

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Penal Code Section 13515,

Statutes of 1997, Chapter 444; and

Filed on January 21, 1999;

By the City of Newport Beach

No. CSM 98-TC-12

*Elder Abuse Training*

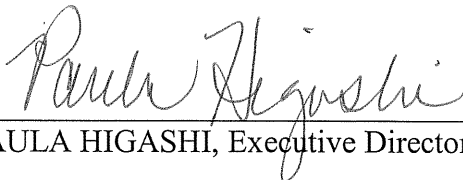
ADOPTION OF PARAMETERS AND  
GUIDELINES PURSUANT TO  
GOVERNMENT CODE SECTION 17557  
AND TITLE 2, CALIFORNIA CODE OF  
REGULATIONS, SECTION 1183.12

*(Adopted on May 24, 2001)*

**ADOPTED PARAMETERS AND GUIDELINES**

The attached Parameters and Guidelines is hereby adopted in the above-entitled matter.

This Decision shall become effective on May 25, 2001.

  
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PAULA HIGASHI, Executive Director

## PARAMETERSANDGUIDELINES

Penal Code Section 13515  
Statutes of 1997, Chapter 444

### ***Elder Abuse Training***

#### I. SUMMARY AND SOURCE OF THE MANDATE

Statutes of 1997, Chapter 444 enacted Penal Code section 13515, which 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.

On January 25, 2001, the Commission adopted its Statement of Decision that the test claim legislation constitutes a reimbursable state mandated program upon local governments within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 175 14 when:

- ⌘ The elder abuse training occurs during the employee's regular working hours; or
- ⌘ 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.

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.

#### II. ELIGIBLE CLAIMANTS

Counties, cities, and a city and county that employ police officers or deputy sheriffs are eligible claimants.

### **III. PERIOD OF REIMBURSEMENT**

Section 17557 of the Government Code states that a test claim must be submitted on or before June 30 following a fiscal year to establish eligibility for reimbursement for that fiscal year. On January 21, 1999, the City of Newport Beach filed the subject test claim. Statutes of 1997, Chapter 444 became effective on January 1, 1998. Therefore, costs incurred for Statutes of 1997, Chapter 444 are eligible for reimbursement on or after January 1, 1998.

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

If total costs for a given year do not exceed \$200.00, no reimbursement shall be allowed, except as otherwise allowed by Government Code, section 17564.

### **IV. REIMBURSABLE ACTIVITIES**

The activities specified below are reimbursable *only* 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 enactment date of the statute) that requires the local agency to provide or pay for continuing education training.

In either circumstance listed above, for each eligible claimant, all direct and indirect costs of labor, supplies and services, training and travel for the performance of the following activities, are eligible for reimbursement:

- 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 Government Code section 13515 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.

However, the costs of training city police officers or deputy sheriffs hired after September 24, 1997, the enactment date of the test claim statute, are not reimbursable because such officers can apply the two-hour elder abuse training course towards their 24-hour requirement .

### **V. CLAIM PREPARATION AND SUBMISSION**

Each claim 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 described in Section IV of this document.

## A. Direct Costs

Direct Costs are defined as costs that can be traced to specific goods, services, units, programs, activities or functions and 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, the productive hourly rate, and related fringe benefits.

Reimbursement for personnel services includes 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 contributions to social security, pension plans, insurance, and workers' compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee.

### 2. Materials and Supplies

Only expenditures that can be identified as direct costs 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. Submit contract consultant and attorney invoices with 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 point(s), and travel costs.

### 5. Training

The cost of training an employee to perform the mandated activities, as specified in Section IV of these parameters and guidelines, 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, registration fees, transportation, lodging, and per diem.

## **B. Indirect Costs**

Compensation for indirect costs is eligible for reimbursement. Indirect costs are those that have been incurred for **common** or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

Claimants have the option of using 10 % of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) pursuant to the Office of Management and Budget (OMB) Circular A-87.

## **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) 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 17558.5, 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, 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.

## **IX. PARAMETERS AND GUIDELINES AMENDMENTS**

Pursuant to Title 2, California Code of Regulations, section 1183.2, parameters and guidelines amendments filed before the deadline for initial claims as specified in the claiming instructions shall apply to all years eligible for reimbursement as defined in the original parameters and guidelines. A parameters and guidelines amendment filed after the initial claiming deadline must be submitted on or before January 15, following a fiscal year in order to establish eligibility for reimbursement for that fiscal year.