

Text of Proposed Regulatory Action

§ 1003. Employment Status Notifications.

11 CA ADC § 1003

(a) Employment Status Notification Requirements

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

Effective January 1, 2023, the employing agency~~department~~ shall ~~submit a Notice of Appointment/Termination, POST 2-114 (Rev 02/2013)~~ notify POST of a new appointment or separation to POST within ~~30~~ten days, via the POST Electronic Data Interchange (EDI) system when personnel actions listed below occur.

~~(A) The Notice of Appointment/Termination (NOAT) form may be mailed to POST if the department is not registered for EDI access. The NOAT, POST 2-114 (Rev 02/2013) is herein incorporated by reference. A notice of appointment shall be submitted for the following actions:~~

~~(A)1. New Appointment, and Termination Actions~~

a. A completed Attestation of Peace Officer Eligibility, POST 2-356 (03/2022), shall be uploaded to POST via EDI.

~~(B)2. Name changes as a result of a marriage, a divorce, or a legal name change, or~~

~~(C)3. Rank/status changes that involve promotions and or demotions.~~

(B) An Affidavit of Separation, POST 2-357 (03/2022), herein incorporated by reference, shall be submitted to POST, via EDI, within ten days of a peace officer's separation from employment. It shall be signed 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. 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~~~~department~~ employee shall ~~submit to~~~~contact~~ POST a request in writing within ~~14~~ten days, indicating justification for the correction to the record. ~~The correction can be made telephonically through the EDI staff. After 14~~
~~10 days, a NOAT form and a written justification for the correction shall be sent to POST requesting the change.~~

(2) Reinstatements

~~When the~~Should a terminated individual be mandatorily reinstated, ~~department has terminated a person, but the person has been mandatorily reinstated,~~ the ~~agency~~~~department~~ shall notify POST in writing within ~~30~~ten days of the change in personnel action. The ~~agency~~~~department~~ head shall make the reappointment in EDI and submit ~~a hard copy NOAT form~~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~~~~Department~~

Whenever a peace officer or former peace officer is ~~adjudged~~ convicted~~guilty~~ of a crime~~felony offense~~, or for any reason specified in Government Code ~~s~~Section 1029 that disqualifies the individual from being employed as a peace officer, POST shall be notified in writing within ~~30~~ten days of the final disposition.

~~(A) If the individual is currently employed as a peace officer, the employing department shall notify POST of the final disposition.~~

~~(B) If the individual is a former peace officer, the law enforcement department responsible for the investigation shall notify POST of the final disposition.~~

(2) Documentation

The written notification shall be submitted to POST~~sent on department letterhead~~ and include:

(A) Name of the peace officer or former peace officer.

(B) Reason for ~~D~~isqualification ~~reason~~ 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.