



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Notice of Availability of 15-Day Language and Addition of Document and Information to Rulemaking File

Modifications to the Text of Proposed Regulations and Addition of Document and Information to Rulemaking File for Regulation 1015 Reimbursement for Training (OAL Notice File Number Z-2018-0828-17 and POST Bulletin Number 2018-29)

Date: June 18, 2019

Pursuant to the requirements of Government Code section 11346.8 (c) and section 44 of Title 1 of the California Code of Regulations, the Commission on Peace Officer Standards and Training (POST) is providing notice of modifications made to proposed regulations. Further, two existing POST forms, Presenter Reimbursement Request (PRR) number 2-243, as well as the Notice of Appointment/Termination form (NOAT) number 2-114 are being amended. And, POST is introducing a web-based Automated Paperless Training Reimbursement Request (eTRR) system in the modified text.

Additionally, pursuant to the requirements of Government Code sections 11346.8(d), 11346.9(a)(1), and 11347.1, POST is providing notice that the document and other information which the agency has relied upon in adopting the proposed regulations has been added to the rulemaking file and is available for public inspection and comment. The document and information added to the rulemaking file is the Addendum to the Initial Statement of Reasons. This document is available for public inspection at POST's office located at 860 Stillwater Road, Suite 100, West Sacramento, CA from June 18, 2019 through July 3, 2019 between the hours of 8:00 a.m. and 5:00 p.m.

POST will accept written comments regarding all proposed modifications outlined in this 15-day notice including the Addendum-Initial Statement of Reasons from June 18, 2019 until July 3, 2019. Submit all written comments to [Scott Loggins](mailto:scott.loggins@post.ca.gov) or via U.S. Mail to:

Scott Loggins, Assistant Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
scott.loggins@post.ca.gov

All written comments received by **July 3, 2019**, which pertain to the indicated modifications and the Addendum-Initial Statement of Reasons will be reviewed, responded to, and included as part of the rulemaking file.

The modified text is reflected as follows:

Originally proposed text is shown with single underline and single ~~striketrough~~ type.

Modifications to the originally proposed text are shown with double underline and ~~double striketrough~~ type.

11 CCR § 1015

§ 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. Agencies participating in the POST Reimbursable Program and/or POST-approved training presenters shall be reimbursed from the Peace Officers' Training Fund State Penalty Fund or other approved funding source approved by the state 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 that employs limited function peace officers as defined in Regulation 1001 shall, subject to available funds, be reimbursed for allowable expenses of these officers that are related to attendance of POST-certified courses.

(b) General Reimbursement Requirements.

(1) Requests for reimbursement

(A) Agencies participating in the POST Reimbursable Program who request reimbursement for their employees attending POST-certified training courses shall do so by means of the web-based Automated Paperless Training Reimbursement Request (eTRR) system, which is a program developed from the paper-based POST Training Reimbursement Request (TRR) form. In exceptional circumstances, with pre-approval by POST, agencies may request reimbursement utilizing ~~on~~ a Training Reimbursement Request (TRR) form, POST 2-273 (Rev. 04/2015), herein incorporated by reference, in lieu of the eTRR. If used, ~~the~~ TRR form 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 (Rev. 04/2015~~02/2019~~), 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, ~~and Plan VI, and Plan VII~~ Regional Training courses only.

(2) Training expenses may be claimed only 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.

...

(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~~08/2016) through the POST Electronic Data Interchange (EDI) system or by submitting the form via mail to POST and subject to available funds.

(11) Agencies must submit eTRRs within the fiscal year the training was completed. The fiscal year for the State of California begins on July 1 and ends on June 30. POST will accept agency eTRRs up to 60 days after the end of the fiscal year.

(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~~ eight reimbursement plans that have been adopted by the Commission are designated as Plan NA, (no reimbursement) I, II, III, IV, and V, VI, and VII as follows:

(2) Overview of Plans (Restrictions as described in subdivisions (f) (1)-(6)).

(d) Plan VI – Regional Training

The Executive Director, or his/her designee, may authorize block allocations, not to exceed \$25,000 per course, to support training to meet regional needs, based on a pre-approved training needs assessment and course certification, including projected enrollment levels. The block allocation will cover, up to the authorized level, costs associated with presentation of the course, including instructor pay, travel and per diem, meeting room rental, and necessary instructional supplies as approved by POST.

