BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

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| IN RE TEST CLAIM:<br><br>Penal Code Section 13515,<br><br>Statutes of 1997, Chapter 444; and<br><br>Filed on January 21, 1999;<br><br>By the City of Newport Beach | NO. CSM 98-TC-12<br><br>*Elder Abuse Training*<br><br>STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7<br><br>(Adopted on January 25, 2001) |

## STATEMENT OPDECISION

The attached Statement of Decision of the Commission on State Mandates is hereby adopted in the above-entitled matter.

This Decision shall become effective on January 29, 2001.

Paula Higashi, Executive Director

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## STATEMENT OF DECISION

On November 30, 2000, the Commission on State Mandates (Commission) heard this test claim during a regularly scheduled hearing. Ms. Pamela Stone and Mr. Glen Everroad, appeared for the City of Newport Beach. Sergeant Kent Stoddard appeared as a witness for the City of Newport Beach Police Department. Mr. Tom Lutzenberger and Mr. Daniel Stone, Deputy Attorney General, appeared for the Department of Finance.

At the hearing, oral and documentary evidence was introduced, the test claim was submitted, and the vote was taken.

The law applicable to the Commission's determination of a reimbursable state mandated program is Government Code section 17500 et seq. article XIII B, section.6 of the California Constitution, and related case law.

The Commission, by a vote of 7 to 0, approved this test claim.

### Background

Test Claim Statute

The test claim legislation, Statutes of 1997, Chapter 444, enacted Penal Code section 135 15 which provides :

> Every city police officer or deputy sheriff at a supervisory level and below who is assigned field or investigative duties shall complete an elder abuse training course certified by the Commission on Peace Officers Standards and Training [POST] by January 1, 1999, or within 18 months of assignment of field duties. . . .

## COMMISSION FINDINGS

In order for a statute or executive order, which is the subject of a test claim, to impose a reimbursable state mandated program, the language: (1) must direct or obligate an activity or task upon local governmental entities; and (2) the required activity or task must be new, thus constituting a "new program, " or it must create an increased or "higher level of service" over the former required level of service. The court has defined a "new program" or "higher level of service" as a program that carries out the governmental function of providing services to the public, or a law, which to implement a state policy, imposes unique requirements on local agencies or school districts that do not apply generally to all residents and entities in the state. To determine if a required activity is new or imposes a higher level of service, a comparison must be undertaken between the test claim legislation and the legal requirements in effect immediately before the enactment of the test claim legislation. Finally, the newly required activity or increased level of service must be state mandated.' To determine if the new program of higher level of service is state mandated, a review of state and federal statutes, regulations, and case law must be undertaken.[2]

This test claim presents the following issues:

Is the test claim legislation subject to article XIII B, section 6 of the California Constitution?

Does the test claim legislation impose a new program or higher level of service upon local agencies within the meaning of article XIII B, section 6 of the California Constitution and constitute costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 175 14?

Does Government Code section 17556, subdivision (a), apply to the test claim?

**Issue 1**

**Is the test claim legislation subject to article XIII B, section 6 of the California Constitution?**

In order for a statute to be subject to article XIII B, section 6 of the California Constitution, the statutory language must direct or obligate an activity or task upon local governmental agencies. If the statutory language does not mandate local agencies to perform a task, then compliance with the test claim statute is within the discretion of the local agency and a reimbursable state mandated program does not exist.

The claimant contends that Penal Code section 135 15 requires cities to provide elder abuse training to all police officers or deputy sheriffs at a supervisory level or below that are assigned field or investigative duties, The claimant is requesting reimbursement for the salaries and benefits for officers attending the training and for costs associated with a sergeant's time to set up and prepare the training. The claimant is also requesting reimbursement for ongoing costs associated with training new officers as they are hired by the City of Newport Beach.

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[1] *County of Los Angeles* v. *State of California (1987) 43* Cal.3d *46, 56; Cannel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d *521, 537; Lucia Mar Unified School Dist.* v. *Honig* (1988) 44 Cal.3d 830, 835.

[2] *City of Sacramento v. State of California (1990) 50* Cal.3d 51, *76; Hayes v. Commission on State Mandates* (1992) 11 Cal.App.4th 1564, 1594; Government Code sections 17513, 17556.

The Department of Finance (DOF) contends that reimbursement is not required under article XIII B, section 6 since the training requirements detailed in Penal Code section 135 15 are imposed upon the peace officers themselves, and not the city.

