

**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: 1003

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-0823-03

OAL Matter Type: Regular (S)

This action amends section 1003 of Title 11 of the California Code of Regulations to prohibit appointment of an individual to a specified peace officer classification until they meet the minimum training requirements for the classification. The action also specifies that an individual appointed to an agency while completing the minimum training required for their classification must be appointed as a trainee, unless the individual meets one of two exceptions.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 9/11/2023.

Date: September 11, 2023


Dale Mentink
Assistant Chief Counsel

For: Kenneth J. Pogue
Director

**Original: Manuel Alvarez, Jr., Executive
Director**

Copy: Michelle Weiler

APPROVED TEXT OF PROPOSED REGULATORY ACTION
Commission Regulation 1003

§ 1003. Employment Status Notifications.

(a) Employment Status Notification Requirements

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

Effective January 1, 2023, the employing agency shall notify POST of a new appointment or termination within ten days, via the POST Electronic Data Interchange (EDI) system when personnel actions listed below occur.

(A) A notice of appointment shall be submitted for the following actions:

1. New appointment,

a. An individual shall not be appointed to a specified peace officer classification until such time as they meet the minimum training requirements for the specified peace officer classification as identified in Commission Regulation 1005.

b. For any individual appointed as a peace officer, a completed Attestation of Peace Officer Eligibility, POST 2-356 (03/2022), shall be uploaded to POST via EDI.

c. **EXCEPT AS PROVIDED BELOW**, an individual appointed to an agency while completing the minimum training required for their specified classification shall be appointed as a trainee (TRN).

1) Any individual identified in Commission Regulation 1005(a)(3) who is serving in a position which permits appointment to a peace officer classification prior to completion of the minimum training requirements shall not require appointment as a trainee.

2) An individual currently appointed to a peace officer classification that requires training other than the Regular Basic Course (RBC) or the Specialized Investigator Basic Course (SIBC) may maintain their current peace officer classification while attending the RBC or SIBC.

2. Name changes as a result of a marriage, a divorce, or a legal name change, or

3. Rank/status changes involving promotions or demotions.

(B) An *Affidavit of Separation*, POST 2-357 (01/2023), herein incorporated by reference, shall be submitted to POST, via EDI, within ten days of a peace

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officer's separation from employment. It shall be signed by the agency head or their designee under penalty of perjury, maintained by the employing agency, and a copy submitted to POST for the following actions:

1. Separation of service for retirement or resignation,
2. Separation of service for retirement or resignation pending complaint, administrative charge, or investigation in lieu of actions as listed in 1003(a)(1)(B)(4) below,
3. Separation of service as a result of death, or
4. Involuntary termination.
 - a. The employing agency shall include whether the separation is part of the resolution or settlement of any criminal, civil, or administrative charge or investigation.
 - b. A peace officer who has separated from employment or appointment shall be permitted to respond to the affidavit of separation, in writing, to POST, setting forth their understanding of the facts and reasons for the separation, if different from those provided by the agency.

(b) Employment Status Notification Changes

(1) Incorrectly Submitted Transactions

When a transaction is incorrectly submitted through the EDI system, an authorized agency employee shall submit to POST a request in writing within ten days, indicating justification for the correction to the record.

(2) Reinstatements

Should a terminated individual be mandatorily reinstated, the agency shall notify POST in writing within ten days of the change in personnel action. The agency head shall make the reappointment in EDI and submit notification to POST in writing indicating a correction to the record, along with a copy of the official reinstatement documentation.

(c) Disqualification Notification Requirements

(1) Investigating Agency

Whenever a peace officer or former peace officer is convicted of a crime, or for any reason specified in Government Code Section 1029 that disqualifies the individual from being employed as a peace officer, POST shall be notified in writing within ten days of the final disposition.

(2) Documentation

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The written notification shall be submitted to POST and include:

- (A) Name of the peace officer or former peace officer,
- (B) Reason for disqualification pursuant to Government Code Section 1029,
- (C) Case number,
- (D) Name of the adjudicating court,
- (E) Date of adjudication,
- (F) 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), and
- (G) Law enforcement department responsible for the investigation.

Note: Authority cited: Sections 13506, 13510.1, and 13510.9, Penal Code. Reference: Sections 13510.1, 13510.9, 13512, and 13510.3, Penal Code.