

ATTACHMENT Y

December 5, 2001

Application of POST Standards and Requirements
To
Peace Officers on Active Military Duty

Peace officers, and cadets in training, who are members of military reserve units may be called to active duty in support of the national response to the September 11 attacks and for reasons of national security. The position of the Department of Personnel Administration and the State of California is that a national emergency exists as the basis for the assignment of reservists to active duty.

POST staff discussed several issues related to the interruption of cadet and peace officer service and training that would result from an active military duty assignment. The summary that follows presents the "situation," the recommended interpretation and policy, and the regulation or authority that supports the interpretation.

Commission Policy:

It is the policy of the Commission that a cadet or peace officer who is called to active duty as a member of a military reserve unit shall not be suffer any disadvantage or negative consequence related to compliance with a POST training standard or requirement as a result of the military service.

Application:

Consistent with the Commission's policy, the following guidelines and policies shall apply to POST training standards and requirements for those persons who satisfactorily document an assignment to active duty military service to the law enforcement agency or training academy.

I. Basic Training

A. Situation:

An employed trainee or non-sponsored, in an academy, is called to active duty. The trainee has partially completed the curriculum but has not completed at least one Learning Domain or has not taken the academy LD test or a required comprehensive exam.


B. Policy:

The trainee, upon release from active duty and return to the law enforcement agency or training academy, shall be permitted to re-enter the same academy. The trainee is required to satisfy all of the requirements of the academy and POST, including testing, in the same manner as other

students. The student may re-enter the academy at the point in the curriculum where the student had completed all learning domains presented to the time the student left the academy.

The employing agency or the academy will determine: 1) whether the trainee must complete the entire course, including the repeat of training completed before the assignment to active duty. If the basic course is to be repeated, all work and tests completed in the previous academy program shall be void; or 2) at what point in the curriculum the trainee may re-enter the academy.

POST wants the returning student to have every opportunity to be successful in the academy. Therefore, POST strongly encourages each academy to provide the opportunity for refresher training that is appropriate to prepare the student to re-enter the academy without a handicap or impediment created by the absence for military duty.



If the military duty is more than 3 years, the student must complete the entire course, including the repeat of academy training completed before the assignment to active duty.

These guidelines should apply to employed cadets and non-sponsored students in a POST-certified academy.

POST will apply these guidelines to all situations, in addition to military service, that are described in Commission Regulation 1006(a).

C. Authority:
Commission Regulation 1005(a) and 1006(a), Penal Code Section 13510, et seq., Government Code 19780, Military & Veterans Code 395, et. seq.

II. **Field Training, Continuing Professional Training, and Legislative Mandates**

A. Situation:

While on active military duty, an officer is unable to comply with the field training or CPT requirement, or with a legislative training mandate.

B. Policy:

The field training and CPT requirements are suspended (the "clock" stops) while the officer is on active military duty. When the officer is reinstated, the field training and CPT requirements resume from the date of return to peace officer employment.

The Commission will apply the same policy (**recommended**) to legislative training mandates.

C. Authority:

Commission Regulations 1005(a), (d), and 1006(a), Government Code 19780, Military & Veterans Code 395, et. seq.

III. Supervisor Training

A. Situation:

While on active military duty, a supervisor is unable to complete the mandated supervisor training course within the required period of time.

B. Policy:

The training requirement is suspended (the "clock" stops) while the officer is on active military duty. When the officer is re-instated, the requirement resumes from the date of re-instatement. The supervisor will be required to complete the entire training course, whether or not some portion of the course was previously completed.

C. Authority:

Commission Regulation 1005(b), 1006(a), Government Code 19780, Military & Veterans Code 395, et. seq.

IV. Management Training

A. Situation:

While on active military duty, a manager is unable to complete the mandated management training course within the required period of time.

B. Policy:

The training requirement is suspended (the "clock" stops) while the officer is on active military duty. When the officer is re-instated, the requirement resumes from the date of re-instatement. The manager will be required to complete the entire training course, whether or not some portion of the course was previously completed.

C. Authority:

Commission Regulation 1005(c), 1006(a), Government Code 19780, Military & Veterans Code 395, et. seq.

V. **Technical Courses and Other Training**

A. Situation

A peace officer, in a technical or other training course not described above, is unable to complete the training course as a result of being called to active military duty.

B. Policy

When re-instated by the employing agency, the officer will be required to complete the entire training course, including the repeat of training completed before the assignment to active duty.

C. Authority:

Commission Regulations 1005(a), (d), and 1006(a), Government Code 19780, Military & Veterans Code 395, et. seq.

VI. **Certificate and Other Issues**

A. Situation:

- 1) Can the agency probation period be completed while on active military duty?
- 2) Does the time on active military duty (military leave) fully or partially satisfy the time requirement for a POST certificate?

B. Policy:

In both situations, the employing agency pursuant to the applicable policy, rules, and law shall determine:

- 1) the successful completion of the probationary period of at least 12 months; and
- 2) the completion of the appropriate years of employment to satisfy the certificate requirements.

POST is concerned only that each agency has established an appropriate period of probation and that the agency executive attest on a certificate application that the applicant officer has satisfied the certificate (including probation and employment time) requirements.

C. Authority:

Commission Regulation 1004(a) establishes the requirement of a probationary period of not less than 12 months for a full-time peace officer position. Each employing agency may establish the period of probation for its officers and other employees, consistent with Regulation 1004(a). In addition, each employing agency has the absolute authority (consistent with law) to establish how military service will impact the probationary period and how the period of military service will affect employment tenure and seniority.

Therefore, the Commission has no independent position concerning the effect of active military service on probation or employment tenure. The Commission will respond to the attestation of an agency executive that an officer has completed probation or has otherwise satisfied the certificate requirements.

October 18, 2001

**Application of POST Standards and Requirements
To
Peace Officers on Active Military Duty**

Committee

**Mickey Bennett
Paula Burnette
Leah Cherry
Mike DiMiceli
Paul Harman
Tom Hood
Bud Lewallen
Dick Reed
Hal Snow
Ken Whitman
Frederick Williams**