Penal Code section 135 15 requires that every city police officer or deputy sheriff at a supervisory level and below assigned field or investigative duties shall receive elder abuse training by January 1, 1999, or within 18 months of assignment to field duties. The plain language of section 13515 does not require local agencies to provide or pay for the training, In addition, there are no other state statutes or executive orders requiring local agencies to pay for the training.

Nevertheless, section 135 15 specifically refers to "police officer" or "deputy sheriff. " Penal Code section 830.1 defines "police officers" and '"deputy sheriffs" as those persons who are *"employed"* by a public safety agency of a county, city, or special district. Since police officers and deputy sheriffs, by definition, are employed by local agencies, The Commission finds that the federal Fair Labor Standards Act (FLSA), which requires local agencies to compensate their employees for training under specified circumstances, is relevant to this claim.

Generally, the FLSA provides employee protection by establishing the minimum wage, maximum hours, and overtime pay under federal law. In 1985, the United States Supreme Court found that the FLSA applies to state and local governments .[3] The FLSA is codified in title 29 of the Code of Federal Regulations. The requirement to compensate employees for training time under the FLSA is described below.

Training Conducted During Regular Working Hours

If elder abuse training is required by the state, is not voluntary, and is conducted during regular working hours, training time needs to be counted as compensable working time under section 785.27 of the FLSA and treated as an obligation imposed on the local agency. Section 785.27 provides:

> Attendance at lectures, meetings, training programs and similar activities *need not be counted* as working time if the following four criteria are met:
>
> (a) Attendance is outside of the employee's regular working hours;
>
> (b) Attendance is in fact voluntary;
>
> (c) The course, lecture, or meeting is not directly related to the employee's job; and
>
> (d) The employee does not perform any productive work during such attendance. (Emphasis added.)

The Commission finds that local agencies are required under the FLSA to compensate their employees for mandatory training *if* the training occurs during the employee's regular working hours. The Commission finds section 785.27 is inapplicable to this test claim because elder abuse training can be offered during regular working hours, officers' attendance is not voluntary, the training is directly related to the officers' job, and officers engage in productive work while attending elder abuse training. Further support that section 785.27 is inapplicable to this test claim is that the obligation to pay for elder abuse training is an obligation imposed

[3] *Garcia v. San Antonio Metropolitan Transit Authority et al, (1985) 469 U.S. 528.*

by state, not federal, law. The Commission finds that there is no federal statutory or regulatory scheme that requires cities to provide elder abuse training to its officers and sheriffs. Rather, what sets the provisions of the FLSA in motion, requiring local agencies to compensate officers for elder abuse training, is the test claim statute. If the state had not created this program, officers would not be required to receive elder abuse training and local agencies would not be obligated to compensate their officers for such training.

Accordingly, the Commission finds that local agencies are mandated by the state through section 135 15 to provide elder abuse training to police officers and deputy sheriffs assigned to field or investigative duties *if* the training occurs during the employee's regular working hours.

Training Conducted Outside Regular Working Hours

The claimant asserts that the City of Newport Beach would need to provide training to its officers outside regular working hours. The Commission notes that an exception to the FLSA was enacted in 1987, which provides that time spent by employees of state and local governments in training required for certification by a higher level of government that occurs outside of the employee's regular working hours is noncompensable. In this regard, 29 CFR section 553.226 provides the following:

> (a) The general rules for determining the compensability of training time under the FLSA are set forth in §§ 785.27 through 785.32 of this title.
>
> (b) While time spent in attending training required by an employer is normally considered compensable hours of work, following are situations where time spent by employees of State and local governments in required training is considered to be *noncompensable:*
>
> *"(2) Attendance outside of regular working hours at specialized or follow-up training, which is required for certification of employees of a governmental jurisdiction by law of a higher level of government (e. g., where a State or county law imposes a training obligation on city employees), does not constitute compensable hours of work.* (Emphasis added.)

The Connnission finds that 29 CFR section 553.226, subdivision (b)(2), applies when the elder abuse training is conducted outside the employee's regular working hours. In such cases, the local agency is not required to compensate the employee. Rather, the cost of elder abuse training becomes a term or condition of employment subject to the negotiation and collective bargaining between the local agency and the employee. However, the inquiry must continue to analyze how the inclusion of training in a memorandum of understanding (MOU) between local agencies and their employees relates to a determination of whether section 13515 is subject to article XIII B, section 6 of the California Constitution.

