

PROPOSED LANGUAGE

Employment Status Notification - Delete Regulation 1003, Add Regulations 9040-9041, Amend Regulation 9073(b)

~~1003. Notice of Appointment/Termination.~~

~~Whenever a peace officer of a participating department is newly appointed, promoted to a first level supervisory, middle management or executive position (refer to Regulation 1001 for definitions), demoted, terminates, changes his/her name, or changes appointment status within the same department, the department shall notify the Commission within 30 days of such action on the "Notice of Appointment/Termination" form 2-114 (Rev. 4/2003).~~

~~For departments in the Public Safety Dispatcher Programs, the form shall be submitted whenever a person is appointed, promoted to a public safety dispatch supervisor position, changes his/her name, reclassified, or transferred to a public safety dispatcher position, or whenever the person is terminated from a public safety dispatcher position.~~

~~Eligibility to receive the Records Supervisor Certificate requires that the form be submitted a minimum of 30 days prior to application for award of the certificate for persons appointed, changed his/her name, promoted, reclassified, or transferred to a records supervisor position. The form shall also be submitted when the person is terminated from a records supervisor position.~~

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Chapter 4 – Notifications

Regulation 9040

**EMPLOYMENT STATUS NOTIFICATIONS – PEACE OFFICERS,
PUBLIC SAFETY DISPATCHERS, RECORDS SUPERVISORS**

§ 9040 (a) Employment Status Notification Requirements

(1) **Peace Officers, Public Safety Dispatchers, and Records Supervisors.**

The employing department shall notify POST within 30 days, via the POST Electronic Data Interchange (EDI) system/NOAT application, of the personnel actions listed below [subsections (A)-(D)].

The use of the Notice of Appointment/Termination form, [POST 2-114 \(rev. 04/2007\)](#), is acceptable if the department is not registered for EDI access or to request a correction to an incorrectly submitted transaction [[Regulation §9040\(b\)\(1\)](#)]. The EDI/NOAT application and POST 2-114 are incorporated by reference.

(A) **Appointment and Termination Actions.** Actions that include an appointment or termination in employment status for a:

1. Peace officer, or

a. **Disqualifications.** Whenever a peace officer is adjudged guilty of a felony offense, or any other reason specified in Government Code §1029, the employing department shall notify the Commission within 30 days following the final adjudicative disposition by checking the appropriate box in the termination section of the EDI/NOAT application or the POST 2-114 form.

b. **Additional documentation.** Within 30 days, notifications (as indicated in “1a” above) shall be followed up in writing to POST and signed by the department head and provide: 1) the name of the peace officer disqualified, 2) the disqualification reason pursuant to [G.C. §1029](#), 3) the case number, 4) the name of the adjudicating court, 5) the date of adjudication, 6) the law enforcement jurisdiction responsible for

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investigation of the charge, and 7) official documentation substantiating the disqualification.

2. Public safety dispatcher (only public safety dispatchers employed by a department participating in the POST Public Safety Dispatcher Program), or
3. Records supervisor

(B) **Name changes.** Actions that include a name change that affect a peace officer's, public safety dispatcher's or records supervisor's personnel or POST record.

(C) **Classification changes.** Actions that include a classification change:

1. From a reserve peace officer position to any other peace officer position (i.e. a non-reserve classification), public safety dispatcher, or records supervisor position (or vice versa), or
2. From a jail deputy position [Penal Code §830.1(c) appointments] to a public safety dispatcher, or records supervisor position (or vice versa), or
3. From a public safety dispatcher position to a peace officer or records supervisor position (or vice versa), or
4. From a records supervisor position to a peace officer or public safety dispatcher position (or vice versa).

(D) **Promotions or Demotions.** Actions that include:

1. A promotion/demotion of a peace officer to a [first-level supervisory, middle management, or executive position](#), or
2. A promotion/demotion from one reserve officer level to another reserve officer level, or
3. A promotion/demotion of a jail deputy [Penal Code §830.1(c) appointments] to any other peace officer position (or vice versa), or

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4. A promotion/demotion of a public safety dispatcher to a public safety dispatcher supervisor position, or public safety dispatcher supervisor to a public safety dispatcher manager position (or vice versa), or
5. A promotion/transfer of any peace officer to an "interim or acting" department head position.

§ 9040 (b) Employment Status Notification Changes.

- (1) **Incorrectly submitted transactions.** Occasionally a transaction will be incorrectly submitted via the EDI/NOAT application. If the department employee who submitted the transaction requests a correction within 14 days, the correction can be made telephonically by contacting POST EDI staff. After 14 days, a Notice of Appointment and Termination form, [POST 2-114](#) (rev. 04/2007), shall be submitted to request the change, along with a brief explanation.
- (2) **Changes in Department Personnel Actions.** When the department has terminated a person, but the termination is reversed by a court or an administrative hearing judge, the department shall notify POST in writing within 30 days of the change in personnel action. The department head shall submit a new Notice of Appointment/Termination form, [POST 2-114](#) (rev. 04/2007), along with the official decision from the court or the administrative hearing judge.

