

**STATE OF LOUISIANA
DEPARTMENT OF CIVIL SERVICE
BATON ROUGE, LA.**

October 19, 2007

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**STATE PERSONNEL MANUAL
TRANSMITTAL SHEET
NO. 439**

To: HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

Subject: Amendments to Civil Service Rules 1.18, 8.14(a), 8.14(c), 8.14(d), 8.14(g), 6.5(a), 8.4(e), 1.10, 9.1(a)1, and Addition of Rule 9.1(h)

Issue Date: October 19, 2007

At its meeting on September 12, 2007 the State Civil Service Commission approved the proposed amendments to Rules 1.18, 8.14(a), 8.14(c), 8.14(d), 8.14(g), 6.5(a), 8.4(e), 1.10, 9.1(a)1, and the addition of Rule 9.1(h), effective September 12, 2007.

Please make the following changes in your Civil Service Rules:

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If there are any questions regarding the subject matter in this transmittal sheet, please call the Program Assistance Division at (225)342-8274.

Sincerely,

s/Anne S. Soileau
Director

- 1.17.1.1 'Job' means a homogeneous cluster of work tasks. Taken as a whole, the collection of tasks, duties and responsibilities constitutes the assignment for one or more individuals whose work is the same nature and which is performed at the same skill/responsibility level. This definition, for the purpose of these Rules, means the same as 'Class' (See Rule 1.6).
- 1.17.2 'Job Analysis' means a comprehensive, systematic breakdown that identifies the relevant components in a particular job through a detailed description of the work behaviors and tasks performed.
- 1.18 'Job Appointment' is a non-permanent appointment of an employee to fill a position in the classified service for a limited period of time. ***
- 1.18.1 'Job Evaluation' means a formal process which determines the relative value to be placed on various jobs within the organization.
- 1.18.2 'Job Specification' means a summary of the most important features of a job including the general nature of the work performed, specific task responsibilities, and employee characteristics (including skills) required to perform the job. A job specification focuses on the job itself and not any specific individual who might fill the job.
- 1.18.01 'Job Correction' means the change in the allocation of a position as a result of revisions to the job specifications and/or the allocation criteria.
- 1.19 'Layoff' means the separation of an employee from a position because of a lack of work or a lack of funds or the abolition of a position.
- 1.19.1 'Layoff Avoidance Measures' mean actions taken by an appointing authority and approved by the Director and/or the Commission to help prevent a layoff. These include: withholding of merit increases, reductions in work hours and furloughs. Another measure, one not needing Civil Service approval, is the required use of leave during agency closures as stated in Rule 17.1(b).
- 1.20 'Leave of Absence Without Pay' means time off from work without pay granted by an appointing authority or imposed by an appointing authority for an unapproved absence.
- 1.20.001 'Market Grade Job' means a job that is assigned a grade having a pay range more appropriate to the market rate for that job than the range assigned its evaluated grade.
- 1.20.002 'Merit Increase' means an adjustment to individual pay rate based on performance, or some other individual equity basis.

20.6

- 1.20.01 'Military Purposes' means the performance of continuous and uninterrupted military duty on a voluntary or involuntary basis and includes active duty, active duty for training, initial active duty for training, full-time National Guard duty, annual training and inactive duty for training (weekend drills).
- 1.20.02 Repealed, effective May 8, 1996.
- 1.20.03 Repealed, effective May 8, 1996.
- 1.20.04 'Minimum' means the interim minimum of a pay range, as stipulated in Chapter 19 until such minimum no longer exists.
- 1.20.1 REPEALED - EFFECTIVE JULY 12, 2000
- 1.20.1.1 'New Employee,' only for purposes of the performance planning and review system, means any employee who receives a new anniversary date upon entering or reentering the classified service.
- 1.20.2 'Official Domicile' means the following:
- a) The official domicile of an officer or employee assigned to an office, exclusive of temporary assignments, shall be the city in which the office is located.
 - b) The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the employee.
- 1.20.3 'Official Holiday' means either the employee's actual or designated holiday, whichever is selected by the appointing authority for overtime compensation purposes.
- 1.21 'Organization Unit' means any administrative agency or part thereof that is designated by rule or regulation hereunder as a unit for purposes of administering these Rules.
- 1.21.1 'Organizational Unit' for the purposes of layoff and layoff avoidance measures means the area subject to a layoff or layoff avoidance measure, as approved by the Director. It shall normally be one of the following:
- (a) One of the state Departments authorized in the Constitution.
 - (b) An office headed by a secretary, assistant secretary, or undersecretary, or an office established by law and headed by a comparable official having appointing authority over that office.