The Meyers-Milias-Brown Act governs collective bargaining between local agencies and their employees.[4] The Act requires the governing body of the local agency and its representatives to meet and confer in good faith regarding wages, hours, and other terms of employment with representatives of employee organizations, If an agreement is reached, the parties enter into a collective bargaining agreement, or MOU. The MOU becomes binding on the local agency

[4] Government Code sections 3500 et al.

and employees only upon the approval and adoption by the governing board of the local agency .[5]

Although providing or paying for elder abuse training conducted outside the employee's regular working hours is an issue negotiated at the local level, the California Constitution prohibits the Legislature from impairing obligations or denying rights to the parties of a valid, binding contract absent an emergency. [6] Therefore, if a MOU requires a local agency to provide or pay for training, then section 135 15 is subject to article XIII B, section 6 of the California Constitution.

The test claim statute became effective on September 24, 1997. Accordingly, the Commission finds that providing elder abuse training outside the employee's regular working hours is an obligation imposed on those local agencies that, as of September 24, 1997, were bound by a MOU that required the agency to provide or pay for continuing education training. However, when that MOU terminated training conducted outside the employee's regular working hours becomes a negotiable matter subject to the discretion of the local agency. Thus, under such circumstances, the Commission finds that the requirement to provide or pay for elder abuse training is not an obligation imposed by the state on a local agency.

Conclusion

Based on the foregoing, the Comrnission finds that Penal Code section 135 15 is subject to article XIII B, section 6 of the California Constitution because it imposes an obligation on local agencies to provide elder abuse training under the following circumstances:

- When the elder abuse training occurs during the employee's regular working hours; or
- When the elder abuse training occurs outside the employee's regular working hours ***and*** there is an obligation imposed by an MOU existing on September 24, 1997 (the effective date of the statute) that requires the local agency to provide or pay for continuing education training.

However, the issue remains whether the test claim legislation imposes a new program or higher level of service upon local agencies that constitute costs mandated by the state. This issue is addressed below.

**Issue 2**

**Does the test claim legislation impose a new program or higher level of service upon local agencies within the meaning of article XIII B, section 6 of the California Constitution and constitute costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514?**

City police officers and deputy sheriffs were not required to receive elder abuse training before the enactment of Penal Code section 135 15. Thus, the Comrnission finds that section 135 15

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[5] Government Code sections 3500, 3505, and 3505.1. The Commission analyzed the Meyers-Milias-Brown Act in the *SIDS* test claim to determine if the fee authority established in the statute could realistically be imposed on firefighter employees. Based on evidence presented at the hearing, the Commission found that even though local agencies have the unilateral authority to impose changes regarding the terms of employment, the use of the unilateral authority is rare. Therefore, the Commission determined that the authority to impose fees upon firefighters in the SIDS case could not be realistically exercised by local agencies.

[6] California Constitution, article 1, section 9.

, constitutes a new program or higher level of service under article XIII B, section 6 of the California Constitution. However, the Cornmission must continue its inquiry to determine if there are any "costs mandated by the state."

Government Code section 17514 defines "costs mandated by the state" as any *increased* costs a local agency is required to incur as a result of any statute or executive order that mandates a new program or higher level of service.

The claimant contends that Penal Code section 13515 results in increased costs mandated by the state in the form of salaries and benefits for the time that city police officers and deputy sheriffs spend in training and the costs incurred to present the course. The claimant submitted cost data to support its claim.

DOF contends that the test claim legislation has not imposed any costs on local agencies since the training may be available from other sources. DOF also contends that section 135 15 does not impose costs on local agencies since the two-hour elder abuse training course was intended by the Legislature, to be delivered as part of the continuing education requirement of 24 hours every two years..

In response to DOF's contentions, the claimant states that elder abuse training is unavailable from other sources. The claimant further contends that if the Legislature intended elder abuse training to be included in the 24-hour requirement, it would have expressly stated that intent. However, the express language of section 13515 provides that such training shall occur "by January 1, 1999 or within 18 months of assignment to field duties, " not that elder abuse training must be included in the 24-hour requirement. Finally, the claimant contends that Government Code section 17556, subdivision (a), is inapplicable to the present test claim.

