

INITIAL STATEMENT OF REASONS

Revision and Reformatting of Regulation 1003 - Notice of Appointment/Termination Regulations 9040 and 9041

At the February 25, 2010 meeting the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B-Regulation 9040 and 9041 to provide clarity to existing text.

Regulation 9040 is amended to separate reserve peace officer, previously incorporated within the peace officer status. Regulation 9041 is amended to specify which law enforcement agency notifies POST when a peace officer is adjudged guilty of a felony offense.

Justification for Proposed Revisions

The POST Administrative Manual (PAM) is incrementally being revised and reformatted in accordance with POST Strategic Plan 2006, Objectiv C-4. This proposal to amend recently reformatted Regulations 9040 and 9041 is to provide clarity to existing text.

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| § 9040 | Employment Status Notifications – Peace Officers, Public Safety Dispatchers, Records Supervisors |
| § 9041 | Disqualification Notifications – Former Peace Officers |

Employment Status Notifications ~~Peace Officers, Public Safety Dispatchers, Records Supervisors~~

Reason: The chapter and section heading have been changed to more accurately reflect the contents in each.

§ 9040 (a) Employment Status Notification Requirements

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

The employing department shall submit a Notice of Appointment/Termination (POST 2-114 - 8/2008) form ~~notify to~~ POST within 30 days, via the POST Electronic Data Interchange (EDI) system when ~~by submitting a Notice of Appointment/Termination (NOAT) (POST 2-114) form of the personnel actions listed below~~ occur ~~[subsections (A)-(D)].~~

~~The use of the Notice of Appointment/Termination (NOAT) form, POST 2-114 (Rev. 08/2008), may be mailed to POST 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 will link to the NOAT form (POST 2-114) which are is incorporated by reference.~~

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

- peace officer

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2. reserve peace officer
 3. ~~P~~ public safety dispatcher (only public safety dispatchers employed by a department participating in the POST Public Safety Dispatcher Program), or
 4. ~~R~~ records supervisor
- (B) **Name ~~e~~Changes.** 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 records, as a result of a marriage, a divorce, or a legal name change.

~~(B)~~**(C) Rank/Status Classification ~~e~~ Changes.** Actions that involve include rank/status changes including promotions and demotions a classification change (e.g., F from a reserve peace officer position to any other peace officer position or (i.e. a non-reserve classification), public safety dispatcher, or records supervisor position (or vice versa), or for:

1. peace officer
 2. reserve peace officer
 3. public safety dispatcher
 4. records supervisor
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~~
 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.~~

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§ 9040 (b) Employment Status Notification Changes.

(1) **Incorrectly sSubmitted tTransactions.**

~~When Occasionally a transaction is will be incorrectly submitted through the via the POST Electronic Database Interchange (EDI) database/NOAT application. system, If the an authorized department employee who submitted the transaction requests a correction within 14 days, the correction can be made telephonically by shall contacting POST-EDI staff. within After 14 days, The correction can be made telephonically through the EDI staff. After 14 days, a Notice of Appointment and Termination NOAT form, POST 2-114 (Rev. 08/2009), shall and a written justification for the correction shall be sent to POST be submitted to requesting the change, along with a brief explanation.~~

(2) **Reinstatements. Changes in Department Personnel Actions.**

~~When the department has terminated a person, but the person has been reinstated, 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 hard copy NOAT form new Notice of ppointment/Termination form, POST 2-114 (Rev. 08/2009), indicating a correction to record, along with a copy of the official reinstatement documentation. the official decision from the court or the administrative hearing judge.~~

Reason: Regulation 9040 has been amended to separate reserve peace officer, previously incorporated within the peace officer status. Text was changed to provide clarity.

§ 9041 Disqualification Notification Requirements.

~~(+)(a)~~ **Investigating Department.**

~~Whenever a former peace officer or former peace officer is adjudged guilty of a felony offense, or for any ether reason specified in Government Code §1029 that disqualifies the individual from being employed as a peace officer, POST shall be notified in writing within 30 days of the final disposition.~~

~~a.) If the individual is currently employed as a peace officer, the employing department shall notify POST of the final disposition.~~

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- b.) If the individual is a former peace officer, the law enforcement department responsible for the investigation shall notify POST of the final disposition. ~~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)~~**(b) Documentation.**

The written notification shall be sent on department letterhead and include:

1. ~~The~~ name of the peace officer or former peace officer
2. ~~The~~ disqualification reason pursuant to G.C. §1029
3. ~~C~~ case number
4. ~~N~~ name of the adjudicating court
5. ~~D~~ date of adjudication
6. copy of the official documentation substantiating the disqualification (i.e., Settlement agreement, Civil Service agreement or Court Order showing the parties involved in the action, summary or action page that states the action to be taken by the agency, the page of the court order bearing the official signature(s) and the conclusion.)
7. ~~The~~ law enforcement department responsible for the investigation. ~~of the charge~~

Reason: The text in Regulation 9041 has been changed to provide clarity.

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9040(b) Employment Status Notification Changes
9041 **Disqualification Notification Requirements**

Reason: The index heading has been changed to more accurately reflect the contents in section 9040..

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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.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to effected private persons than the proposed action.