- (b) No applicant hired to a provisional appointment is eligible for another provisional appointment for a period of one year from the termination of the previous provisional appointment.
- (c) The appointing agency is responsible for providing the terms and conditions of the temporary provisional appointment to the applicant; and both the agency and applicant are jointly accountable for having the applicant tested.

8.13 Cancellation of Eligibility for Appointment.

- (a) The Director may cancel the employment eligibility of any applicant, or of any employee serving with other than permanent status following certification or employment if
 1. His employment in the classified service would be prohibited by law; or
 2. His conduct has been infamous or disgraceful or if he
 3. Is found to lack any of the qualifications prescribed as requirements for admission to the tests for the class for which he has applied or been examined or to which he has been appointed; or
 4. Is physically unfit to effectively perform the duties of a position of the class; or
 5. Is addicted to the habitual use of drugs or intoxicating liquors to excess; or
 6. Has been adjudged guilty by a court of competent jurisdiction of a crime involving moral turpitude; or
 7. Has been dismissed from the public service for delinquency or misconduct or has been permitted to resign in lieu thereof; or
 8. Has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or examination or otherwise in securing or attempting to secure eligibility for appointment for either himself or others; or
 9. Has been scheduled by the Director to compete in the examination for which he has made application and been so notified, and has failed to report for and compete in such examination.
- (a) An applicant whose employment eligibility has been cancelled under this Rule shall be notified promptly by the Director.

20.46 (Rule 8.13 Cancellation of Eligibility for Appointment - continued)

- (c) Having cancelled the employment eligibility of an employee in accordance with the provisions of this Rule, the Director shall so notify the employee and his appointing authority, and his appointing authority shall terminate his employment forthwith.

8.14 Job Appointment.

- (a) An appointing authority may use a job appointment to fill a position for a period not to exceed three years.

For rational business reasons, an appointing authority may request a longer term job appointment. The Commission may approve such requests or delegate approval authority to the Director.

An agency shall maintain written justification stating the reason for the job appointment, as well as justification for any extension requested and a copy of the approval. This rule is subject to Rules 17.16(b)4 and 17.26 concerning layoff-related job appointments.

- (b) REPEAL

- (c) Job appointments may be made:

1. In accordance with Rule 8.4(d) [range of eligible scores];
2. In accordance with Rule 8.9 [five highest grade groups];
3. On the basis of Rule 7.20 [non-competitive classes];
4. On the basis of Rule 8.18(a) [non-competitive reemployment eligibility];
5. In the absence of five available eligibles on an appropriate list, the Director may authorize the appointment of any person who possesses the qualifications as stated on the official specification for that job.

- (d) REPEAL AND REENACT IN RULE 8.14(c)

- (e) The Director may issue policy standards for the use of job appointments.

- (f) An appointing authority may terminate a job appointment at any time.

- (g) The Commission or Director may, at any time, cancel a job appointment and/or withdraw an agency's authority to make such appointments.

8.15 Transfer

- (a) Subject to the provisions of subsection (d) hereof, a permanent or probationary employee may be voluntarily transferred from any position in the classified service in one department to any position in the classified service for which he is qualified in another department upon the recommendation of the appointing authority of the receiving department, provided the employee meets the qualification requirements of the job to which he is transferring and has met Civil Service requirements for testing and competition.