Scope of the Mandate

In order to determine if there are any costs mandated by the state, the Commission must first determine the scope of the mandate. Section 135 15 expressly requires city police officers and deputy sheriffs to receive elder abuse training by January 1, 1999 or within 18 months of being assigned to field duties. The claimant alleges a reimbursable state-mandated program exists for the following activities: (1) the costs to develop the elder abuse training course; (2) trainer time associated with administering the elder abuse training course (including necessary materials provided to trainees); and (3) trainee time associated with attending the elder abuse training program. The Commission addresses each of these issues below.

1. *Costs to Develop the Elder Abuse Training Program*

In DOF's enrolled bill report for the test claim legislation, DOF notes that:

> [POST] indicates that this bill will have *no fiscal impact on [POST] because an elder abuse telecourse has already been developed and broadcasted to law enforcement agencies over closed-circuit television.* In addition, POST staff indicate[s] this billwould likely have no fiscal impact on local law enforcement agencies because, in most instances, law enforcement agencies record these broadcasts for future training purposes. *A law enforcement agency without this*

*telecourse may request a video taped copy from POST free of charge.*[7] (Emphasis added.)

Section 135 15 requires city police officers and deputy sheriffs to receive elder abuse training *by* January 1, 1999 or within 18 months of being assigned field duties. Based on the express completion date for training, by January 1, 1999 or within 18 months of being assigned field duties, the Commission finds that the Legislature intended to require elder abuse training on a one-time basis. Moreover, section 135 15 requires that any elder abuse training course must be certified by POST. The elder abuse training course developed and certified by POST consists of two hours of training.

Based on the fact POST has already developed and provided the elder abuse training course to law enforcement agencies, the Cornmission finds that local agencies are *not* required by the state to incur costs to develop or design the training course and, thus, such 'costs are not reimbursable under article XIII B, section 6 of the California Constitution and Government Code section 17514. Thus, the Commission finds that any training on elder abuse beyond two hours is provided at the discretion of the city and is not reimbursable under article XIII B, section 6.

*2. Trainer Time Providing the Elder Abuse Training Course*

POST's regulations provide that elder abuse training shall include instruction in the law, elder abuse recognition, reporting requirements and procedures, neglect, fraud, and victim/witness issues.[8] As stated in the test claim legislation's enrolled bill report, POST has developed the two-hour elder abuse training video to be used by law enforcement agencies. Although POST has developed the two-hour elder abuse training course, the course must still be administered by staff that is knowledgeable of the course. The Cornmission finds that local agencies will incur increased costs to *present* the training in the form of trainer time associated with administering the course including necessary materials provided to trainees. Therefore, the Commission finds that such costs are reimbursable under article XIII B, section 6 of the California Constitution and Government Code section 175 14.

3. *Trainee Time Associated with Attending the Elder Abuse Training Course*

In 1998, the Commission analyzed whether a statute requiring continuing education training for peace officers imposed "costs mandated by the state" in the *Domestic Violence Training and Incident Reporting* test claim.' That test claim statute included the following language:

> The instruction required pursuant to this subdivision shall be funded from existing resources available for the training required pursuant to this section. It is the intent of the Legislature not to increase the annual training costs of local government.

Thus, the Commission determined in the *Domestic Violence Training and Incident Reporting* test claim that if the domestic violence training course caused an increase in the total number of required continuing education hours, then the increased costs associated with the new training course were reimbursable as "costs mandated by the state. " On the other hand, if there was no

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[7] The Department of Finance Enrolled Bill Report for AB 870 is attached as Exhibit I to the Department of Finance's April 15, 1999 Opposition.

[8] Title 11, California Code of Regulations, section 1081, subdivision (a)(26).

[9] CSM *96-362-01, Domestic Violence Training and Incident Reporting.*

overall increase in the total number of continuing education hours, then there were no increased training costs associated with the course. Instead, the cost of the training course was absorbed by local law enforcement agencies within their existing resources available for training.

