



JOHN CHIANG
California State Controller
Division of Accounting and Reporting

Received
June 12, 2013
Commission on
State Mandates

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Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Potential Consolidation with the *Peace Officers Procedural Bill of Rights I (POBOR I)* Parameters and Guidelines
Peace Officers Procedural Bill of Rights II (POBOR II), 03-TC-18
Statutes 1976, Chapter 465; Statutes 1998, Chapter 786; Statutes 2000, Chapter 209; and
Statutes 2002, Chapter 170
Commission on State Mandates, Requestor

Dear Ms. Halsey:

The State Controller's Office (SCO) has reviewed the parameters and guidelines (P's & G's) submitted by the Commission on State Mandates (CSM). The SCO recommends that the CSM postpone the consolidation of POBOR I and II due to the following reasons:

- Lack of authority to allow claimants to re-file POBOR I claims from July 1, 2002 through June 30, 2010
- Inconsistent cost reimbursement methods

Background

On July 27, 2000, the CSM adopted the P's & G's for POBOR I to address the reimbursable state-mandated program activities incurred when a peace officer is subject to an interrogation by the employer, is facing punitive action, or receives an adverse comment in his or her personnel file. Eligible claimants may file for reimbursement based on the reasonable reimbursement methodology (RRM) or for actual costs. The County of Los Angeles submitted to the CSM a proposal on March 29, 2012, and revised it on June 19, 2012 to increase the current RRM rate, effective July 1, 2010.

On December 1, 2011, the CSM adopted a statement of decision for POBOR II, which addresses the reimbursable state-mandated program activities that require notices to be provided to an officer in order to take disciplinary action, access to the officer's personnel files, and the notice requirements to search an officer's locker. Eligible claimants may file for reimbursement based on actual costs only. On May 9, 2013, the City of Newport Beach expressed its interest in proposing an RRM for this program.

Lack of authority to allow claimants to re-file POBOR I claims from July 1, 2002 through June 30, 2010

The proposed P's & G's for POBOR II would allow claimants to file initial claims back to July 1, 2002. However, the County of Los Angeles' P's & G's amendments for POBOR I would only allow claimants to re-file costs back to fiscal year 2010-11. The consolidation of the two programs would allow claimants to re-file POBOR I claims from July 1, 2002 through June 30, 2010. The SCO believes there is no authority to allow such costs to be claimed. The CSM should postpone the consolidation of the two programs until after the initial filing period of POBOR II.

Inconsistent cost reimbursement methods

The cost reimbursement methods for POBOR I and II should be consistent prior to the consolidation of the programs. Currently, claimants may file costs for POBOR I based on RRM or actual costs while the proposed P's & G's of POBOR II states that claimants may only claim actual costs. Due to the variation in cost reimbursement methods, the consolidation of the two programs will complicate the process in calculating the reimbursable activities.

Since a proposal for an RRM is underway for POBOR II, the SCO recommends the consolidation be postponed until a decision is made regarding the RRM. While the SCO supports the County of Los Angeles' proposed RRM for POBOR I, the SCO also recommends that the program should be limited to only one cost reimbursement method. The actual cost method should no longer be permitted for POBOR I.

Summary

Our analysis concludes that the CSM should postpone the consolidation of POBOR I and II claims during the POBOR II initial filing period. Furthermore, the two programs should not be consolidated until the reimbursement methods for these activities are calculated consistently.

Should you have any questions regarding the above, please contact Michelle Chan at (916) 324-2341 or e-mail mchan@sco.ca.gov.

Sincerely,



JAYLAL, Manager
Local Reimbursements Section