COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCAULEY
AUDITOR-CONTROLLER

September 27, 2006

Ms. Paula Highashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Dear Ms. Highashi:

County of Los Angeles
POBOR's Time Study Supplement
Parameters and Guidelines [Ps&Gs]
Peace Officers Procedural Bill of Rights [POBOR]

We request that the subject supplement be added to the POBOR's Ps&Gs, scheduled for the Commission's December 7, 2006 hearing. A narrative explanation, supplemental Ps&Gs language and special forms are attached.

Leonard Kaye of my staff is available at (213) 974-8564 to answer questions you may have concerning this submission.

Very truly yours,

J. Tyler McCauley
Auditor-Controller

JTM:CY:LK
Enclosures

County of Los Angeles
POBOR's Time Study Supplement
Parameters and Guidelines [Ps&Gs]
Peace Officers Procedural Bill of Rights [POBOR]

This time study supplement to the POBOR's Ps&Gs expands on Commission staff's recommendation that time studies be allowed in claiming POBOR's costs. Specifically, Commission staff provide on page 42, under Section IV. REIMBURSABLE ACTIVITIES, in their version of the Ps&Gs, released on August 31, 2006, that:

> "Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office."

Here, three different types of POBOR's time studies are presented in order to address the State Controller's Office concerns, cited on page 7 of Commission staff's POBOR's Ps&Gs analysis, that:

> "... If the claimant performs a time study, the claimant should separately study Unit Level cases and Internal Affairs cases, as their caseloads are significantly different in size, type and complexity, duration and volume."

In addition to a Unit Level time study and an Internal Affairs time study, a third type of time study is provided here for Administrative Appeals. Accordingly, the proposed time study language, replacing Commission's time study language [above], is:

> "Claimants may use Unit Level, Internal Affairs, and Administrative Appeals time studies to support salary and benefit costs for reimbursable activities of a repetitive nature. Time study usage is subject to the time study guidelines included in the State Controller's Office claiming instructions. The addendum contains acceptable formats and instructions for recording Unit Level, Internal Affairs, and Administrative Appeals time in performing reimbursable activities."

The reimbursable activities listed on the attached POBOR's time survey forms and instructions are limited to those stated in Commission staff's analysis, released on

August 31, 2006. If, as claimants contend, other activities are found to be reimbursable, then those other activities can easily be added to the POBOR's time study forms and instructions.

The POBOR's time study forms and instructions are found on the following pages:

1. Internal Affairs Time Study Instructions Pages 3 – 5
2. Internal Affairs Time Study Form Page 6
3. Unit Level Time Study Form Page 7
4. Unit Level Time Study Instructions Pages 8 – 9
5. Administrative Appeals Form Page 10
6. Administrative Appeals Instructions Page 11

POBOR's INTERNAL AFFAIRS TIME STUDY INSTRUCTIONS

1. Survey must be completed on a daily basis for the entire survey month. Enter the amount of time spent performing each type of service during your paid work hours in the column for that day.
2. Draw a vertical line through all columns representing days that are unpaid days (regular days off and unpaid leave).
3. Record all of your time in ***MINUTES.***

ALL values entered must be ***time values ONLY,*** no monetary values or percentages

4. At the end of each day, total each column in the "TOTAL MINUTES" box at the bottom of the column. Each day's total must equal hours worked per day on the employee's time record. For example, if the total minutes at the bottom of the column equals 480 minutes, then the employee's time record for payroll must also show a total of 480 minutes worked or 8 hours.
5. At the end of the month, total all boxes in each row and record the sum to the "TOTAL" box at the right margin. Total amounts and record the sum in the box at the bottom-right corner.
6. The sum in the bottom-right corner must equal the sum of the bottom row. Sign and date your survey on the last working day of the month and give it to your supervisor.

DESCRIPTION OF ACTIVITIES

Ongoing Administrative Activities

A1 These activities pertain ***only*** to the conduct of the mandated activities

A2 The training must relate to mandate-reimbursable activities.

A3 Updating the status means tracking the procedural status of cases only.
No Reimbursement for: maintaining or updating the cases, set up the cases, review the case, evaluate the cases, or close the cases.

