reformatted for clarity. Provides consistency with the federal Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA) by requiring the oral interview to be conducted prior to the conditional offer of employment, since the focus of the assessment is on the determination if the candidate is "otherwise qualified" [EEOC Notice No. 915.002, 10/10/95: Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations].

### **Regulation 9059 Public Safety Dispatcher Background Investigation**

#### **§ 9059 (a) Requirement**

Every public safety dispatcher candidate shall be the subject of a thorough background investigation in order to verify the absence of past behavior indicative of unsuitability to perform public safety dispatcher duties.

Replaces Regulation 1018(c)(1) and Procedure C-1-1. No regulatory change.

#### **§ 9059 (b) Background Investigation Evaluation Criteria**

The POST document<sup>a</sup>, [Background Investigation Manual: Guidelines for the Investigator \(2006\)](#) provides assistance in conducting background investigations. The use of the manual is discretionary; however, the POST Background Investigation Dimensions described in the manual (i.e., Integrity, Impulse Control/Attention to Safety, Substance Abuse and Other Risk-Taking Behavior, Stress Tolerance, Confronting and Overcoming Problems, Obstacles, and Adversity, Conscientiousness, Interpersonal Skills, Decision-Making and Judgment, Learning Ability, and Communication Skills) shall be considered in the conduct of every public safety dispatcher background investigation.

This section replaces the portion of Procedure C-1-1 that relates to dispatcher background investigations. The ten POST Background Dimensions, which are detailed in the referenced Manual, were derived from a POST job analysis as critical to evaluating public safety

dispatcher characteristics. These Dimensions were submitted to and approved by the POST Commission in April, 2005.

### **§ 9059 (c) Personal History Statements**

Every public safety dispatcher candidate shall complete, sign, and date a [POST Personal History Statement – Public Safety Dispatcher, POST 2-255](#) or an alternative form at the beginning the background investigation. If using an alternative personal history statement, it shall include inquiries related to the following areas of investigation: personal identifying information, relatives and references contact information, education history, residence history, experience and employment history, military history, financial history, legal history, driving history, and other topics related to moral character.

This section replaces and simplifies Procedure C-1-3. The areas of investigation specified were developed based on job analytic research and verified by background investigation subject matter experts. The areas of investigation listed are identical to the section headings on POST Form 2-255.

### **§ 9059 (d) Collection of Background Information: Pre and Post Conditional Offer of Employment (COE).**

- (1) **Pre-Offer.** The background investigation shall be conducted prior to a COE, except as noted in 9059(d)(2) below. At the pre-offer stage, no inquiries shall be made that are deemed medical or otherwise prohibited by the federal Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (FEHA). Any such information volunteered by or about the candidate prior to a COE should be forwarded to those conducting the medical evaluation (and/or psychological evaluation, if administered) as, and when, appropriate.
- (2) **Post-Offer.** Background information that cannot be legally or practicably obtained prior to a COE may be acquired and evaluated after a COE has been made to determine candidate suitability. At the post-offer stage, background investigators, examining physicians, and others involved in the hiring decision shall work cooperatively to ensure that each has the information necessary to conduct their respective investigations and/or assessments of the candidate.

This section replaces and expands upon Procedure C-1-7, providing an important point of clarification regarding the timing of the background investigation in compliance with ADA and FEHA. There is considerable confusion among law enforcement employers regarding whether the background investigation can/must be conducted prior to or after a conditional offer of employment. The proposed wording was vetted before legal experts – including attorneys with both the U.S. Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing.

### **§ 9059 (e) Areas of Investigation**

#### **(1) Employment Eligibility**

- (A) Every public safety dispatcher candidate shall be legally eligible for employment in the United States.
- (B) Proof of employment eligibility shall consist of an official government-issued U.S. birth certificate, naturalization documentation, U.S. passport, current permanent resident alien card, or other documentation deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

Replaces Procedure C-1-5(e)(2). It provides more specific documentation requirements.