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Regulation 9041

DISQUALIFICATION NOTIFICATIONS – FORMER PEACE OFFICERS

§ 9041 (a) Disqualification Notification Requirements

- (1) **Investigating Department.** Whenever a former peace officer is adjudged guilty of a felony offense, or any other reason specified in Government Code §1029 that disqualifies the individual from being employed as a peace officer, the law enforcement department responsible for the investigation of the circumstances that led to the disqualification shall notify the Commission, within 30 days, in writing of the final adjudicative disposition.

- (2) **Documentation.** The written notification shall be sent on department letterhead and include:
 - a. The name of the former peace officer
 - b. The disqualification reason pursuant to G.C. §1029
 - c. Case number
 - d. Name of the adjudicating court
 - e. Date of adjudication
 - f. Official documentation substantiating the disqualification

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§ 9073 (a) Records Supervisor Certificate

Continued ***

(b) Notice of Appointment Requirement

~~A Notice of Appointment form, [POST 2-114](#), shall be completed and mailed with the application for the certificate.~~ Prior to submitting an application for a POST Records Supervisor Certificate, POST shall have been notified of the records supervisor's appointment pursuant to the requirements in Regulation [§9040\(a\)\(1\)\(A\)\(3\)](#).

(c) Application Requirements

Continued ***

Authority cited: Sections 13503, 13506, and 13510.3, Penal Code.

Reference: Section 13510.3 Penal Code.

NOTICE OF APPOINTMENT/TERMINATION

POST 2-114 (Rev. 4/2003) 8/2008

Department of Justice
 Commission on Peace Officer Standards and Training
 1601 Alhambra Boulevard
 Sacramento, CA 95816-7083

The Information Practices Act of 1977 (Civil Code Section 1798.17) and the Federal Privacy Act (Public Law 93-579) require that this notice be provided when collecting confidential or personal information from individuals. The information is mandatory and the failure to provide all or any part of the requested information may delay the processing of this form or result in an incomplete record. ~~No disclosure of confidential peace officer information will be made except in accordance with Evidence Code section 1043.~~ No disclosure of non-peace officer information will be made except in accordance with Civil Code section 1798.24 of the IPA of 1977. Each individual for whom information is collected has the right to inspect his/her own record. The POST law enforcement agency currently employing an individual may access this information in accordance with POST's Record Disclosure Policy. The Commission on POST requires the social security number for identification purposes. Inquiries may be directed to the POST Records Manager at the above address.

INSTRUCTIONS

- Completion of this Notice form is required for peace officers, reserve peace officers, dispatchers, and records supervisors.
- Use this Notice to report new appointments, promotions, demotions, appointment status changes, corrections (including name changes), and terminations.
- Complete the IDENTIFICATION INFORMATION section, and as appropriate, either the APPOINTMENT or TERMINATION section. (Regulation 9040)
- Please type or legibly print (in ink) all required information.
- Mail this Notice to POST at the above address within 30 days of such actions, as required by Regulation 1003 in the POST Administrative Manual.

IDENTIFICATION INFORMATION

1. SOCIAL SECURITY NUMBER	2. NAME (LAST) (FIRST) (MIDDLE)	3. BIRTH DATE Month Day Four-Digit Year
4. GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female	5. ALSO KNOWN AS (LAST) (FIRST) (MIDDLE)	FOR POST USE ONLY
6. RACE/ETHNICITY (Mark the box that best describes the appointee's race/ethnicity. See the reverse for definitions.)		
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> Asian	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	
<input type="checkbox"/> Black or African American	<input type="checkbox"/> White	
<input type="checkbox"/> Filipino	<input type="checkbox"/> Other	
7. RANK / CLASSIFICATION (Select and enter the POST Code from the list on the reverse.)	8. DEPARTMENT NAME	

APPOINTMENT

9. APPOINTMENT DATE Month Day Four-Digit Year	11. APPOINTMENT STATUS (Mark the appropriate status box. Selection requirements may be found in the indicated Commission Regulation.)	
10. APPOINTMENT TYPE (Refer to Regulation 1003.) <input type="checkbox"/> New <input type="checkbox"/> Promotion <input type="checkbox"/> Demotion <input type="checkbox"/> Appointment Status Change (e.g., reserve to peace officer, or dispatcher to reserve, etc.) <input type="checkbox"/> Correction to Record (highlight correction/s)	<input type="checkbox"/> Peace Officer (Regulation 1002) <input type="checkbox"/> Reserve Peace Officer (Regulation 1007) Also check the appropriate Reserve level <input type="checkbox"/> Level I - Peace officer authority 24 hours a day <input type="checkbox"/> Level I - Peace officer authority for duration of assignment only <input type="checkbox"/> Level II <input type="checkbox"/> Level III	<input type="checkbox"/> Dispatcher (go to box 13) (Regulation 1016) <input type="checkbox"/> Records Supervisor (go to box 13) (Regulation 1004 - definition only)
	12. PEACE OFFICER AUTHORITY (Complete this item for Peace Officer or Reserve Peace Officer status only. Enter the complete Penal Code Section, including any subsections, which describes the peace officer authority of the above-named appointee.) Penal Code Section 830. _____	
	13. TIME BASE <input type="checkbox"/> Full Time (Regulation 1001.04) <input type="checkbox"/> Part Time <input type="checkbox"/> Seasonal Full Time <input type="checkbox"/> Seasonal Part Time	14. PAY STATUS <input type="checkbox"/> Paid <input type="checkbox"/> Unpaid

