

**State of California
Office of Administrative Law**

In re:
**Commission on Peace Officer Standards and
Training**

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections:

Amend sections: 1008

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

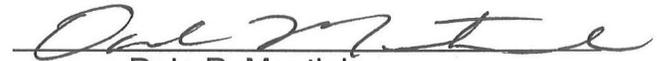
OAL Matter Number: 2017-0627-03

OAL Matter Type: Regular (S)

In this rulemaking action, the Commission on Peace Officer Standards and Training (POST) amends section 1008 of Title 11 of the California Code of Regulations concerning exemption from the requalification requirement for individuals returning to law enforcement after a three-year-or-longer break in service. The amendments repeal a grandfathering provision adopted in 1996 which is no longer necessary and clarify that a prospective hiring agency seeking an exemption for an individual must submit the exemption request to the POST Executive Director.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2017.

Date: July 18, 2017



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For: Debra M. Cornez
Director

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**APPROVED TEXT OF REGULATORY ACTION
Amendment to Basic Course Waiver and Requalification Requirements
Regulation 1008**

1008 Basic Course Waiver and Requalification Requirements

[1008(a) – (b)(2) remains unchanged]

1008(b)(3) Exemptions

An exemption of the requalification requirement may be granted by the Executive Director or the Commission as follows:

(A) The Executive Director may grant an exemption for an individual who possesses a POST Basic Certificate and is returning to law enforcement after a three-year-or-longer break in service; and

1. Is re-entering law enforcement in a middle management or executive rank and will function at the second-level of supervision or above; or
2. Has been, with no longer than a 60-day break in service between law enforcement employers as a regular peace officer, employed continuously in another state as a full-time regular peace officer; or
3. The individual's employment, training, and education during the break in service provides assurance, as determined by POST, that the individual is currently proficient; or
4. Is re-entering law enforcement in a permanent or light duty assignment not involving general law enforcement duties if attested to in writing by the agency chief executive.

The prospective hiring agency seeking an exemption for an individual who meets the criteria outlined in paragraph 1., 2., 3., or 4. shall submit a letter to the Executive Director that includes: 1) reason for the request; 2) description of the intended job classification and duty assignments; and 3) documentation of prior employment, training and education, and the dates completed as it applies to the criteria outlined in subsection 1008(b)(3)(A)(1- 4).

Any exemption granted by the Executive Director is specific to the agency making the request and is for the position described in the request.

[1008(b)(3)(B) continued without change to end]

Note: Authority cited: Sections 832.3, 13503, 13506, 13510 and 13515.26, Penal Code.
Reference: Sections 832.3, 13505, 13506, 13510, 13510.5 and 13511, Penal Code.