State of California
Office of Administrative Law

In re:
Commission on Peace Officer Standards and Training

Regulatory Action:

Title 11, California Code of Regulations

Amend sections: 1001, 1014, 1015, 1055

NOTICE OF APPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2016-0804-03SR

OAL Matter Type: Regular Resubmittal (SR)

This resubmittal of OAL File Nos. 2015-0929-03S and 2016-0317-02SR by the Commission on Peace Officer Standards and Training ("POST") amends sections 1001, 1014, 1015, and 1055 in title 11 of the California Code of Regulations. These sections are amended primarily to incorporate requirements from Section E of the POST Administrative Manual ("PAM") into Sections 1014 and 1015. These amendments also list reimbursement rates and add reimbursement for attendance at the Regular Basic Course, Modular Format (Intensive) by agency-sponsored attendees.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2017.

Date: September 8, 2016

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For: Debra M. Cornez
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TEXT OF REGULATORY / TION
Amend Definitions, Training for Non-Sworn and Paraprofessional Personnel, Reimbursements, and Requirements for Course Certification
Regulations 1001, 1014, 1015, and 1055

1001. Definitions.

[1001 "Academy Coordinator" through "Reimbursement Program" continued]

"Reimbursement Plans" are assigned to POST-certified courses. Each plan consists of a combination of training-related expenditures approved by the Commission. The various plans are set forth in ~~Commission Procedure E-2~~ Regulation 1015(c)(2).

[1001 "Resident Trainee" through "Web- Based Training (WBT)" continued to the end]

Note: Authority cited: Sections 13506 and 13510.3, Penal Code. Reference: Sections 13503, 13507, 13510, 13510.1, 13510.3, 13510.5 and 13523, Penal Code.

1014. Reimbursement for Training ~~for~~ of Non-Sworn ~~and Paraprofessional~~ Personnel.

(a) Reimbursement shall, subject to available funds, be provided to ~~Regular Program~~ eligible agencies as defined in California Penal Code Section 13523 for the training of non-sworn personnel performing police tasks and ~~paraprofessional~~ personnel attending the Basic Course, as provided for by Regulation 1014(a)(1)-(9) and Regulation 1015 ~~and POST Administrative Manual Section E-1-4a~~.

(1) The training shall be specific to the task currently being performed by an employee or may be training specific to a future assignment which is actually being planned.

(2) Non-sworn personnel may attend the courses identified in Regulation 1005(a), (b), (c), (d), and (e), but reimbursement shall not be provided except as indicated in Regulation 1014(a)(3), (4), and (5) and subject to available funds.

(3) Police Trainees, Police Cadets, and/or Community Service Officers, may attend a certified Basic Course and reimbursement shall, subject to available funds, be provided to the agency participating in the POST Reimbursable Program in accordance with the regular reimbursement procedures up to the maximum hours as listed in Regulation 1015(d)(2).

(4) With pre-approval from POST staff, an agency participating in the POST Reimbursable Program shall, subject to available funds, be reimbursed for a full-time, non-sworn employee assigned to a middle management or higher position to attend a POST-certified Management Course. Reimbursement shall be the same as for a regular officer in an equivalent position. Requests for approval shall be submitted in writing to POST, Management Counseling, Leadership Development Bureau, at least 30 days prior to the start of the course.

Requests for approval must include required information as specified in Regulation 1015(b). Approval will be based on submission of written documentation specifying that the non-sworn manager is filling a full-time position with functional responsibility in the organization above the position of first-line supervisor.

(5) With pre-approval from POST staff, an agency participating in the POST Reimbursable Program shall, subject to available funds, be reimbursed for a full-time, non-sworn employee assigned to an executive position, as defined in Regulation 1001, to attend a POST-certified Executive Development Course. Reimbursement shall be the same as for a regular officer in an equivalent position. Reimbursement shall be made only when the employee has completed a POST-certified Management Course as a prerequisite to attendance in the Executive Development Course, as required by Regulation 1005(e).