#### **(2) Criminal Record Checks - Local, State, and National**

Every public safety dispatcher candidate shall be the subject of a criminal record search at local, state, and national levels.

(A) **Local searches** shall include inquiries with local law enforcement agencies where the individual has lived, worked, attended school, or frequently visited.

Proof of **local searches** shall be documented by a letter or other written documentation from each agency contacted. If a contacted agency does not provide written documentation, the request for information shall be noted.

Replaces and makes minor editorial revisions to Procedure C-1-5(b). Provides more specific documentation requirements.

(B) A **state search** shall include forwarding the candidate's fingerprints to the California Department of Justice (DOJ) to obtain criminal record results.

Proof of a **state search** shall be documentation issued by the DOJ consisting of an official clearance return. The authorization shall be relevant to the public safety dispatcher position and shall have been generated no more than one year prior to the date of appointment.

Replaces and makes minor editorial revisions to Procedure C-1-5(c). Provides more specific documentation requirements.

(C) A **national search** shall include forwarding the candidate's fingerprints to the Federal Bureau of Investigation (FBI).

Proof of a **national search** shall consist of an official clearance from the FBI. The clearance shall be relevant to the public safety dispatcher position and shall have been generated no more than one year prior to the date of appointment.

Replaces and makes minor editorial revisions to Procedure C-1-5(d). Provides more specific documentation requirements.

### **(3) Driving Record Check**

(A) Every public safety dispatcher candidate's driving history, if any, shall be checked to determine the candidate's driving record and adherence to the law.

(B) Proof of the driving history check shall consist of a written driving record history from the Department of Motor Vehicles or other official driving record. The record shall be dated no more than one year prior to the date of appointment.

Replaces and makes minor editorial revisions to Procedure C-1-5(a). Provides more specifics and clarification on documentation requirements.

### **(4) Education Verification**

(A) Every public safety dispatcher candidate's educational history shall be investigated to verify the information provided on the Personal History Statement and as a measure of conscientiousness, learning ability, and other aspects of character.

(B) Proof shall consist of an official transcript or other means of verifying educational history deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

Replaces Procedure C-1-5(e)(1); changing the verification of education from recommended to required. No minimum educational levels are added; however, it is the consensus and standard of practice among background investigators that verification of education provides important information about several POST

Background Dimensions, and serves as an indication of the veracity of the information provided by the candidate on the personal history statement.

**(5) Employment History Checks**

(A) Every public safety dispatcher candidate shall be the subject of employment history checks through contact with all past and current employers over the period of the past ten years, as listed on the Personal History Statement.

(B) Proof of the employment history check shall be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented.

Replaces Procedure C-1-5(e)(3); changing the investigation of previous employers from recommended to required. It is the consensus and standard of practice among background investigators that the investigation of past employment is critical to the evaluation of virtually every POST Background Dimension, as well as serving as an indication of the veracity of the information provided by the candidate on the personal history statement.

**(6) Relatives/Personal References Checks**

(A) Every public safety dispatcher candidate shall be the subject of reference checks through contacts and interviews with relatives, including former spouses, and personal references listed on the Personal History Statement. Additional references, provided by the initial contacts, shall also be contacted and interviewed to determine whether the applicant has exhibited behavior incompatible with the position sought. Agencies shall collect and review sufficient information to determine candidate suitability.

(B) Proof of reference checks shall be documented by written information showing that relatives and personal references identified by the candidate were interviewed. Documentation shall include the identity of each individual contacted, the contact's relationship to the candidate, and an account of the information provided by the contact. All requests for information shall be documented.

Replaces Procedure C-1-5(e)(4); changing the investigation of references from recommended to required. It is the consensus and standard of practice among background investigators that contact with references provides important information about the candidate's moral character and can serve as an indication of the veracity of the information provided by the candidate on the personal history statement.

**(7) Dissolution of Marriage Check**

(A) Every public safety dispatcher candidate who indicates one or more marriage dissolutions on the Personal History Statement shall have his/her court issued dissolution documents and legal separation decrees reviewed as an indication of personal integrity, financial responsibility, and other relevant aspects of candidate suitability.