The Commission recognized POST regulations, which provide that local law enforcement officers must receive at least 24 hours of Advanced Officer continuing education training every two years. POST regulations provide:

> Continuing Professional Training (Required).
> (1) Every peace officer below the rank of a middle management position as defined in section 1001 and every designated Level 1 Reserve Officer as defined in Commission Procedure H-l-2 (a) *shall satisfactorily complete the Advanced Officer Course of 24 or more hours at least once every two years after meeting the basic training requirement.* [10] (Emphasis added. )

The Cornmission found that no costs were mandated by the state in the *Domestic Violence Training and Incident Reporting* test claim denying the claim for the following reasons:

- *Immediately before and after* the effective date of the test claim legislation; POST's minimum required number of continuing education hours for the law enforcement officers in question *remained the same* at 24 *hours.* After the operative date of the test claim legislation these officers must still complete at least 24 hours of professional training every two years;
- The two hour domestic violence training update may be credited toward satisfying the officer' s 24-hour minimum;
- The two hour training is neither separate and apart nor "on top of" the 24-hour rninirnum;
- POST does not mandate creation and maintenance of a separate schedule and tracking system for this two hour course;
- POST prepared and provides local agencies with the course materials and video tape to satisfy the training in question; and
- Of the 24-hour minimum, the two-hour domestic violence training update is the only course that is legislatively mandated to be continuously completed every two years by the officers in question. The officers may satisfy their remaining 22-hour requirement by choosing from *the many elective courses* certified by POST.

Like the *Domestic Violence Training and Incident Reporting* test claim, POST prepared and presented the elder abuse training course for city police officers and deputy sheriffs as a two-hour telecourse. In addition, the elder abuse training course is a one-time course. Every city police officer or deputy sheriff must complete the course by January 1, 1999 or within '18 months of being assigned field duties.

Moreover, the elder abuse training course did not cause the minirnum number of required continuing education hours to increase. Rather, the minimum number of continuing education hours remained at 24 hours immediately before and after the effective date of the test claim legislation. The two-hour elder abuse training course may be credited toward satisfying an officer's 24-hour minimum.

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[10] Title 11, California Code of Regulations, section 1005, subdivision (d) .

Like the Commission's finding in the *Domestic Violence Training and Incident Reporting* test claim, it would appear that local law enforcement agencies do not incur increased training costs for the one-time, two-hour elder abuse training course because the cost of the course is absorbed by local agencies within their existing resources available for training.

However, the Cornmission finds that this test claim differs from the *Domestic Violence Training and Incident Reporting* test claim in one important respect. In the *Domestic Violence Training and Incident Reporting* test claim, the two-hour domestic violence training course must be completed every two years. While in the present test claim, the two-hour elder abuse training course need only be completed *once,* by January 1, 1999 or within 18 months of being assigned field duties. The Cornmission finds that there are two instances where the two-hour elder abuse training course would impose costs mandated by the state upon local agencies for the trainee time associated with attending the course.

The following table outlines the two instances where the Cornrnission finds that the two-hour elder abuse training course would impose costs mandated by the state upon local agencies:

| | **24-Hour Continuing Education Requirement** | **When Requirement Completed** | **When New 2-Year Cycle Begins** | **Reimbursable Activity** |
|---|---|---|---|---|
| **OFFICER A** (assigned field duties *before the* enactment of the T.C legislation) | Completed 24 hours , | *Before* 9/ 24/97 (effective date of TC legislation) | Anytime *after* 1/1/99 | Attending elder abuse training course |
| **OFFICER B** (assigned field duties *after* enactment of TC legislation) | Completed 24 hours | Anytime | Anytime *after* 18 month requirement as outlined in section 135 15 | Attending elder abuse training course |

Based on the example above, section 135 15 requires OFFICER A to attend the elder abuse training course by January 1, 1999. If OFFICER A has already completed the 24-hour requirement, and their new cycle begins *after* January 1, 1999, then their attendance in the course is above and beyond the 24-hour requirement. In essence, OFFICER A would complete 26 hours of training, two more hours than required by state law, and therefore, under this example, those two hours of elder abuse training are reimbursable.

Based on the example above, section 135 15 requires OFFICER B to attend the elder abuse training course within 18 months of being assigned field duties. If OFFICER B has already completed their 24-hour requirement *before* being assigned field duties, and their new cycle begins *later* than 18 months after being assigned field duties, then their attendance in the course is above and beyond the 24-hour requirement. In essence, OFFICER B would complete 26 hours of training, two more hours than required by state law, and therefore, under this example, those two hours of elder abuse training are reimbursable.