~~Responsibility for specific allocation of instructor salaries and presentation fees shall be that of the individual presenter. Any costs exceeding the amount allocated by POST shall be borne by the presenter.~~

~~Requests for Plan VI reimbursement shall be submitted to POST on the Commission-approved Presenter Reimbursement Request (PRR) form, POST 2-243 (Rev 08/2018), herein incorporated by reference, along with the course budget approved during the course certification process attached to the PRR. Selection of the presenter shall be the responsibility of the respective agencies requesting the Regional Training course.~~

~~Priority for Plan VI (Regional Training) funds will be given to courses that meet POST Perishable Skills and Continuing Professional Training mandates. Agencies that are non-compliant with POST mandates may be excluded.~~

~~Students attending an approved Plan VI (Regional Training) course shall be reimbursed via a Training Reimbursement Request (TRR) form.~~

~~Limitations on student reimbursement will be in place to incentivize local personnel to attend at the following rates based on distance from the training site to the students' agency headquarters.~~

~~0-150 miles – full mileage reimbursement~~

~~Over 150 miles – no mileage reimbursement~~

~~0-50 miles – no meals/lodging~~

~~51-150 miles – meals/lodging~~

~~Over 150 miles – no lodging~~

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 [reference Regulation 1015(c)(3)]					X

<u>Reimbursement</u>	<u>Plan NA</u>	<u>Plan I</u>	<u>Plan II</u>	<u>Plan III</u>	<u>Plan IV</u>	<u>Plan V</u>	<u>Plan VI</u>	<u>Plan VII</u>
<u>Subsistence</u>		X	X	X	X	X	X	X
<u>Commuter Lunch</u>		X	X	X	X	X	X	X
<u>Travel</u>		X	X	X	X	X	X	X
<u>Tuition</u>		X		X				
<u>Back-Fill Salary</u>		X	X					X
<u>Training Presentation Costs [(Per Regulations 1015(c)(3); 1015(c)(4); 1015(c)(5)]</u>						X	X	X

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

(3) Reimbursement for training presentation costs (Plan V)

(A) With the exception of tuition-based courses, contract courses, and self-paced 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.

(4) Reimbursement for training presentation costs, Regional Training (Plan VI)

(A)The Executive Director, or his/her designee, may authorize block allocations not to exceed \$25,000 per course to support training to meet regional needs and course certification mandates pursuant to Regulation 1052, including projected enrollment levels. The block allocation will cover, up to the authorized level, costs associated with presentation of the course, including instructor pay, travel and per diem, meeting room rental, and necessary instructional supplies as approved by POST pursuant to Regulation 1054.

(B) Responsibility for specific allocation of instructor salaries and presentation fees shall be that of the individual training presenter. Any costs exceeding the amount allocated by POST shall be borne by the presenter.

(C) Requests for Plan VI reimbursement shall be submitted to POST on the PRR form, along with the course budget approved during the course certification process. Selection of the training presenter shall be the responsibility of the respective agencies requesting the Plan VI course.

(D) Priority for Plan VI (Regional Training) funds will be given to courses that meet POST Perishable Skills and Continuing Professional Training mandates (Regulation 1005). Agencies that are non-compliant with POST mandates pursuant to Regulation 1010 shall be excluded.

(E) Students attending an approved Plan VI (Regional Training) course shall be reimbursed via an eTRR.

(F) The following limitations on student reimbursement will be in place to incentivize local personnel to attend at the following rates based on distance from the training site to the students' agency headquarters.

1. 0 -150 miles - full mileage reimbursement
2. Over 150 miles - no mileage reimbursement
3. 0-50 miles - no lodging
4. 51- 150 miles - meals/lodging
5. Over 150 miles - no meals or lodging

(5) Reimbursement for training presentation costs and back-fill, Regional Training (Plan VII). Plan VII incorporates all Plan VI requirements, and includes an allocation for back-fill.

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

(d) Reimbursement Rates.

(1) Maximum reimbursement rates.

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

...

(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~~ eTRR

~~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) 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.

(A) 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 station assignment or headquarters, whichever is the lesser distance, 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 or headquarters, whichever is the lesser, 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.

(A) 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.

(A) 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 eTRR 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.

(A) 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.

(A) 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.

(A) 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.

(A) Except for reimbursement under Plans V, VI and VII, 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) 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 an Training Reimbursement Request eTRR 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) Except for reimbursement under Plans VI and VII, ~~One~~ day courses are not eligible for the commuter lunch allowance.

(3) Commuter lunch allowance calculated by POST.

(A) 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.

(A) 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.

(A) 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.

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

(2) Eligibility for tuition reimbursement.

(A) 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.

(i) Back-fill (replacement)/Days-Off Reimbursement.

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

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