

## ADENDUM - INITIAL STATEMENT OF REASONS

Amend Definitions, Training for Non-Sworn and Paraprofessional Personnel, and Reimbursements Regulations 1001, 1014, and 1015

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The additional information is shown in blue.

At the June 25, 2015 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B – Regulations 1001, 1014, 1015, and incorporated procedures from Section E into regulation. All proposed changes had been recommended by a committee of subject matter experts comprised of POST staff members who are directly employed to manage the POST reimbursement program.

### 1001. Definitions

[1001 “Academy Coordinator” through “Reimbursement Program” continued]

The purpose of “Reimbursement Plans” is to delete “Commission Procedure E-2” which was not OAL approved with the new “Regulation 1015(c)(2)”.

[1001 “Resident Trainee” through “Web- Based Training (WBT)” to end]

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### 1003. Employment Status Notifications.

The purpose of Regulation 1003(a)(1) is to update the date of The Notice of Appointment/Termination form POST 2-114 from (08/2008) to (Rev 02/2013).

[1003(a)(1)(A) continued to the end]

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### 1014. Training Non-Sworn and Paraprofessional Personnel

The title of Regulation 1014 is changed to “Reimbursement for Training of Non-Sworn Personnel” because POST reimbursement procedures are being added into regulation which will simplify the POST Administrative Manual (PAM) for ease of use. The obsolete term “and Paraprofessional” is deleted.

The purpose of Regulation 1014(a) is to delete “Regular Program” to avoid confusion and replaced it with “eligible” agencies. Add “as defined in California Penal Code section 13523” for clarity and to specify the statutory authority. Delete obsolete term “paraprofessional”. Add “attending the Basic Course” for clarity for non-sworn personnel attending a basic course which would allow an agency to be reimbursed for that attendance. “PAM Section E-1-4(a)” has been replaced by “Regulation 1014(a)(1)-(9)” because Section E-1-4(a) is being incorporated into Regulation 1014 and 1015 to improve accessibility of training reimbursement information. “Regulation 1014(a)(1)-(9)” is placed before Regulation 1015 to keep in sequential order. The word “and” is moved before “Regulation 1015 and deleted after it as non-substantive . In 1014(a)(2) delete the comma after “and” as a typo as non-substantive .

The purpose of Section 1014(a)(1)-(9) is to add Procedure E-1-4(a)(1)-(8) because it is being incorporated into regulation and to make non-substantive changes to verbiage for clarity. In 1014(a)(8) delete “may” and replace with “shall” because attendance of the Public Safety Dispatcher Basic Course is required by Regulation 1018.

The purpose of 1014(b) is to add “s” to subtitle as a non-substantive change for grammar and accuracy. Delete “Non-Sworn” as unnecessarily redundant. Delete “or Paraprofessional Personnel” as an obsolete term. Language is modified for clarity. Delete obsolete term “paraprofessional” and reference to PAM Section E-1-4a, which is being incorporated into regulation.

The purpose of 1014(b)(A)-(C) is to change the format for consistency. A capital letter will only be used for the first word in subtitles to keep with style format.

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The purpose of 1014(b)(2) is to add “s” to “Request” as a non-substantive change for grammar and accuracy. Approval of requests would be sent to POST staff as opposed to the Commission.

The purpose of 1014(c)(1) is to add “(1)” for ease in referencing this section of 1014(c). Delete obsolete term “and paraprofessional” and improved paragraph for clarity. “Regulation 1015” is added to replace “POST Administrative Manual, Section E-1-4a” because it is incorporated into regulation.

The purpose of 1014(c)(2) is to add “(2)” for ease in referencing this section of 1014(c). Add “Regulation 1014(a)(3), (4), and (5)” to replace “PAM Section E-1-4(a)(3)-(5) PAM section E-1-4(a) adopted effective April 15, 1982, and amended 05-1-87 is herein incorporated by reference.” which is being incorporated into regulation.

The purpose of “PAM Section E incorporated into Regulation 1014 effective April 15, 1982...” is to replace deleted language referencing PAM Section E-1-4(a). [Effective date changed to “April 1, 2016” as non-substantive due to the need to resubmit the rulemaking filing.](#)

The purpose of “Authority cited and Reference” is to add a comma before “and” to keep with format style.

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### **1015. Reimbursements**

The purpose of 1015 is to add “for Training” as a non-substantive change to title of to clarify reimbursements specifically for training.

[The purpose of 1015\(a\) is to relocate “Penal Code” before “section” to keep with format style](#) and to provide information regarding reimbursement, add verbiage for improved clarity, and add reference to the definition of POST-certified courses in Regulation 1001.