Requests for approval shall be submitted in writing to POST, Management Counseling, Leadership Development Bureau, at least 30 days prior to the start of the course. Requests for approval must include such information as specified in Regulation 1014(b). Approval will be based on submission of written documentation that the non-sworn executive is filling a full-time position with the functional responsibility in the organization equivalent to the rank of captain or above.

(6) Non-sworn employees of an agency participating in the POST Reimbursable Program who perform police tasks, and who will be assigned, or who are already assigned, to the following job classes are eligible, without prior approval from POST staff, to attend training courses specific to their job assignments. Their respective agencies shall, subject to available funds, receive reimbursement for completion of POST-certified courses.

Administrative Positions
Criminalist
Community Service Officer
Evidence Technician
Fingerprint Technician
Identification Technician
Jailer
Parking Control Officer
Polygraph Examiner
Records Clerk
Records Supervisor
School Resource Officer
Traffic Director and Control Officer

(7) Reimbursement for training which is not specific to one of the job classes enumerated in the above paragraph must be approved by POST staff on an individual basis prior to the beginning of the course. Requests for approval shall be submitted in the manner required in Regulation 1014(b).

(8) A full-time public safety dispatcher as defined in Regulation 1001, from an agency participating in the POST Reimbursable Program, shall attend the POST-certified Public Safety Dispatcher Basic Course required by Regulation 1018. The agency shall, subject to available funds, be reimbursed for allowable training expenses up to the maximum hours listed in Regulation 1015(d)(2).

(9) Public safety dispatchers from an agency participating in the POST Reimbursable Program may attend POST-certified seminars and technical courses specific to their assignments without prior approval from POST staff and their respective agencies shall be reimbursed subject to available funds. If such seminars and courses are not specific to public safety dispatcher assignments, reimbursement must be approved by POST staff prior to attendance at the course. Requests for approval shall be submitted in the manner required in Regulation 1014 (b).

(b) **Requests for Approval.**

(1) ~~Non-Sworn or Paraprofessional Personnel~~ If required pursuant to this regulation, ~~Whenever it is necessary for~~ the employing ~~jurisdiction~~ agency requesting reimbursement shall ~~to~~ obtain prior written approval from ~~the Commission~~ POST staff for non-sworn ~~or paraprofessional~~ personnel to attend reimbursable training.~~,~~ ~~t~~The agency shall include the following information in the approval request ~~the following information regarding each individual~~. ~~(See PAM, section E-1-4a.)~~

(A) The Trainee's Name and Job Title.
(B) Job Description.
(C) Course Title, Location, and Dates of Presentation.

(2) Requests for approval must reach ~~the Commission~~ POST staff 30 days prior to the starting date of the course.

(c) **Reimbursement.**

(1) Reimbursement for non-sworn ~~and paraprofessional~~ personnel shall be ~~is~~ computed in the same manner (except as noted below) as for sworn personnel according to the reimbursement plan for each course ~~appropriate for the employee's classification~~ as set forth in ~~the POST Administrative Manual, Section E-1-4a~~ Regulation 1015.

(2) No reimbursement is provided for the training of non-sworn personnel for expenses associated with courses enumerated in Regulation 1005(a), (b), (c), (d), and (e), except as provided in Regulation 1014(a)(3), (4), and (5) and subject to available funds. ~~PAM, section E-1-4a (3), (4), and (5). PAM section E-1-4a adopted effective April 15, 1982, and amended 5-1-87 is herein incorporated by reference.~~

~~PAM section E-1-4(a) adopted effected April 15, 1982 and amended May 31, 1987, October 10, 1990, January 21, 1994, August 1, 2005, and August 26, 2006 is herein incorporated by reference.~~

Note: Authority cited: Sections 13503, 13506 and 13510, Penal Code. Reference: Sections 13503, 13506 and 13523, Penal Code.

1015. Reimbursements for Training.

(a) **Proportionate Reimbursement.**

Reimbursements to cities, counties, and districts shall be granted by the Commission in accordance with Penal Code section 13523 ~~Penal Code~~. Agencies participating in the POST Reimbursable Program and/or POST-approved training presenters shall be reimbursed from the Peace Officers' Training Fund for allowable expenditures incurred for training in POST-certified courses only as defined in Regulation 1001. Reimbursement is based upon fund availability as approved by the Commission.