(B) Proof of the dissolution/separation of marriage check shall be documented by a copy of all final court-issued dissolution documents and legal separation decrees.

New language added to identify an important source of information consistent with current practice in background investigations. Dissolution of marriage is a powerful source of investigation as deemed by background investigators who participated in the development of the POST Background Investigation Manual and these regulations. Full dissolution of marriage documentation provides information on moral character issues such as current or past restraining orders.

**(8) Neighborhood Checks**

- (A) Every public safety dispatcher candidate shall be the subject of contacts and interviews with current and, where practicable, previous neighbors to determine whether the candidate has exhibited behavior incompatible with the position sought.
- (B) Proof of neighborhood checks shall be documented by written information showing the identity of each neighbor contacted, the neighbor's relationship to the candidate, and an account of the information provided by the individual. All requests for information shall be documented.

Replaces Procedure C-1-5(e)(5); changing the investigation of neighborhood from recommended to required. It is the consensus and common practice among background investigators to investigate candidates' neighborhoods as a source of information related to several POST Background Dimensions, as well as providing a verification source for information provided by the candidate on the personal history statement.

**(9) Military History Check**

- (A) When applicable, a candidate shall be required to present proof of selective service registration or military service records.
- (B) Proof of a military history check shall consist of written verification of selective service registration, except women or any man born between 4/15/1957 and 12/31/1959, or, for any candidate who indicates military history on the Personal History Statement, an official copy of their DD-214 long form or equivalent documentation of foreign military service, if available.

Replaces Procedure C-1-5(e)(7); changing the investigation of military history from recommended to required. It is the consensus and common practice among background investigators to investigate military history as a source of information related to several POST Background Dimensions, as well as providing a verification source for information provided by the candidate on the personal history statement.

**(10) Credit Records Check**

- (A) Every public safety dispatcher candidate shall be the subject of a credit record search with a bona fide credit reporting agency (e.g., Experian, TransUnion, Equifax) to determine the candidate's credit standing with lenders, as an indication of the candidate's dependability and integrity.
- (B) Proof of a credit record check shall be documented by an official credit report returned by one of the bona fide credit reporting agencies. The report shall have been created no more than one year prior to the date of appointment.

Replaces Procedure C-1-5(e)(6); changing the investigation of credit history from recommended to required. It is the consensus and common practice among background investigators to investigate credit history as a source of information related to integrity and other POST Background Dimensions.

**§ 9059 (f) Background Investigation Updates**

**(1) Eligibility**

- (A) If a public safety dispatcher was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances:

1. The public safety dispatcher candidate is being reappointed after a separation from the same department, or
2. The public safety dispatcher candidate is transferring, without a separation, to a different department; however, the new department is within the same city, county, or district that maintains a centralized personnel and background investigation support division.

New language allowing the department, who has collected and maintained the background investigation information, to update that information rather than re-collecting information that does not change over time (i.e. birth certificate, college transcript).

(2) Update Requirements

(A) A new Personal History Statement (or alternative form) with updated information covering the period from the last Personal History Statement to the current date shall be completed by the public safety dispatcher candidate.

(B) The department shall conduct investigations of all new information reported by the candidate on the new Personal History Statement.

1. For candidates who are being reappointed per Regulation 9059(f)(1)(A)(1), the new background investigation shall cover the period since the candidate separated from the department.
2. For candidates who are transferring, without a separation, to a different department within the same city, county or district per Regulation 9059(f)(1)(A)(2), the new background investigation shall cover the period since the date the previous background investigation was completed.

Provides clarity as to the time period that is to be covered in the updated background investigation.

(C) Any area of investigation for which there is updated information shall be addressed in the updated background investigation. This shall minimally include a new: 1) Local Criminal Record Check, 2) State and National Criminal Check, unless there is written attestation that the candidate was never removed from the department's personnel files or those of the DOJ or FBI, 3) Driving Record Check, and 4) Credit Record Check.

