Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: March 14, 2017

Bulletin: No. 2017-07

Subject: **Notice of Proposed Regulatory Action –** *Amendment of Reimbursements for Training*- POST Regulation 1015

At the February 23, 2017 meeting, the Commission approved a proposed amendment to Regulation 1015 (POST Administrative Manual- Section B).

The amended language requires that agencies submit Training Reimbursement Requests (TRRs) within the fiscal year the training was completed.

The attached notice describes the proposed changes, includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the POST Website.

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Questions regarding this proposed regulatory action may be directed to Christy Correa, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. The backup contact is Dave Althausen at (916) 227-2804. General questions regarding the regulatory process may be directed to Christy Correa at Christy.correa@post.ca.gov or (916) 227-4847.

MANUEL ALVAREZ, JR.
Executive Director

Attachment: Notice of Proposed Regulatory Action

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by May 8, 2017 at 5:00 PM
Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

Informative Digest/Policy Statement Overview

Currently there is no stated requirements in Commission Regulation concerning the timeframe for agencies to submit Training Reimbursement Requests (TRRs) to POST for payment. The existing practice allows them to submit TRRs based on the model the State allows for contract and purchase order invoices. The State allows an agency to pay invoices for contracts and purchase orders for two years plus the current year. The oldest year is known as the reverting year, and if not paid by the last year, the authority to pay ceases. For contract and purchase invoices, the agency encumbers the amount of the contract or purchase order obligated but not yet paid at the end of the first year. This provides the agency with a reasonable expectation of what will be submitted, allowing POST to create a financial plan to provide for payment.

TRRs are different in that POST has no idea what the volume of submission will be, as not all local agencies request reimbursement for eligible training taken. At the end of any given fiscal year, POST is somewhat inundated with TRR submissions for courses taken two to almost three years prior. Since there is no encumbrance for these TRRs, they are paid out of the current year funds rather than from authority for the year the class was taken.

POST cannot accurately estimate the dollar amount of backlog due to this untimely receipt of requests for reimbursement. The reverting year TRRs have to be given priority over more current submissions in order to make the cut-off for the fiscal year-end. This extra volume requires diverting additional Accounting staff from their regular duties, when they really need to attend to year0-end closing activities.

Since the outstanding TRR dollar amounts are unknown to POST, and extra effort is required at year end to process reverting year TRRS, and the current system uses the current authority and funds for prior year submissions POST is setting an effective date of the new reimbursement process as August 1, 2017.

The benefit anticipated by the proposed amendment to the regulation will be to create a sound business practice that creates a system of increased efficiency to POST. There would be no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code sections 17500 - 17630 requires reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact 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 the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

Results of Economic Impact Assessment per Gov. Code section 11346.3(b)

The 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.

The benefit of the proposed regulation amendment will increase the efficiency of process in which reimbursements are paid to law enforcement agencies. This new time frame will better serve law enforcement agencies which in turn protect the health and welfare of California residents. There would be no impact that would affect worker safety or the State's environment.

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 affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

Contact Persons

Questions regarding this proposed regulatory action may be directed to Christy Correa, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. The back-up contact is Dave Althausen at (916) 227-2804. General questions regarding the regulatory process may be directed to Christy Correa at Christy.correa@post.ca.gov or (916) 227-4847.

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.