(1) Marshals' and district attorneys' departments are included in the Regular Program for reimbursement even though individual officers employed by the agencies have retained specialized peace officer classification.

(2) An agency participating in the POST Reimbursable Program ~~jurisdiction~~ that employs limited function peace officers as defined in Regulation 1001 shall, subject

to available funds, ~~may~~ be reimbursed for allowable expenses of these officers that are related to attendance of POST-certified courses.

(b) **General Reimbursement Requirements ~~for Travel, Subsistence, Commuter Lunch, Tuition and Back-fill Salary.~~**

(1) Requests for ~~R~~reimbursement

(A) Agencies participating in the POST Reimbursable Program who request reimbursement for their employees attending POST-certified training courses shall do so ~~Each request for reimbursement must be submitted~~ on a Training Reimbursement Request (TRR) form, POST 2-273 (Rev 04/2015), herein incorporated by reference. ~~provided by the Commission and submitted to the training institution at the beginning of a POST-certified training course. No further action is required by the participating jurisdiction to receive reimbursement except for those courses requiring a report to POST as a condition of successful completion, such as Field Management Training and Team Building Workshops. Upon completion of the training, reimbursement will be automatically computed and paid to the jurisdiction.~~ The TRR may be submitted to the training course presenter at the time of the course, or be mailed directly to POST. Upon receipt of the course roster from the training course presenter verifying successful completion of the course, reimbursement will be computed and paid to the requesting agency subject to available funds. Courses such as Field Management Training and Team Building Workshops require a report to be submitted to POST staff as a condition of successful completion of the training course. Reimbursement will occur upon receipt of the report.

(B) POST-approved Training Course Presenter requests for reimbursement shall be submitted to POST on the Commission-approved Presenter Reimbursement Request (PRR) form, POST 2-243 (04/2015), herein incorporated by reference, along with the course budget approved during the course certification process attached to the PRR. This form applies to Plan V courses only.

(2) Training ~~E~~expenses ~~M~~may ~~B~~be ~~C~~claimed ~~O~~only ~~O~~once.

Agencies participating in the POST Reimbursable Program shall not receive reimbursement for subsequent attendance by a trainee in a course if the trainee has previously attended the same course. Exceptions to this regulation are courses that are authorized to be repeated periodically such as seminars and Advanced Officer Courses as defined in Procedure D-2-2. ~~When a trainee has attended a course certified by the Commission for which reimbursement has been legally requested and paid, an employing jurisdiction may not receive reimbursement for subsequent attendance by the same trainee of the same course except where attendance of the course is authorized to be repeated periodically, such as for Seminars, Advanced Officer Courses, and selected Technical Courses which deal with laws, court decisions, procedures, techniques and equipment which are subject to rapid development or change. Exceptions or special circumstances must be approved by the Executive Director prior to beginning the training course.~~

~~(3) Reimbursement is provided only for expenses related to attendance of POST certified courses.~~

(43) Reimbursement ~~may~~ shall, subject to available funds, be provided only for satisfactorily completed training acquired by full-time employees in an on-duty status. ~~See the POST Administrative Manual, section E-1-4(c) and (e), (adopted effective April 15, 1982), herein incorporated by reference.~~

(54) Reimbursement ~~may~~ for partial completion of the POST-certified Basic Course shall, subject to available funds, be made to an agency participating in the POST Reimbursable Program ~~jurisdiction~~ which terminates a basic course trainee, allows a trainee to resign prior to completion of a certified basic course, or if the trainee is unable to complete a certified basic course due to illness, injury, or other physical or academic deficiency~~, provided the background investigation requirements of Regulation 1953 and 1959 or Regulation 1018(c), respectively, (based on the applicability of the regulation to the classification of the trainee) have been completed prior to the date the trainee was appointed and the date the course began~~. The remaining reimbursement entitlement for a trainee eligible to be re-enrolled ~~may~~shall be applied to attendance of any certified basic course which is subsequently attended by the trainee.