Administrative Appeal

B1 The administrative hearings are for the following disciplinary actions
*Dismissal, demotion, suspension, salary reduction or written reprimand received by probationary and at-will employees
*Transfer of permanent, probationary and at-will employees for purposes of punishment;
*Denial of promotion for permanent, probationary and at-will employees for reasons other than merit; and
*Other actions against permanent, probationary and at-will employees that result in disadvantage, harm, loss, or hardship and impact the career opportunities of the employee.
Note: This activity ***not*** reimbursable for Chief of Police

B2 The preparation and review of the documents that are ***necessary*** to commence and proceed with the administrative appeal hearing

B3 Legal review/assistance with conduct of administrative appeal hearing

B4 Preparation/Service of subpoenas

B5 Preparation/service of any rulings or orders of the administrative body

Interrogations

C1 Review of agency complaint or other documents to prepare notice of interrogation

C2 Preparation of notice of interrogation including the identification of the interrogating officers to include in notice of interrogation

C3 Review of notice of interrogation by counsel

C4 Providing notice to the peace officer before the interrogation. The notice shall inform the peace officer of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. The notice shall inform the peace officer of the nature of the investigation(Gov. code 3303 subds. (b) and (c)).

C5 When required by the seriousness of the investigation, compensating the peace officer for interrogations occurring during off-duty time in accordance with regular department procedures(Gov. Code 3303 Subd.(a)) Preparation and review of overtime compensation requests are reimbursable.

C6 Recording the interrogation when the peace officer employee records the interrogation. Included here is the transcription time of sworn peace officers. ***NOTE:*** The investigator's time to record the session and transcription costs of non-sworn officers are ***Not*** reimbursable.

C7 Providing the peace officer employee with access to the recording prior to any further interrogation at a subsequent time, or if any further proceedings are contemplated and the further proceedings fall within the following categories (Gov. code 3303 subd(g))

*The further proceeding is not a disciplinary action
*The further proceeding is a dismissal, demotion, suspension, salary reduction or written reprimand received by a probationary or at will employee whose liberty interest is not affected(i.e., the charges supporting the dismissal does not harm the employee's reputation or ability to find future employment)
*The further proceeding is a transfer of permanent, probationary or at-will employee for purposes of punishment
*The further proceeding is a denial of promotion for a permanent, probationary or at-will employee for reasons other than merit
*The further proceeding is an action against a permanent, probationary or at-will employee that results in disadvantage, harm, loss, or hardship and impacts the career of the employee.

C8 Producing transcribed copies of any notes made by a stenographer at an interrogation, and copies of reports or complaints made by investigators or other persons, except those that are deemed confidential, when requested by the officer, ***in the following circumstances*** (Gov. code 3303 subd. (g))

*When the investigation does not result in disciplinary action; and
*When the investigation results in:
*Dismissal, demotion, suspension, salary reduction or written reprimand received by probationary and at-will employees
*Transfer of permanent, probationary and at-will employees for purposes of punishment;
*Denial of promotion for permanent, probationary and at-will employees for reasons other than merit; and
*Other actions against permanent, probationary and at-will employees that result in disadvantage, harm, loss, or hardship and impact the career opportunities of the employee.

Note: Review of the complaint, notes or recordings for issues of confidentiality by law enforcement, human relations or counsel; and the cost of processing, service and retention of copies ***are reimbursable***.

Adverse Comment related to possible criminal investigation

D1 Review of the circumstances or documentation leading to the adverse comment by supervisor, command staff, human resources staff, or counsel to determine whether the comment constitutes a written reprimand or an adverse comment

D2 Providing notice of adverse comment, including the review of the notice of adverse comment for accuracy.

D3 Providing opportunity to review and sign the adverse comment including informing the peace officer about the officer's rights regarding the notice of adverse comment.

D4 Providing opportunity to respond to adverse comment within 30 days, including the review of the peace officer's response to the adverse comment.

D5 Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances, including attaching the peace officer's response to the adverse comment and filing the document in the appropriate file.