Therefore, the Cornmission finds that the test claim. legislation has imposed costs mandated by the state upon local agencies for the following activities: (1) trainer time associated with administering the elder abuse training course (including necessary materials distributed to trainees); and (2) the trainee time associated with attending the elder abuse training course in those instances where the police officer or deputy sheriff has already completed their 24 hours of continuing education when the requirement of section 13515 applied to the particular officer. The Comrnission further finds that training city police officers or deputy sheriffs hired after September 24, 1997, the effective date of the test claim statue, *does not* impose costs mandated by the state upon local agencies because such officers can apply the two-hour elder abuse training course towards their 24-hour requirement.

**Issue 3**

**Does Government Code section 17556, subdivision (a), apply to this test claim?**

DOF contends that, even if costs had been imposed on local agencies, subvention would not lie because section 135 15 was enacted at the request of local agencies. Therefore, DOF contends that Government Code section 17556, subdivision (a), applies to the present test claim.

Government Code section 17556, subdivision (a), provides:

> The commission shall not find costs mandated by the state . . . in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that:
>
> > (a) The claim is submitted by a local agency or school district which requested legislative authority for that local agency or school district to implement the program specified in the statute, and that statute imposes costs upon that local agency or school district requesting the legislation authority. *A resolution from the governing body or a letter from a delegated representative* of the governing body of a local agency or school district which requests authorization for that local agency or school district to implement a given program *shall constitute a request within the meaning of this paragraph.* (Emphasis added.)

DOF maintains that the sponsor of AB 870, the test claim's implementing legislation, was the San Francisco District Attorney's Office, a local agency, and that AB 870 was supported by the California District Attorneys Association (CDAA). DOF further contends, that since the CDAA represents the elected district attorneys in all 58 counties, the CDAA is, in effect, the delegated representative for the City of Newport Beach.

The claimant contends that section 17556, subdivision (a), is inapplicable to the present test claim. The claimant states that the CDAA's support of AB 870 does not equate to the City of Newport Beach requesting the legislation. The claimant further contends that DOF fails to provide any evidence that the City of Newport Beach expressly requested the legislation either though board resolution or a letter from a delegated city representative.

Based on the plain language of section 17556, subdivision (a), there are only two instances where the Cornmission can find that a local agency or school district requested legislative authority to implement a particular program: (1) when the governing body for the local agency or school district, by resolution, makes such a request: or (2) when a delegated representative of a local agency or school district submits a letter making such a request. In both

circumstances, the key fact is that the governing body of a local agency or school district must make the request. Based on the documentation provided by the parties, 'and the Cornmission's review of the legislative history of AB 870, there is no evidence that the claimant requested authority to implement elder abuse training for city police officers or deputy sheriffs. Therefore, the Commission finds that the CDAA's *support* of AB 870 does not meet the threshold specified in subdivision (a). Thus, the Commission finds that Government Code section 17556, subdivision (a), is inapplicable to this test claim.

**CONCLUSION**

The Cornmission finds that Penal Code section 135 15 is subject to article XIII B, section 6 of the California Constitution because it imposes an obligation on local agencies to provide elder abuse training under the following circumstances :

- When the elder abuse training occurs during the employee's regular working hours; or
- When the elder abuse training occurs outside the employee's regular working hours **and** there is an obligation imposed by an MOU existing on September 24, 1997 (the effective date of the statute) that requires, the local agency to provide or pay for continuing education training.

Further, the Commission finds that the test claim legislation has imposed costs mandated by the state upon local'agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following activities:

- Costs to present the one-time, two-hour course in the form of trainer time and necessary materials provided to trainees; and
- Salaries, benefits and incidental expenses for each city police officer or deputy sheriff to receive the one-time, two-hour, course on elder abuse in those instances where the police officer or deputy sheriff has already completed their 24 hours of continuing education when the requirement of section 135 15 applied to the particular officer, and when a new two-year training cycle does not commence until after the deadline for that officer or deputy to complete elder abuse training .[11]

However, the Commission also finds that training city police officers or deputy sheriffs hired after September 24, 1997, the effective date of the test claim statue, **does not** impose costs mandated by the state because such officers can apply the two-hour elder abuse training course towards their 24-hour requirement,

In addition, the Commission finds that Government Code section 17556, subdivision (a), is inapplicable to the test claim, because there is no evidence that the claimant requested authority to implement elder abuse training for city police officers or deputy sheriffs.

[11] This paragraph was modified pursuant to Dan Stone's comments at the hearing.