~~(6) Reimbursement may be paid to a jurisdiction when a peace officer trainee fails a certified Basic Course only because of not passing a locally required training subject(s), but the trainee otherwise satisfactorily completes the course.~~

(~~7~~5) When a peace officer trainee has attended a ~~POST certified~~ basic course for which reimbursement has been provided, an agency participating in the POST Reimbursable Program ~~employing jurisdiction~~ shall, subject to available funds, receive reimbursement for subsequent attendance of a ~~POST certified~~ basic ~~training~~ course by the same trainee who has a three-year or longer break in service as a peace officer and must be retrained (~~section~~Regulation 1008(b)).

(6) Within the provisions established by the Commission, an agency participating in the POST Reimbursable Program shall, subject to available funds, receive reimbursement for travel (mileage), subsistence (lodging and meals), commuter lunch, and tuition, only when the trainee satisfactorily completes the POST-certified training course. Reimbursement for partial completion of a basic course shall, subject to available funds, be allowed pursuant to Regulation 1015(b)(4).

(~~8~~7) Reimbursement for partial completion of a certified Motorcycle Training Course ~~or instructor training courses~~ may be provided if the trainee fails to complete the course due to an inability to perform the skills required for successful completion. The POST Executive Director is authorized administrative discretion regarding reimbursement involving partial completion of a certified Motorcycle Training Course.

~~(9) A Drug Asset Forfeiture Account is established for all money accruing to the Peace Officers' Training Fund from drug asset forfeitures. Funds within the Drug Asset Forfeiture Account will be distributed to cities, counties, and districts participating in the POST program under Penal Code section 13522, and to State agencies, as partial reimbursement of costs incurred by full-time peace officers who complete drug training courses. Annual reimbursement from this account will be made for completion of any POST-certified narcotics and dangerous drug course. Excluded are courses not specifically certified as drug courses and for which POST is unable to track attendance by course content.~~

(~~10~~8) Subject to available funds, ~~R~~reimbursement is authorized for California law enforcement agencies participating in the POST Reimbursable Program in counties bordering states contiguous to California, and whose officers attend

California POST-certified training courses in those states (Oregon, Nevada, and Arizona). Agencies in other than contiguous counties may be reimbursed only if the Executive Director or his designee grants prior approval. Prior approval will be granted only upon showing a special need.

(9) An agency participating in the POST Reimbursable Program that employs a trainee on a full-time basis, whose salary is paid by a source other than the agency, such as a federal grant or other outside funding source, is not eligible to receive POST reimbursement for expenditures covered by the grant.

(10) Reimbursement shall not be approved for training of any peace officer unless the agency participating in the POST Reimbursable Program has notified POST of the officer's appointment by submitting a Notice of Appointment/Termination form, POST 2-114 (08/2008) through the POST Electronic Data Interchange (EDI) system or by submitting the form via mail to POST and subject to available funds.

(c) **Reimbursement Plans.**

(1) POST reimbursement for training expenditures of agencies participating in the POST Reimbursable Program and/or POST-approved Training Presenters shall be based on schedules known as "plans". Each plan varies in the amount and/or category of expenses that may be reimbursed by POST. The categories of expense/allowances that may be reimbursed are: subsistence (lodging and meals), commuter lunch, travel (mileage), tuition, back-fill salary, and training presentation costs. The five reimbursement plans that have been adopted by the Commission are designated as Plan I, II, III, IV, and V as follows:

(2) Plans

Reimbursement	Plan I	Plan II	Plan III	Plan IV	Plan V
Subsistence	X	X	X	X	X
Commuter Lunch	X	X	X	X	X
Travel	X	X	X	X	X
Tuition	X		X		
Back-Fill Salary	X	X			
Training Presentation Costs [refer to Regulation 1015(c)(3)]					X

Each plan is subject to the provisions established by the Commission.

