

**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, 1950

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-1221-04

OAL Matter Type: Regular (S)

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This action by the Commission on Peace Officer Standards and Training (POST) amends employee status notification regulations to establish that any notice of appointment or separation submitted to POST more than 60 days after the initial date of appointment or separation must be accompanied by a letter of justification from the employing agency.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on February 6, 2024 pursuant to Government Code section 11343.4(b)(3).

Date: February 6, 2024



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Nicole C. Carrillo  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Manuel Alvarez, Jr., Executive  
Director

Copy: Michelle Weiler

**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

**TEXT OF PROPOSED REGULATORY ACTION**  
**Commission Regulation 1003**

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.

(C) For any appointments or separations submitted to the POST EDI system more than 60 days after the initial date of appointment or separation, the employing agency shall submit to POST, a letter of justification, to the Certification Bureau.

1. The letter of justification shall:
  - a. Be submitted on agency letterhead,
  - b. Be signed by the agency head or authorized designee, and
  - c. Provide the reason(s) the appointment or separation was submitted to the POST EDI system more than 60 days after the initial date of appointment or separation.

**(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. If there is a correction to the reasons for a peace officer's separation, the request for correction must be accompanied by a revised *Affidavit of Separation*, POST 2-357, if the initial separation date was on or after January 1, 2023.

**(2) Reinstatements**

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**Commission Regulation 1003**

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 in the POST EDI system, 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**

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, 13510.3, 13510.9, 13512, ~~and 13510.3~~, Penal Code.

## TEXT OF PROPOSED REGULATORY ACTION

### Commission Regulation 1950

#### § 1950. Peace Officer Selection Requirements.

(a) – (e**b**) \*\*remain unchanged

(c) Exceptions

For purposes of these regulations, peace officers described in this section are not considered “candidates” and are therefore exempted from Commission Regulations 1951-1955.

(1) The department has sole responsibility for determining what, if any, assessments are necessary for a peace officer who:

(A) Changes peace officer classifications, such as from reserve officer to regular officer, within the same POST-participating department if documentation is available for inspection verifying that all current minimum selection requirements were previously met, and the peace officer has worked continuously for the department since the time of initial appointment.

(B) Is employed by a department that, through reorganization, is merged with another department within the same city, county, state or district, if documentation is available for inspection verifying that the officer was hired in accordance with the POST requirements in effect at the time of hire.

(C) Is reappointed to the same POST-participating department within 180 days of voluntary separation.

(2) For a peace officer who has been mandatorily reinstated, the department shall:

(A) Report the reinstatement to POST through EDI and submit written documentation indicating a correction to record, together with a copy of the official reinstatement documentation [refer to in accordance with Commission Regulation 1003(b)(2)];

(B) Resubmit the officer's fingerprints to the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to verify legal eligibility for a peace officer position (California Government Code sections 1029 and 1030) and to determine eligibility to possess a firearm [Penal Code section 29805 and U.S. Code Title 18 section 922(d)(9)]. Fingerprints do not need to be resubmitted if the officer was never removed from the department's peace officer files of the DOJ or FBI;

(C) Perform a records check of the California Department of Motor Vehicles (California Vehicle Code section 12500).

(D) Verify qualification for appointment as a peace officer (Government Code section 1029)

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**Commission Regulation 1950**

(3) Publicly elected peace officers are exempted from Commission Regulations 1951-1955.

(d) \*\*remains unchanged

**Credits**

NOTE: Authority cited: Sections 1029, 1030, 1031 and 1031.4, [Government Code](#); and Sections 13503, 13506 and 13510, Penal Code. Reference: Sections 1029, 1030, 1031, 1031.4 and 12900 et seq., Government Code; Section 12500, Vehicle Code; Sections 29805 and 13510, Penal Code; and Title 18 Section 922(d)(9), US Code.