

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Health and Safety Code Section 1797.192  
Chapter 1111, Statutes of 1989  
(Renumbered 1797.193 by Chapter 216,  
Statutes of 1990);

Filed on December 27, 1991;

By the County of Los Angeles, Claimant.

NO. CSM 4412

**Remand of Sudden Infant Death Syndrome  
Training for Firefighters**

PARAMETERS AND GUIDELINES  
PURSUANT TO GOVERNMENT CODE  
SECTION 17500 ET SEQ.; TITLE 2,  
CALIFORNIA CODE OF REGULATIONS,  
DIVISION 2, CHAPTER 2.5, ARTICLE 8

(Adopted on April 29, 1999)

PARAMETERS AND GUIDELINES

On April 29, 1999, the Commission on State Mandates adopted the attached Parameters and Guidelines.



PAULA HIGASHI, Executive Director

## Parameters and Guidelines

Health and Safety Code Section 1797.192  
Statutes of 1989, Chapter 1111  
(Renumbered 1797.193 by Statutes of 1990, Chapter 216)

### *Sudden Infant Death Syndrome Training for Firefighters*

#### **I. Summary and Source of the Mandate**

On December 17, 1998, the Commission on State Mandates (“Commission”) adopted its Statement of Decision finding that Health and Safety Code section 1797.192 (later renumbered 1797.193) imposed a reimbursable state-mandated new program on local agencies. Health and Safety Code section 1797.193 requires new and veteran firefighters to complete a training course on Sudden Infant Death Syndrome (SIDS). The statute further authorizes local agencies that provide the instruction and training to assess a fee sufficient to pay for the costs of the training. Section 1797.193, in relevant part, states the following:

“(a) *By July 1, 1992, existing firefighters* in this state shall complete a course on the nature of sudden infant death syndrome taught by experts in the field of sudden infant death syndrome. *All persons who become firefighters after January 1, 1990,* shall complete a course on this topic as part of their basic training as firefighters. The course shall include information on the community resources available to assist families who have lost children to sudden infant death syndrome. . . .

“.....”

“(c) *When* the instruction and training are provided by a local agency, a fee shall be charged sufficient to defray the entire cost of the instruction and training.”  
(Emphasis added.)

The Commission found that the authority to impose fees upon firefighters cannot be realistically exercised by local agencies and special districts that have collective bargaining agreements with their firefighters, or by local agencies and special districts that operate without such agreements. Thus, the Commission found that the fee authority exception to reimbursement under Government Code section 17556, subdivision (d), does not apply and that the test claim statute imposes “costs mandated by the state” on local agencies and special districts.

Accordingly, the Commission concluded that Health and Safety Code section 1797.193 constitutes a reimbursable state mandated program when

- The SIDS instruction and training is provided by private or alternative sources; and when
- The SIDS instruction and training is provided by local agencies and special districts that have collective bargaining agreements, or MOUs, with their firefighters, and by local agencies and special districts who operate without such agreements.

## **II. Eligible Claimants**

Counties, cities, a city and county, and special districts.

## **III. Period of Reimbursement**

At the time this test claim was filed, Section 17557 of the Government Code stated that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. On December 31, 1991, the County of Los Angeles filed the test claim for this mandate. Therefore, costs incurred for Statutes of 1989, Chapter 1111, and Statutes of 1990, Chapter 216 are eligible for reimbursement on or after July 1, 1990.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If total costs for a given year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

## **IV. Reimbursable Activities**

For each eligible claimant, all direct and indirect costs of labor, supplies and services, and travel for the following activities only are eligible for reimbursement:

### **A. Claimant-Sponsored Training**

1. Designing and developing a two-hour basic training class and a two hour continuing education training class on SIDS for new and veteran firefighters.
  - a) Meeting and conferring with SIDS experts on curriculum development.
  - b) Firefighter teacher training to obtain SIDS expertise.
  - c) Contacting community organizations and obtaining current referral information on resources available to assist families who have lost children to SIDS.
  - d) Developing or obtaining training materials including, but not limited to, training videos and audio visual aids, for the basic training and continuing education classes on SIDS.
  - e) Incorporating the two-hour SIDS training class into the basic training and continuing education programs.
2. A one-time, two-hour basic training course for each new firefighter employed by a local agency after January 1, 1990.
  - a) Instructor time to prepare and teach the two-hour class on SIDS.
  - b) Trainee time to attend the two-hour class on SIDS.
3. A one-time, two-hour continuing education course for each existing firefighter employed by a local agency on January 1, 1990.