Adverse Comment *Not* related to a possible criminal investigation

E1 Review of the circumstances or documentation leading to the adverse comment by supervisor, command staff, human resources staff, or counsel to determine whether the comment constitutes a written reprimand or an adverse comment

E2 Providing notice of adverse comment, including the review of the notice of adverse comment for accuracy.

E3 Obtaining the signature of peace officer on adverse comment, including informing the peace officer about the officer's rights regarding the notice of adverse comment.

E4 Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances, including filing the document in the appropriate file.

Other

F1 Time spent on activities *NOT* related to POBOR's reimbursable activities.

F2 Paid Time Off: includes vacation, sick leave, paid holiday time, paid jury duty, and any other paid employee time off. This does *NOT* include breaks, off payroll time (dock), or the taking of CTO.

Please note the following activities are *NOT* reimbursable:

1 Activities occurring before the assignment of the case to an administrative investigator including: taking an initial complaint, setting up the complaint file, interviewing parties, reviewing the file, and determining whether the complaint warrants an administrative investigation.

2 Investigation activities including assigning an investigator to the case, reviewing the allegation, communicating with other departments, visiting the scene of the alleged incident, gathering evidence, identifying and contacting complainants and witnesses.

3 Preparing for the interrogation, reviewing and preparing interrogation questions, conducting the interrogation, and reviewing the responses given by the officer and/or witnesses during the interrogation.

4 Closing the file, including the preparation of a case summary disposition reports and attending executive review of committee hearing related to the investigation.

POBOR's INTERNAL AFFAIRS TIME STUDY FORM

INSTRUCTIONS: (PLEASE READ POBOR's TIME STUDY FORM INSTRUCTIONS ON THE ATTACHED PAGES FIRST BEFORE FILLING OUT TIME STUDY FORM)

CASE Reference, Number _____

Month ____ Year ____

Name (Last, first, middle initial) | Civil service classification | Employee number | Program | Job location

		TYPE OF ACTIVITY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	TOTAL
		Day of the Week *(optional)*																																
Ongoing Admin. Activities	A1	Develop or updating internal policies, procedures, manuals, and other materials																																
	A2	Attendance at specific training for human resources, law enforcement and legal counsel re: requirements of mandate																																
	A3	Updating the status report of mandate-reimbursable POBOR cases.																																
Administrative Appeal	B1	Provide for, and the conduct of an administrative appeal hearing																																
	B2	Prepare/Review documents to proceed with administrative appeal hearing																																
	B3	Legal review/assistance with conduct of administrative appeal hearing																																
	B4	Preparation/Service of subpoenas																																
	B5	Preparation/service of any rulings or orders of the administrative body																																
Interrogations	C1	Review of agency complaint or other documents to prepare notice of Interrogation																																
	C2	Preparation of notice of Interrogation																																
	C3	Review of notice of Interrogation by counsel																																
	C4	Providing notice to peace officer before the interrogation																																
	C5	Overtime compensation for peace officer for interrogation during off-duty time																																
	C6	Recording the interrogation & Transcription time																																
	C7	Provide the Peace Officer with access to recording of interrogation																																
	C8	Producing copies of documents or reports																																
Adverse Comment (Criminal Invest.)	D1	Review of circumstances leading to the Adverse Comment																																
	D2	Providing notice of adverse comment																																
	D3	Providing opportunity to review and sign the adverse comment																																
	D4	Providing opportunity to respond to adverse comment within 30 days																																
	D5	Noting peace officer's refusal to sign the adverse comment and obtaining signature or initial of peace officer																																
Adverse Comment (Non-Criminal)	E1	Review of circumstances leading to the Adverse Comment																																
	E2	Providing notice of adverse comment																																
	E3	Obtaining the signature of peace officer on adverse comment																																
	E4	Noting peace officer's refusal to sign the adverse comment and obtaining signature or initial of peace officer																																
Other	F1	Other Programs or Activities (Minutes)																																
	F2	Paid Time Off (Minutes)																																
		TOTAL MINUTES																																

Employee's signature (**BLUE INK ONLY**) | Employee's telephone number ( ) | Date | Supervisor's signature (**BLUE INK ONLY**) | Date

POBOR'S UNIT LEVEL TIME STUDY FORM

CASE NUMBER:

CASE NAME:

DATE POBOR'S CASE INITIATED:

					Performed By		
Reimbursement Code [B]	Date of Activity	Start Time [A]	Stop Time [A]	No. of Minutes	Name	Signature	Date

Instructions for each of the reimbursable activities:

(1)Please read the reimbursement code description on the following attached pages for a description of the reimbursement cod

(2)Write the reimbursement code under the reimbursement code column as the reimbursable activity occurs.