(~~c~~3) Reimbursement for ~~T~~training ~~P~~presentation ~~C~~costs (Plan V)

(~~1~~) With the exception of tuition-based courses, contract courses, and ~~Web-Based~~ self-paced ~~T~~training, an agency presenter, college, university, private presenter, other public entity, and joint powers agency may receive reimbursement for up to the actual course presentation costs [refer to Regulation 1001] for expenses incurred in training full-time employees from agencies eligible for POST reimbursement. POST-approved training presenters submitting a Presenter Reimbursement Request (PRR) form, POST 2-243 (04/2015) shall include the actual course presentation costs as defined in Regulation 1001, to include

subsistence (lodging and meals) and travel (mileage) costs related to course presentation.

~~(2)~~ Training presentation reimbursement shall be monitored by the POST program manager.

(d) **Reimbursement Rates.**

(1) Maximum reimbursement rates.

The maximum amounts reimbursed for approved expense categories are approved by the Commission.

The maximum amounts reimbursed for approved expense categories are the following:

Expense	**Reimbursement Rate**
Back-Fill Reimbursement	100% actual salary cost at overtime rate: time and one-half
Basic Course Subsistence	$50.00 per day
Commuter Lunch	$8.00 per day
Subsistence allowance - by location where expense occurred	
• All counties not shown below	$128.00 per day
• Alameda County	$189.00 per day
• Los Angeles County	$156.00 per day
• San Diego County	$156.00 per day
• San Francisco County	$189.00 per day
• San Mateo County	$189.00 per day
• Santa Clara County	$189.00 per day
Travel	Go to http://www.calhr.ca.gov/employees/Pages/travel-personal-vehicle.aspx for current mileage rate
Tuition	100%

(2) Courses with maximum reimbursement limitations

(A) Subsistence, commuter lunch, and travel allowances will not be reimbursed for more than the maximum number of weeks (based on a minimum hourly requirement of 40 hours) authorized for the following courses:

	Weeks/Hours
Regular Basic Course (Standard Format)	16.6 / 664
Regular Basic Course (Modular Format, Intensive Presentation Only)	
Module III	3.2 /128
Module II	4.4 /176
Module I	9 /360
Specialized Investigators' Basic Course	14.8 / 591
Investigation and Trial Preparation Course	2 / 80
Coroners' Death Investigation Course	2 / 80
Public Safety Dispatchers' Basic Course	3 / 120
Supervisory Course	2 / 80
Advanced Officer Course	1 / 40
Executive Development Course	2 / 80
Management Course	2.6 / 104

(3) Rates established annually or more frequently as determined by Commission.

The Commission may annually, or more frequently as requested, and pursuant to the Administrative Procedure Act, establish the reimbursement rates for the categories of expenses approved for the reimbursement plans.

(4) Notification of reimbursement rates.

The Commission shall notify agencies participating in the POST Reimbursable Program and/or POST-approved training presenters of the modification of reimbursement rates within 60 days.

(e) **Reimbursement for Travel (Mileage).**

(1) Eligibility for travel (mileage) allowance.

(A) Agencies participating in the POST Reimbursable Program shall, subject to available funds, receive reimbursement for travel (mileage) expenses if reimbursement of the expense has been requested on the Training Reimbursement Request form, POST 2-273 (Rev 04/2015) and if the trainee attending the course is the driver of the vehicle for which reimbursement is requested.

(B) POST-approved training presenters shall submit their reimbursement requests for travel (mileage) expenses on the PRR form, POST 2-243 (04/2015). Training presenters shall, subject to available funds, be reimbursed for actual travel (mileage) expenses not to exceed the amount approved during the course certification process and as noted on the approved course budget, which shall be attached to the PRR form.

(2) Passenger of vehicle.

A trainee shall be considered a passenger of a vehicle when being transported to a training course by another trainee in a private, agency, or rental vehicle. If several trainees share the driving of one vehicle to attend training, travel allowance shall be requested for only one trainee and the other trainee(s) shall be designated as a passenger(s).

(3) Travel (mileage) allowance calculated by POST.