- a) Instructor time to prepare and teach the two-hour class on SIDS.
- b) Trainee time to attend the two-hour class on SIDS.

**B. Outside Training**

1. A one-time, two-hour basic training course for each new firefighter employed by a local agency after January 1, 1990.
  - a) Trainee time to attend the two-hour class on SIDS.
  - b) Training fees for each new firefighter attending the SIDS class.
  - c) Purchase of training materials for each new firefighter attending the SIDS class.
2. A one-time, two-hour continuing education course for each existing firefighter employed by a local agency on January 1, 1990.
  - a) Trainee time to attend the two-hour class on SIDS.
  - b) Training fees for each veteran firefighter attending the SIDS class.
  - c) Purchase of training materials for each veteran firefighter attending the SIDS class.

**V. Claim Preparation and Submission**

Claims for reimbursement must be timely filed and identify each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable activity identified in Section IV of this document.

**SUPPORTING DOCUMENTATION**

Claimed costs shall be supported by the following cost element information:

**A. Direct Costs**

Direct Costs are defined as costs that can be traced to specific goods, services, units, programs, activities or functions.

Claimed costs shall be supported by the following cost element information:

**1. Salaries and Benefits**

Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the reimbursable activities performed and specify the actual time devoted to each reimbursable activity by each employee, productive hourly rate and related fringe benefits.

Reimbursement for personal services include compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g., annual leave, sick leave) and the employer's contribution of social security, pension plans, insurance and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities which the employee performs.

**2. Materials and Supplies**

Only expenditures that can be identified as a direct cost of this mandate may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate.

Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

### 3. Contract Services

Provide the name(s) of the contractor(s) who performed the services, including any fixed contracts for services. Describe the reimbursable activity(ies) performed by each named contractor and give the number of actual hours spent on the activities, if applicable. Show the inclusive dates when services were performed and itemize all costs for those services. Attach consultant invoices to the claim.

### 4. Travel

Travel expenses for mileage, per diem, lodging, and other employee entitlements are eligible for reimbursement in accordance with the rules of the local jurisdiction. Provide the name(s) of the traveler(s), purpose of travel, inclusive dates and times of travel, destination points, and travel costs.

### 5. Training

The cost of training an employee to perform the mandated activities, as specified in Section IV of this document, is eligible for reimbursement. Identify the employee(s) by name and job classification. Provide the title and subject of the training session, the date(s) attended, and the location. Reimbursable costs may include salaries and benefits, transportation, lodging, per diem, and registration fees.

### 6. Fixed Assets

List the costs of the fixed assets that have been acquired specifically for the purpose of this mandate. If the fixed asset is utilized in some way not directly related to the mandated program, only the pro-rata portion of the asset which is used for the purposes of the mandated program is reimbursable.

### B. Indirect Costs

Indirect costs are defined as costs which are incurred for a common or joint purpose, benefiting more than one program and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of central government services distributed to other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the OMB A-87. Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) for the department if the indirect cost rate claimed exceeds 10%. If more than one department is claiming indirect costs for the mandated program, each department must have its own ICRP prepared in accordance with OMB A-87. An ICRP must be submitted with the claim when the indirect cost rate exceeds 10%.

## **VI. Supporting Data**

For audit purposes, all costs claimed shall be traceable to source documents (e.g., employee time records, invoices, receipts, purchase orders, contracts, worksheets, calendars, declarations, etc.) that show evidence of the validity of such costs and their relationship to the state mandated program. All documentation in support of the claimed costs shall be made available to the State Controller's Office, as may be requested, and all reimbursement claims are subject to audit during the period specified in Government Code section 1755 8.5, subdivision (a).

## **VII. Offsetting Savings and Other Reimbursement**

Any offsetting savings the claimant experiences as a direct result of the subject mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected pursuant to Health and Safety Code section 1797.193, subdivision (c), federal funds and other state funds shall be identified and deducted from this claim.

## **VIII. State Controller's Office Required Certification**

An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the State contained herein.

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 1300 I Street, Suite 950, Sacramento, California 958 14.

On April 30, 1999, I served the:

*The Parameters & Guidelines Adopted by the Commission On State Mandates for the following claim:*

***CSM 4412 - Remand of Sudden Infant Death Syndrome Training for Firefighters***

Health and Safety Code Section 1797.192

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by placing a true copy thereof in an envelope addressed to each of the persons listed on the **mailing list**, and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully paid:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 30, 1999, at Sacramento, California.



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CHRISTINE WEIN