(3)Write the date when the reimbursable activity occurred.

(4)Write down the start/stop time using the 24-hour clock.

(5)Print the employee's name who completed each activity column and have him or her sign and date that column.

[A] Please use the 24-hour clock. For example: 9:00am is 0900, 5:30pm is 1730.

[B] SEE ATTACHED REIMBURSEMENT CODES ON THE FOLLOWING PAGES

UNIT LEVEL CODING INSTRUCTIONS

Reimbursement Code	Description of Reimbursable Activity
	Ongoing Administrative Activities
A2	Attendance at specific training for human resources, law enforcement, and legal counsel regarding requirements of mandate-reimbursable activities. (Please attach a copy of the course syllabus)
A3	Updating the status report of mandate reimbursable POBOR cases only. **Excludes:** Maintaining/updating the cases, set up the cases, review the case, evaluate the case, or closing the cases.
	Interrogations
C1	Review of agency complaint or other documents to prepare notice of interrogation.
C2	Preparation of notice of interrogation including the identification of the interrogating officers to include in the notice of interrogation.
C3	Review of notice of interrogation by counsel.
C4	Providing notice to peace officer before the interrogation. The notice shall inform the peace officer of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation, also the nature of the investigation.
C5	Overtime compensation for peace officer for interrogation during off-duty time. When required by the seriousness of the investigation, compensating the peace officer for interrogations occurring during off-duty time in accordance with regular department procedures. Preparation/Review of overtime compensation requests are reimbursable
C6	Recording the interrogation when the employee peace officer employee records the interrogation. *INCLUDES*: Transcription time of sworn peace officers interrogation. NOTE: the investigator's time to record the session and transcription costs of non-swo officers' interrogations are Not reimbursable.
C7	Providing the Peace Officer with access to the recordings of the interrogation prior to any further interrogation at a subsequent time.
C8	Producing transcribed copies of any notes made by a stenographer at an interrogation and copies of reports or complaints made by investigators or other persons, except those that are deemed confidential, when requested by the officer, See Note: Review of the complaint, notes or recordings for issues of confidentiality by law enforcement, human relations or counsel; and the cost of processing, service and retention of copies are reimbursable. **NOTE applies when:** *When the investigation does not result in disciplinary action; a *When the investigation results in: *Dismissal, demotion, suspension, salary reduction or written reprimand received by probationary and at-will employees *Transfer of permanent, probationary and at-will employees for purposes of punishme *Denial of promotion for permanent, probationary and at-will employees for reasons other than merit; and other actions against permanent, probationary, and at-will employees that result in disadvantage, harm, loss, or hardship and impact the career opportunities of the employee.

Reimbursement Codes

Reimbursement Code	Description of Reimbursable Activity

Adverse Comment Activity Related to Possible Criminal Investigation:

D1	Review of the circumstances or documentation leading to the adverse comment by supervisor, command staff, or counsel to determine whether the comment constitutes a written reprimand or an adverse comment.
D2	Providing notice of adverse comment, including the review of the notice of adverse comment for accuracy.
D3	Providing opportunity to review and sign the adverse comment including informing the peace officer about the officer's rights regarding the notice of adverse comment.
D4	Providing opportunity to respond to adverse comment within 30 days, including the review of the peace officer's response to the adverse comment.
D5	Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances, including attaching the peace officer's response to the adverse comment and filing the document in the appropriate file.

Adverse Comment Activity Not Related to Possible Criminal Investigation:

E1	Review of the circumstances or documentation leading to the adverse comment by supervisor, command staff, or counsel to determine whether the comment constitutes a written reprimand or an adverse comment.
E2	Providing notice of adverse comment, including the review of the notice of adverse comment for accuracy.
E3	Obtaining the signature of peace officer on adverse comment, including informing the peace officer about the officer's rights regarding the notice of adverse comment.
E4	Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances, including filing the document in the appropriate file.