In the event that an agency participating in the POST Reimbursable Program and/or POST-approved training presenter is eligible for reimbursement pursuant to this regulation, POST shall, subject to available funds, reimburse total mileage at the per mile rate approved by the Commission. Total mileage shall include adjusted straight-line mileage distance to and from the trainee's agency assignment and the course site, the average daily mileage for transportation between the resident trainee's accommodations and the course site, and the mileage incurred by a trainee to attend training at a location different from the main course site. Travel (mileage) allowance is intended to cover expenses to and from the course site.

(4) Mileage incurred to and from the training course site

(A) POST shall calculate the adjusted straight-line distance from agency/station assignment to the training course site and the return.

(B) Resident trainees as defined in Regulation 1001 are eligible for one round trip of mileage to and from the training course site plus one round trip for each weekend during the training course time period up to the date the maximum number of weeks is reached for those courses with limited reimbursement as specified in Regulation 1015(d)(2). If weekend subsistence is less than travel (mileage), the weekend subsistence amount will be reimbursed.

(C) Commuter trainees as defined in Regulation 1001 are eligible for one round trip of mileage to and from the training course site for each instructional day or up to the date the maximum number of weeks is reached for those courses with limited reimbursement as specified in Regulation 1015(d)(2).

(5) Daily travel (mileage) allowance.

Resident trainees are eligible for reimbursement of mileage incurred from a resident trainee's lodging accommodations to the course site at a flat rate travel allowance of ten miles round trip. Additional mileage will be allowed when the training course coordinator has notified POST that the nearest accommodation is greater than five miles one way. Daily mileage will be reimbursed from the date the course starts to the date the course ends or up to the date the maximum number of weeks is reached for those courses with limited reimbursement, as specified in Regulation 1015(d)(2). Daily travel allowance is automatically calculated based on the information supplied by the course presenter.

(6) Travel (mileage) to other training course sites.

Upon notification by the training course presenter that travel expenses will be incurred by the trainees to attend training at a site(s) other than the main site of training, reimbursement shall, subject to available funds, be authorized for the number of miles reported by the training course presenter at the per mile rate approved by the Commission.

(f) **Reimbursement for Subsistence (Lodging and Meals).**

(1) Eligibility for subsistence (lodging and meals) allowance.

(A) An agency participating in the POST Reimbursable Program shall, subject to available funds, receive reimbursement for this category of expense for an agency employee that satisfies the "Resident Trainee" definition, as listed in Regulation 1001, if reimbursement has been requested on the POST-provided Training Reimbursement Request form, POST 2-273 (Rev 04/2015).

(B) POST-approved training presenters approved for subsistence reimbursement during the course certification process shall submit their reimbursement requests for actual costs on a Presenter Reimbursement Request (PRR) form, POST 2-243 (04/2015). The course budget approved during the course certification process must be attached to the PRR.

(2) Subsistence (lodging and meals) allowance calculated by POST

(A) If an agency participating in the POST Reimbursable Program and/or POST-approved training presenter are eligible for reimbursement of subsistence, POST shall determine the amount to be reimbursed based on the following situations:

1. An agency participating in the POST Reimbursable Program shall, subject to available funds, be reimbursed for actual lodging costs not to exceed the rates approved by the Commission for a trainee attending a POST-certified course, regardless of whether that amount is less than the daily subsistence rate approved by the Commission.

2. Training course presenters shall, subject to available funds, be reimbursed for actual subsistence (lodging and meals) costs not to exceed the amount approved during the course certification process and as noted on the approved training course budget, which must be attached to the Presenter Reimbursement Request.

(3) Subsistence (lodging and meals) for course days.

Subsistence shall, subject to available funds, be reimbursed for each instructional day or up to the date the maximum number of weeks is reached for those training courses with limited reimbursement as specified in Regulation 1015(d)(2).

(4) Subsistence (lodging and meals) for weekends.

Subsistence shall, subject to available funds, be reimbursed for each weekend day that falls between the beginning date and ending date of the course or up to the date the maximum number of weeks is reached for those courses with limited reimbursement as specified in Regulation 1015(d)(2). Travel allowance for one round trip between the trainee's station assignment and the training site shall, subject to available funds, be reimbursed in lieu of weekend subsistence when travel allowance is less.