Clarifies that the updated investigation must cover updated information; also clarifies that there are certain areas that need to be investigated whether or not there has been a change noted on the personal history statement.

(D) Updated background investigation documentation shall be maintained with the initial background investigation documents.

Provides clarity as to where the documentation is to be kept.

(E) If the original background investigation was conducted within one year from the date of reappointment, it is not necessary to update criminal record checks, driving record check, or credit check.

Provides clarity as to the "shelf-life" of these types of checks [see 9059(e)(2), (3), and (10)].

**§ 9059 (g) Documentation and Reporting**

- (1) **Background Narrative Report.** The background investigator shall summarize the background investigation results in a background narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report, along with all supporting documentation obtained

during the course of the background investigation, shall be included in the candidate's background investigation file. The supporting documents shall be originals or true, current and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.

Replaces Procedure C-1-6. Provides clarity as to what should be included in the narrative report to ensure its completeness and authenticity. The requirement to make the background investigation file available for POST inspection to ensure compliance with these requirements is provided in PC 13510.

- (2) **Retention.** The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ. Additional record retention requirements are described in [Government Code § 12946](#).

Updates and replaces the Procedure C-1-6 retention requirement that documentation be maintained "for current and successive administrations." This requirement has been misinterpreted as meaning "indefinitely." As a service to the reader, the Government Code statute pertaining to recordkeeping of personnel information is referenced.

- (3) **Information Access.** The information shall be shared with others involved in the hiring process, such as the screening physicians and psychologists, if it is relevant to their respective evaluations. There is a duty and/or legal obligation to furnish this information to those conducting mandated background investigations of public safety dispatcher candidates on behalf of other public safety dispatcher agencies, except as specifically provided by statute (GC § 6250, LC § 1050, LC § 1054, O'Shea v. General Telephone Co. 193 Cal. App 3d 1040). This information shall only be utilized for investigative leads and the information shall be independently verified by the acquiring department to determine the suitability of the public safety dispatcher candidate.

The first sentence is adapted from and replaces Procedure C-1-7. The remaining proposed language is added to provide clarity on what information can be shared in light of California privacy and confidentiality statutes; references to relevant statutes and case law are also added.

## **Regulation 9060 Public Safety Dispatcher Medical Evaluation**

### **§ 9060 (a) Evaluator Requirements**

Every public safety dispatcher candidate shall be evaluated by a licensed physician to determine if the candidate is free from any physical (i.e., medical) condition that might adversely affect the ability to perform the duties of a public safety dispatcher. The physician shall act as an agent of the employer and conduct the evaluation on behalf of and for the benefit of the employing department.

First sentence replaces Regulation 1018(c)(2). The second sentence provides clarity as to the role of the physician. The employing department incurs the cost of the evaluation and receives the results; therefore the physician acts on behalf of the agency, not the applicant. This is consistent with current practice.

### **§ 9060 (b) Timing of the Medical Evaluation**

The medical evaluation shall commence only after the department has extended a conditional offer of employment to the public safety dispatcher candidate. The medical evaluation must be completed within one year prior to date of appointment. A candidate reappointed to the same department after a separation must undergo a new medical evaluation, unless the previous evaluation occurred within one year prior to the date of reappointment.

The first sentence is added for consistency with ADA and FEHA laws in regard to the timing of the medical examination. Defines the "shelf life" of the medical evaluation as one year.

### **§ 9060 (c) Medical Screening Procedures and Evaluation Criteria**

The medical screening procedures and evaluation criteria used in the conduct of the medical evaluation shall be based on the public safety dispatcher duties, demands, and working conditions as defined by the department. This information shall be provided to the physician, along with any other information (e.g., risk management considerations) that will allow the physician to make a medical suitability determination.

This language is added to align the dispatcher medical evaluation requirements with the peace officer requirements, and provide a basis for conducting the medical evaluation. Provides clarity as to what the department should provide to its screening physician.

### **§ 9060 (d) Required Sources of Information for the Medical Evaluation**

The department shall ensure that the medical evaluation includes a review by the screening physician of the following sources of information prior to making a determination about the candidate's medical suitability.