TERMINATION

15. TERMINATION DATE Month Day Four-Digit Year	16. REASON FOR TERMINATION <input type="checkbox"/> Resigned <input type="checkbox"/> Discharged <input type="checkbox"/> Retired <input type="checkbox"/> Deceased <input type="checkbox"/> Felony/Serious Crime Conviction <input type="checkbox"/> Other Disqualified from being a peace officer (G.C. 1029)
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17. ATTESTATION OF REPORTING OFFICIAL

I attest that the information provided on this form is substantiated by agency personnel records. When an appointment is reported for a peace officer, reserve peace officer or a dispatcher, I attest that the minimum selection requirements specified in Regulation 1002, 1007 or 1016, respectively, have been completed on or prior to the date of appointment.

SIGNATURE OF DEPARTMENT HEAD OR AUTHORIZED DESIGNEE

FULL NAME AND TITLE (type or print legibly)

DATE

NOTICE OF APPOINTMENT/TERMINATION

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ITEM 6 - RACE/ETHNICITY

INSTRUCTIONS — Use these definitions to assist you in selecting the category that best describes the appointee's race/ethnicity.

American Indian or Alaska Native

A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian

A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Thailand, and Vietnam.

Black or African American

A person having origins in any of the black racial groups of Africa.

Filipino

A person having origins in any of the original peoples of the Philippine Islands.

Hispanic or Latino

A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Native Hawaiian or Other Pacific Islander

A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White

A person having origins in any of the original peoples of Europe, Middle East, or North Africa.

ITEM 7 - RANK/CLASSIFICATION

INSTRUCTIONS — Use this list to select the POST code for the appointee's rank/classification. This code will appear on the appointee's Peace Officer Profile (P101) in the Rank column under the Employment section.

<u>Rank/Classification</u>	<u>POST Code</u>	<u>Rank/Classification</u>	<u>POST Code</u>	<u>Rank/Classification</u>	<u>POST Code</u>
Acting Chief	ACTC	Detective (I, II, III)	DET	Ranger Manager	RNGM
Administrator	ADM	Director	DIR	Ranger Supervisor	RNGS
Agent	AGNT	Dispatcher (I, II, III)	DIS	Records Supervisor	RECS
Assistant Chief	ACHF	Dispatcher Manager	DISM	Records Supervisor/Dispatcher	RS/D
Assistant Commissioner	ACOM	Dispatcher Supervisor	DISS	(Full-time Records Supervisor AND full-time Dispatcher)	
Assistant Marshal	AMAR	District Attorney	DA	Reserve Level I	RI
Assistant Sheriff	ASH	Division Chief	DVC	(Peace officer authority for duration of assignment only)	
Bureau Chief	BURC	Inspector	INS	Reserve Level I (24 hours)	RJ24
Captain	CAPT	Investigator (I, II, III)	INV	(Peace officer authority 24 hours a day)	
Chief	CHF	Investigator Manager	INVM	Reserve Level II	RII
Chief Deputy	CDEP	Investigator Supervisor	INVS	Reserve Level III	RIII
Chief Investigator	CHFI	Investigator, Welfare Fraud	WINV	Sergeant	SGT
Commander	CMDR	Investigator Manager, Welfare Fraud	WINM	Sergeant-at-Arms	SGTA
Commissioner	COM	Investigator Supervisor, Welfare Fraud	WINS	Sergeant-at-Arms Chief	SGTC
Coroner	COR	Jail Deputy	JDEP	Sheriff	SH
Corporal	CPL	Jail Lieutenant	JLT	Special Agent	SA
Deputy (I, II, III)	DPTY	Jail Sergeant	JSGT	Supervisor	SUP
Deputy Chief	DCHF	Lieutenant	LT	Supreme Court Bailiff	SCB
Deputy Commissioner	DCOM	Manager	MGR	Trainee	TRN
Deputy Coroner	DCOR	Marshal	MAR	Undersheriff	US
Deputy Coroner Supervisor	DCRS	Police Officer (I, II, III)	PO	Warden	WARD
Deputy Coroner Manager	DCRM	Ranger	RANG		
Deputy Marshal (I, II, III)	DMAR				