(5) Subsistence (lodging and meals) for school holidays.

Subsistence shall, subject to available funds, be reimbursed for each school holiday that falls between the beginning date and ending date of the course or up to the date the maximum number of weeks is reached for those courses with limited reimbursement as specified in Regulation 1015(d)(2). Travel (mileage) allowance for one round trip between the trainee's station assignment and the training site shall, subject to available funds, be reimbursed in lieu of holiday subsistence when travel (mileage) allowance is less.

(6) Subsistence (lodging and meals) for enroute travel time.

Subsistence shall be calculated as a percentage for reimbursement for enroute travel of more than 50 miles but less than 400 miles, not to exceed the maximum rates established by the Commission.

(g) **Reimbursement for Commuter Lunch Allowance.**

(1) Commuter trainee definition (Regulation 1001).

A commuter trainee is an individual who attends a training course and travels between his/her agency/station assignment or residence and the course site each day. Trainees who do not meet the definition of resident trainee as defined in Regulation 1001 shall be considered a commuter trainee for reimbursement purposes.

(2) Eligibility for commuter lunch.

(A) An agency participating in the POST Reimbursable Program shall, subject to available funds, receive reimbursement for this category of expense for an employee who satisfies the "Commuter Trainee" definition as described in Regulation 1015(g)(1). Requests for reimbursement of the commuter lunch expense shall be made on a Training Reimbursement Request form, POST 2-273 (Rev 04/2015).

(B) When the training course site is less than 25 miles one way from the agency participating in the POST Reimbursable Program, or assigned work location, the agency shall remain eligible for commuter lunch.

(C) One day courses are not eligible for the commuter lunch allowance.

(3) Commuter lunch allowance calculated by POST.

An agency participating in the POST Reimbursable Program and/or POST-approved training presenter eligible for reimbursement of commuter lunch allowance shall, subject to available funds, be reimbursed at an amount calculated by POST based on the daily lunch rate approved by the Commission.

(4) Commuter lunch allowance for course days.

Commuter lunch allowance shall, subject to available funds, be reimbursed for each instructional day attended by the trainee for courses spanning more than one day, or up to the date the maximum number of weeks is reached as specified in Regulation 1015(d)(2).

(5) Commuter lunch allowance for weekends, holidays, and enroute travel time.

Commuter lunch allowance shall not be reimbursed for any weekend day, school holiday, or enroute travel time that is not an instructional day.

(h) **Reimbursement for Tuition.**

(1) Definition of tuition.

Tuition is the amount charged by the training institution for trainees attending POST-certified courses.

(2) Eligibility for tuition reimbursement.

An agency participating in the POST Reimbursable Program shall, subject to available funds, receive reimbursement for tuition for each trainee from the agency that attends a course certified by POST as a Plan I or Plan III course.

(d<u>i</u>) **Back-fill (replacement)/Days-Off Reimbursement.**

(1) ~~The Commission will reimburse any~~ Reimbursement shall, subject to available funds, be provided to any agency participating in the POST Reimbursable Program ~~eligible agency,~~ pursuant to Penal Code Section 13523 ~~Penal Code~~, for the agency's expense of paying salary at the overtime rate for attendance in designated Plan I and Plan II courses for:

(A) Peace officers, public safety dispatchers, or public safety dispatch supervisor;

(B) Supervisors who replace another peace officer, public safety dispatcher, or public safety dispatch supervisor to attend training; or

(C) Peace officers, public safety dispatchers, or public safety dispatch supervisors who replace another peace officer, public safety dispatcher, or public safety dispatch supervisor to attend training on his/her days off.

~~(1) to a peace officer, who replaces another peace officer for his/her attendance at selected POST-certified training, or (2) to a peace officer who is assigned to training on his/her days off, or, (3) to a public safety dispatcher or dispatch supervisor who replaces another public safety dispatcher, or dispatch supervisor for his/her attendance at selected POST-certified training, or (4) to a public safety dispatcher, or dispatch supervisor who is assigned to training on his/her days off.~~

(2) Courses approved as eligible for backfill reimbursement under POST-certified Plan I and Plan II are:

(A) Developed and presented with Federal funds, and allocated by Federal law.