(1) **Job Information.** Job information shall consist of the public safety dispatcher duties, demands, and working conditions provided by the department per Regulation 9060(c).

This new language is consistent with California Government Code 12940(f)(2), which stipulates that medical evaluations must be job-related and consistent with business necessity

(2) **Medical History Statement.** Prior to the medical evaluation, every public safety dispatcher candidate shall complete, sign and date a medical history questionnaire which includes inquiries about past and current medical conditions and procedures, physical symptoms, limitations, restrictions, and the use of medications and drugs.

This new language aligns the dispatcher medical evaluation requirements with those of the peace officer, and provides clarity as to what is to be included in a medical history form.

(3) **Medical Records.** Medical records shall be obtained from the candidate's treating physician or other relevant health professional, if clinically indicated and practicable. This information may be provided directly to the screening physician by the candidate, or, with written authorization from the candidate ([California Civil Code § 56.20](#)), may be obtained directly from the health professional.

This new language aligns the dispatcher medical evaluation requirements with the peace officer requirements, and is based on affirmation from the POST Medical Advisory Panel that medical records can be critical to the determination of medical suitability. Adds clarity as to how records can be legally obtained; references pertinent statute.

### **§ 9060 (e) Medical Evaluation Report**

(1) The evaluating physician shall submit a medical evaluation report to the department that shall include the following information:

(A) The evaluating physician's contact information and medical license number,

(B) The candidate's name,

(C) The date the evaluation was completed, and

(D) A statement, signed by the physician, affirming that the candidate was evaluated in accordance with Commission Regulation 9060. The statement shall include a determination of the candidate's medical suitability for performing as a public safety dispatcher.

This new language aligns the dispatcher requirements with the peace officer requirements. It also replaces and revises a portion of Regulation 1018(c)(2) to add clarity and specificity.

- (2) The department shall maintain the medical evaluation report in the candidate's background investigation file; the report shall be available to POST during compliance inspections.

This language aligns the dispatcher requirements with the peace officer requirements.

- (3) Any additional information reported by the physician to the department shall be limited to that which is necessary and appropriate, such as the candidate's job-relevant functional limitations, reasonable accommodation requirements, and potential risks posed by detected medical conditions. All information deemed medical in nature shall be maintained as a confidential medical record, separate from the background investigation file.

Language added for clarity as to the requirements of maintaining the confidentiality of medical records, and for consistency with the confidentiality restrictions of ADA [29 CFR 1630.14(b)(1)] and FEHA [2 CCR 7294.0 (d)(3)] on the treatment of medical and non-confidential information resulting from the pre-employment medical evaluation.

- (4) Information from the medical evaluation may be provided to others involved in the hiring process, if it is relevant their respective determinations of candidate suitability.

Added language provides clarity as to the sharing of information, and provides consistency with the allowances and restrictions on use of confidential medical information, in compliance with the ADA [29 CFR 1630.14(b)(1)] and FEHA [2 CCR 7294.0(d)(3)].

#### **§ 9060 (f) Second Opinions**

A candidate who is found medically unsuitable has the right to submit an independent evaluation for consideration before a final determination of disqualification is made [2 CCR § 7294.0(d)(2)]. When a candidate notifies the department that s/he is seeking an independent opinion, the department shall make available the public safety dispatcher duties, demands, and working conditions and the medical screening requirements specified in Commission Regulation 9060. Other information, such as specific procedures or findings from the initial evaluation, may be shared with the second-opinion evaluator at the discretion of the department. The means for resolving discrepancies in evaluations is at the discretion of the department, consistent with local personnel policies and/or rules.

New language to provide clarity regarding the right of the rejected candidate to obtain a second opinion; references pertinent statute. Additional procedures provide consistency among evaluations to ensure that the second opinion process is bona fide and conducted appropriately and lawfully.

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<sup>a</sup> All POST documents and forms mentioned in these requirements are available on the POST website ([www.post.ca.gov](http://www.post.ca.gov)).