The purpose of 1015(a)(2) is to change the confusing term “jurisdiction” to “An agency participating in the POST Reimbursable Program” for clarity and to specify the definition of limited function peace officers is located in Regulation 1001. Replace “may” with “shall” to ensure the regulation is mandatory as opposed to discretionary.

The purpose of 1015(b) is to change the title to reflect “General” reimbursement “Requirements” listed in this section and deleted “Travel, Subsistence, Commuter Lunch, Tuition, and Back Fill Salary”, for clarity as those categories are addressed separately later in the Regulation.

[The purpose of 1015\(b\)\(1\) the capital letters are changed to lower case letters to keep with format style.](#)

The purpose of 1015(b)(1)(A) is to specify the Training Reimbursement Request form is to be utilized for requesting reimbursement and provides more specific documentation requirements for thoroughness and clarity.

[The purpose of 1015\(b\)\(1\)\(B\) is to address the Presenter Reimbursement Request form adopted previously by the Commission for utilization by Training Presenters to request reimbursement for Training Costs, but which was not previously included in regulation. Since the form is required, it has been added into regulation as a new form.](#)

[The purpose of 1015\(b\)\(2\) the capital letters are changed to lower case letters to keep with format style is to only capitalize the first word in the title for format style](#) and to rewrite the language and to

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add reference to Procedure D-2-2 for clarity. Approval by the Executive Director regarding exceptions or special circumstances was deleted as a requirement of this regulation because it is not current practice to require that approval.

The purpose of 1015(b)(3) is to delete redundant verbiage as it is already referenced in Regulation 1015(a).

The purpose of new 1015(b)(3) is a non-substantive format change (numbering). The word “may” is replaced with “shall” to ensure the regulation is mandatory as opposed to discretionary. Reference to “Section E-1-4(c) and (e)” were deleted as that section is incorporated into Regulations 1015(b)(3) and Regulation 1015(b)(6).

The purpose of new 1015-(b)(4) is a non-substantive format change (numbering). Add “for partial completion of the POST-certified Basic Course” to clarify what this section references. [The word “may” should have been deleted to replace “shall”](#) to ensure the regulation is mandatory as opposed to discretionary. The term “jurisdiction” is changed to more accurately reflect “an agency participating in the POST Reimbursable Program”. The language that is inaccurate and not consistent with current practice is deleted. The word “may” is replaced with “shall” to ensure the regulation is mandatory as opposed to discretionary.

The purpose of 1015(b)(6) is to delete this section as it is inaccurate and not consistent with current practice.

The purpose of new 1015(b)(5) is a non-substantive format change (numbering). Delete the term “POST-certified” as unnecessary due to the fact that any basic course in which reimbursement is provided, is in fact POST-certified. The term “employing jurisdiction” was changed to more accurately reflect “an agency participating in the POST Reimbursable Program”. Replace “may” with “shall” to ensure the regulation is mandatory as opposed to discretionary. Delete “training” for clarity to correct the name of the course from “basic training course” to “basic course”. Replace “section” with “Regulation” to keep with format style.

The purpose of new 1015(b)(6) is to clarify the categories of costs for training that may be reimbursed. Additionally, travel was clearly defined as mileage and subsistence is clearly defined as lodging and meals. Language is added to clarify reimbursement for partial completion of a basic course. [A correction of the regulation number from “1014” to “1015” is non-substantive.](#)

The purpose of new 1015(b)(7) is a non-substantive format change (numbering). Partial completion of instructor training courses does not occur and is not consistent with current practice, therefore “or instructor training courses” is deleted. [Add authorization by the POST Executive Director to provide administrative discretion regarding partial completion of a certified Motorcycle Training Course into regulation to replace Procedure E-1-4\(e\).](#)

The purpose of 1015(b)(9) is to delete this section because the Commission on POST is no longer a recipient of the referenced funds.

The purpose of new 1015(b)(8) is a non-substantive format change (numbering). Language added for clarity to note that reimbursement is for agencies “participating in the POST Reimbursement Program” and that officers attending training courses in Oregon, Nevada, and Arizona are only authorized for reimbursement for attendance in those courses if they are “California” POST-certified courses.

The purpose of new 1015(b)(9) is to clarify reimbursement will not be made if the trainee’s salary is from a federal grant or other outside funding source.

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The purpose for new 1015(b)(10) is to clarify reimbursement will only be approved after the peace officer's agency has notified POST of the officer's appointment by submitting a NOAT form through EDI or by mail.