(B) Developed and presented with Violence Against Women Act (VAWA) funds.

(C) Meet a high priority in-service training need for peace officers, public safety dispatchers, or public safety dispatch supervisors.

~~(2) Reimbursement claims may be made only for attendance at POST-certified training courses identified by the Commission. Training courses that qualify for reimbursement are restricted to: (a) courses developed and presented with Federal funds allocated by Federal law, STOP violence against women, (b) courses designed to address high-priority, in-service training needs of entry-level peace officers, and (c) courses designed to address high-priority, in-service training needs of public safety dispatchers and dispatch supervisors. As such courses are certified, there will be a notation of eligibility for reimbursement.~~

(3) When applying for reimbursement for back-fill costs, the agency must have incurred the expense of paying overtime to fill a position vacated by an officer, public safety dispatcher, or public safety dispatch supervisor assigned to training, or assigned to training on their regularly scheduled days off. The overtime expense and back-fill claim must be directly connected to release and back-fill for a trainee, and records supporting back-fill claims must be maintained. Participating agencies are subject to audit by the State Controller.

(4) The Commission has authorized back-fill reimbursement to include the travel release time associated with training, not to exceed a total of 16 hours more than the certified course hours. Overtime hours for travel release time shall be added to course hours for which a back-fill claim is being requested.

(35) Reimbursement shall be paid at 100% of actual salary cost (refer to Regulation 1015(i)(6)) ~~(~~at the time and one-half overtime rate~~) incurred~~ to keep a position filled while the incumbent attends training. Payment is subject to availability of funds.

(6) Actual salary cost as noted in Regulation 1015(i)(5) is defined as the base monthly salary for the employee's job classification that shall not include incentive pay, hazard pay, education subvention, scholarship, insurance premiums, medical benefits, watch differential pay, pension plans, and uniform allowance or other employee benefits. Actual salary cost is the base monthly salary earned by the employee on the starting day of the training course for which reimbursement is being requested.

(j) **POST and/or State Controller's Office Reimbursement Audits.**

An agency participating in the POST Reimbursable Program and/or a POST-approved training presenter requesting reimbursement shall, upon request of POST or the State Controller's Office, provide records that verify the accuracy of the amount the agency and/or presenter was reimbursed annually by POST. Such records shall be retained by the agency and/or training course presenter for a minimum of three years following the date of reimbursement for each specific course.

~~PAM Section E-1-4c adopted effective April 15, 1982 and amended January 21, 1994, is herein incorporated by reference.~~
~~PAM Section E-1-4c adopted effective April 15, 1982 is herein incorporated by reference.~~
~~Note: Refer to PAM, Section E, Reimbursements, for detailed information on reimbursement procedures.~~

Note: Authority cited: Sections 13503, 13506, 13510 and 13520, Penal Code.
Reference: Sections 13510, 13511, 13512, 13518, 13520, 13522, 13523, 13524 and 13525, Penal Code; Section 11489, Health and Safety Code; and Statues 1997, Chapter 9, Section 2, (Senate Bill 350).

1055. Requirements for Course Presentation.

[1055(a) through 1055(f)(8) continued]

(g) Required Documents to Submit Upon Completion of Presentation

A completed Course Roster, POST 2-111 (Rev 7/07) shall be prepared and submitted to the Commission after completion of each certified course presentation. The following documents shall accompany each course roster:

(1) Any Training Reimbursement Request~~s~~, POST 2-273 (Rev ~~8/93~~04/2015) that is provided to the presenter by trainees, and

[1055(g)(2) continued to the end]

TEXT OF REGULATORY ACTION
Amend Definitions, Training for Non-Sworn and Paraprofessional Personnel, Reimbursements, and Requirements for Course Certification
Regulations 1001, 1014, 1015, and 1055

Note: Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.