POBOR'S ADMINISTRATIVE APPEALS TIME STUDY FORM

CASE NUMBER:

CASE NAME:

DATE POBOR'S CASE INITIATED:

					Performed By		
Reimbursement Code [B]	Date of Activity	Start Time [A]	Stop Time [A]	No. of Minutes	Name	Signature	Date

Instructions for each of the reimbursable activities:

(1)Please read the reimbursement code description on the attached pages for a description of the reimbursement codes.

(2)Write the reimbursement code under the reimbursement code column as the reimbursable activity occurs.

(3)Write the date when the reimbursable activity occurred.

(4)Write down the start/stop time using the 24-hour clock.

(5)Print the employee's name who completed each activity column and have him or her sign and date that column.

[A] Please use the 24-hour clock. For example: 9:00am is 0900, 5:30pm is 1730.

[B] SEE ATTACHED REIMBURSEMENT CODES ON THE FOLLOWING PAGES

ADMINISTRATIVE APPEALS CODING INSTRUCTIONS
Administrative Appeals

Reimbursement Code	Description of Reimbursable Activity

Ongoing Administrative Activities

A2	Attendance at specific training for human resources, law enforcement, and legal counsel regarding requirements of mandate-reimbursable activities. (Please attach a copy of the course syllabus)
A3	Updating the status report of mandate reimbursable POBOR cases only. **Excludes:** Maintaining/updating the cases, set up the cases, review the case, evaluate the case, or closing the cases.

Administrative Appeals

B1	Prepare/Review documents that are necessary to commence and proceed with administrative appeal hearing. See applicable hearing in B5 (below).
B2	Legal Review and assistance with the conduct of an administrative appeal hearing.
B3	Preparation and Service of subpoena.
B4	Preparation and Service of any rulings or orders of the administrative body.
B5	Provide for, and the conduct of an administrative appeal hearing. The administrative hearings are for the following disciplinary actions *Dismissal, demotion, suspension, salary reduction or written reprimand received by probationary and at-will employees *Transfer of permanent, probationary and at-will employees for purposes of punishmen *Denial of promotion for permanent, probationary and at-will employees for reasons other than merit, and *Other actions against permanent, probationary and at-will employees that result in disadvantage, harm, loss, or hardship & impact the career opportunities of the employe **Note:** This activity ***not*** reimbursable for Chief of Police

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Declaration of Leonard Kaye

Leonard Kaye makes the following declaration and statement under oath:

I, Leonard Kaye, SB90 Coordinator, in and for the County of Los Angeles, am responsible for filing test claims, reviews of State agency comments, Commission staff analyses, reconsiderations and for proposing, or commenting on, parameters and guidelines (Ps&Gs) and amendments thereto, and for filing incorrect reduction claims, all for the complete and timely recovery of costs mandated by the State. Specifically, I have prepared the subject supplement with the able assistance of Michael Kawashima, a senior accounting student intern.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs as set forth in the attached document, are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

> " ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

9/27/06; Los Angeles, CA — Leonard Kaye

Date and Place — Signature

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

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J. TYLER McCAULEY
AUDITOR-CONTROLLER

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Hasmik Yaghobyan states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 28th day of September, 2006, I served the attached:

Documents: County of Los Angeles, POBOR's Time Study Supplement, Parameters and Guidelines [Ps&Gs], Peace Officers Procedural Bill of Rights, including *a 1 page letter of J. Tyler McCauley dated 9/27/06, an eleven page attachment, and a one page declaration of Leonard Kaye, now* pending before the Commission on State Mandates.

[X] By transmitting a PDF copy of the above document via e-mail to csminfo@csm.ca.gov , paula.higashi@csm.gov, and nancy.patton@csm.gov. By mailing original signed above documents to Commission's address: Ms. Paula Higashi, Executive Director; Commission on State Mandates; 900 Ninth Street, Suite 300; Sacramento, California 95814; and by Faxing above documents to Commission at [916] 445-0278.

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of September, 2006 at Los Angeles, California.

Hasmik Yaghobyan