The purpose of 1015(c) is to add the title "Reimbursement Plans" as a new subsection.

The purpose of 1015(c)(1) - (2) is to add clarity for who is reimbursable and what amount and/or category of expenses POST will reimburse along with the five different reimbursement plans. The table was developed as a means of illustrating the categories that are provided by each reimbursement plan subject to the provisions established by the Commission. [Add the missing "\(c\)" after 1015 to correct the section number.](#)

The purpose of new 1015(c)(3) is a non-substantive format change (numbering) [and the capital letters are changed to lower case letters to keep with format style to change the capital letters to lower case letters in the title to keep with format style.](#) Add "(Plan V)" which was not previously in regulation for clarity. Remove "(1)" and "(2)" "Web Based Training" is changed to "self-paced training" to ensure that self-paced training is not limited to web based training. Non-substantive change removing capitalization from "Training". Comma added before "and" to keep with format style. Text was added to address the Presenter Reimbursement Request form, which in practice, has been utilized to request reimbursement for presentation costs for Plan V courses, but had not yet been included in regulation. [The Presenter Reimbursement Request form is added into regulation as a new form dated 04/2015.](#)

The purpose of 1015(d) is to add the title "Reimbursement Rates" as a new subsection.

[The purpose of 1015\(d\)\(1\) is to define the maximum reimbursement rates for approved expense categories showing the dollar amounts.](#)

The purpose of 1015(d)(2) and (d)(2)(A) is to add language to clarify the courses with maximum reimbursement limitations and the length of the courses. The reimbursement for the Modular Format (Intensive) of the Regular Basic Course is due to a Commission-approved pilot program in October, 2014.

The purpose of 1015(d)(3) is to add how rates are [approved](#) by the Commission.

The purpose of 1015(d)(4) is to add that the agencies/presenters shall be notified with in 60 days

The purpose of 1015(e) is to add the title "Reimbursement for Travel (Mileage)" as a new subsection.

The purpose of 1015(e)(1) – (6) adds outline numbers and letters for clarity in referencing the sections and to clarify reimbursement for travel mileage. These sections outline the specific requirements for reimbursement, how the mileage allowance is calculated, and who is covered under what circumstances. Reference to the Presenter Reimbursement Request form has been added to be consistent with current practice in relation to Plan V reimbursement for training presentation costs. [In 1015\(e\)\(3\)\(B\) the PRR form 2-243 is a new form with the correct date of 04/2015. In 1015\(e\)\(6\) the capital letters are changed to lower case letters to keep with format style.](#)

The purpose of 1015(f) is to add the title "Reimbursement for Subsistence (Lodging and Meals)" to the section.

The propose of 1015(f)(1) –(6) is to outline eligibility, how subsistence is calculated, for the type of course days, and reference to the Presenter Reimbursement Request form has been added to be consistent with current practice in relation to Plan V reimbursement for training presentation costs.

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In 1015(f)(1)(B) the PRR form 2-243 is a new form with the correct date of 04/2015. In 1015(f)(2)(A)1. the rates are approved by the Commission. In 1015(f)(2)(A)2. the capital letters are changed to lower case letters to keep with format style.

The purpose of 1015(g) is to add the title “Reimbursement for Commuter Lunch Allowance” to this section.

The purpose of 1015(g)(1) – (5) is to outline the commuter trainee definition, eligibility, how it is calculated, what course days are reimbursed, and exceptions. In 1015(g)(2) is to change the capital letters to lower case letters in the title to keep with format style. In 1015(g)(2)(B) is to change “workstation” to “work location” for clarity. In 1015(g)(3) the capital letters are changed to lower case letters to keep with format style. In 1015(g)(3) and (5) the capital letters are changed to lower case letters to keep with format style.

The purpose of 1015(h) is to add the title “Reimbursement for Tuition” to this section.

The purpose of 1015(h)(1) – (2) is to outline the definition of tuition and eligibility for reimbursement.

The purpose of new 1015(i) is a non-substantive format change (lettering). This section has been modified to improve clarity. It replaces the term “eligible agency” with “any agency participating in the POST Reimbursable Program”. It specifies Plan I and Plan II courses are the only POST-certified courses eligible for backfill reimbursement. The section adds 1015(i)(1)(A) and (B) listed in an improved format for those job classifications eligible for backfill reimbursement which replaces the struck out language. In new 1015(i)(1) “Penal Code” is moved before “Section” to keep with format style. In new 1015(i)(1)(A) “dispatcher” is changed to “dispatch supervisor” the correct job title. In new 1015(i)(1)(B) “or” is added to keep with style format.

The purpose of new 1015(i)(2) is to outline more clearly courses eligible for backfill reimbursement under Plan I and Plan II which replaces struck out language. Language is added to clarify the approved topical areas for courses approved for backfill have been modified to establish consistency with current practice.

The purpose of new 1015(i)(3) is to add the requirements for applying for reimbursement for back-fill costs.

The purpose of 1015(i)(4) is to add the requirements for travel release time associated with training.

The purpose of 1015(i)(5) is a non-substantive format change (numbering). Regulations 1015(i)(5) through 1015(i)(6) have been modified for clarity and to add reference to a specific definition for “actual salary cost”. Previously, there has been considerable confusion as to what constitutes actual salary cost.

The purpose of 1015(j) is to add the title “POST and/or State Controller’s Office Reimbursement Audits” to regulation. This section adds “POST-approved Training Course Presenters” as also being required to maintain documentation for a potential audit. Additionally, the minimum time period required to maintain records was changed to a minimum of three years, rather than three fiscal years, based on a consultation with the State Controller’s Office.

The purpose for deleting reference to “PAM Section E-1-4c, E-1-4e, and Refer to PAM Section E” is because these sections have been incorporated into Regulation 1015. The effective date is changed to “April 1, 2016” as non-substantive due to the delay in.

The purpose of the non-substantive punctuation additions to the “Authority cited and Reference” are to add a comma before “and” to keep with format style.

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## 1055. Requirements for Course Presentation

The purpose of 1055(g)(1) is to correct the revision date of form 2-273 from "8/93" to "04/2015".

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### Justifications for Revisions to Forms

#### Attachment B-1

#### **TRAINING REIMBURSEMENT REQUEST, Form POST 2-273 (Rev 04/2015)**

NOTE: Attachment B-1 with a "Revised" watermark may be compared to **Attachment B-2 with "Deleted" written across the page, dated (8/93)** which is being replaced.

Attachment B-1 has been revised as follows to make non-substantive changes to format and for clarity.

Changed the form's date to reflect the revision "(Rev 04/215)" on pages 1 and 2.

Added "SAVE, RESET and PRINT" links at top of form to establish an electronic version of the form.

Added numbers to the instructions and added "Note:" for emphasis.

Changed format (lettering to D from B) for box entitled "POST-Certified Course Title", previously entitled "Certified Course Title".

Added new section (letter C) entitled "Plan Number".

Changed format (lettering to B from C) for box entitled "Course Control Number".

Added a reference to "See page 2 for complete instructions".

Changed format (lettering to F from E) for box entitled "Trainee Name(s)".

Changed format (lettering to G from F) for box entitled "POST ID or SSN".

Changed format (lettering to L from L and M) for boxes entitled, "Backfill Hours" and "Backfill Overtime Hourly Salary", previously entitled "Number of Backfill Hours" and "Backfill Hourly Salary".

Changed format (lettering to M from N) for box entitled "Substation", previously entitled "Station Assigned other than Headquarters".

Changed format (bulleted) for attestation section at bottom of form.

Changed format (lettering to N, O, P and Q from O, P, Q and R) of boxes entitled "Full Name of Person Completing Form, Contact Number of Person Completing Form, Authorized Signature, and Title of Authorized Official".

Changed format (lettering) of page 2, the Instruction page to reflect the changes made to page 1 of the form.

#### Attachment C-1

#### **PRESENTER REIMBURSEMENT REQUEST (PRR), Form POST 2-243 (04/2015)**

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Attachment C-1 is being added into regulation as a new form.

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### **Business Impact/Small Businesses**

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

### **Cost Impacts on Representative Private Persons or Businesses**

The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

### **Assessment**

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California, and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

### **Economic Impact Analysis**

#### *Impact of Jobs/New Business:*

Because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement, adoption of the proposed amendments of 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.

#### *Assessment:*

The adoption of the proposed amendments to the regulation will neither create nor eliminate jobs in the State of California. This will not result in the elimination, creation, or expansion of new or existing businesses in the State of California.

#### *Benefits of the Regulation:*

The benefits of proposed amendments to the regulation will be to improve the clarity and accessibility of information related to reimbursement for law enforcement training costs and to bring regulations into compliance with current practices. Consequently, the amendments will reduce confusion and delay in terms of providing reimbursements for training to law enforcement agencies and presenters participating in the POST Reimbursable Program. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. Because these regulations relate to reimbursements for training, there would be no benefit to worker safety or the State's environment.