CHAPTER 6

PAY PLAN

6.1 Philosophy.

The pay rates for the State's classified workforce will be established in accordance with a system that generally considers such factors as availability of applicants, the quality of the applicant pool, turnover rates, federal law, market competition, pay practices of market competitors, the evaluation system ranking, employee performance and level of funding available. The State will not be a market leader, but, for the most part, will follow the market as the value of jobs change.

6.2 Preparation of Pay Plan.

- (a) The Director, after consultation with appointing authorities and the state fiscal officer and after conducting such research as he may deem appropriate, shall cause to be prepared for submission to the Commission, a uniform pay plan, or amendments thereto, for the classified service. The Director may propose different rates of pay in different localities and areas of the state depending upon availability of applicants and other factors impacting compensation.
- (b) The Director shall make a recommendation to the Commission concerning a pay structure adjustment at least annually.

6.3 Adoption of Pay Plan.

- (a) Any Pay Plan, or amendments thereto, proposed by the Director shall be submitted to the Commission for its consideration at a public hearing called for this purpose.
- (b) The Civil Service Commission, upon adoption of a Pay Plan, shall specify the manner in which the Pay Plan is to be implemented.
- (c) A Pay Plan may include but not necessarily be limited to an adjustment to the pay structure, an increase of limited duration, a general increase and/or new, revised or abolished jobs.
- (d) A Pay Plan or amendment thereto, when adopted by the Commission after public hearing shall become effective only after approval in its entirety by the Governor.

6.3.1 Other Compensation.

An appointing authority desiring to provide compensation not specifically covered either by Chapter 6 of these Rules or by the classification and pay plan shall obtain approval from the Commission of a plan for providing such compensation, and shall obtain certification in accordance with Rule 6.13(a) prior to providing such compensation. The alteration of any such plan shall not be made without the prior approval of the Commission.

6.4 Rates of Pay in the Pay Plan Plus Base Supplement

- (a) The pay range for each job shall consist of a range minimum and maximum.
- (b) Subject to the provisions of Rules 6.11, 6.15, 6.16 and 17.11(a) and (b)2, each employee shall be paid at a rate within the range for the grade to which his position is allocated, or at a rate within the base supplement approved for his position in accordance with the provisions of Rule 6.16(f).

6.5 Hiring Rate.

Pay upon employment shall be at the minimum of the range established for the grade of the job to which the position is allocated except:

- (a) The pay of a probational, job, or provisional appointee shall not be reduced when the employee has served longer than 6 months, is earning more than the minimum for the job he occupies, and is then probationally appointed to a position in the same job, or a different job with the same maximum rate of pay, in the same department without a break in service. ***
- (b) Special Entrance Rates.

When economic or employment conditions cause substantial recruitment or retention difficulties, the Director may authorize the appointment of qualified applicants at a special entrance rate or may authorize the use of a special retention rate within the range, or within the range plus base supplement authorized for the position, for the job in a limited geographical area or for positions in a job where employment conditions are unusual.

1. The department or departments to which the special rate is made applicable having employees in the same job in the affected area or locale where the special rate will be used, shall increase the pay rate of all such employees to the special rate. All new hires shall be paid at the special entrance rate or special retention rate. An appointing authority may adjust the salaries of employees working in the positions to which the special entrance rate applies to any salary up to but not to exceed the amount of the percent difference between the special rate and the current hiring rate.

CHAPTER 8

CERTIFICATION AND APPOINTMENT

8.1 Methods of Filling Vacancies.

Vacancies in the classified service may be filled by original appointment or by promotion, reassignment, demotion, transfer, reinstatement following an appeal, restoration to duty following military service, or noncompetitive reemployment.

8.2 When it is proposed to fill a vacancy by original appointment, except restricted appointment, the appointing authority shall request the Director to certify the names of persons eligible for appointment, furnishing such information about the vacancy as may be necessary for the Director to make a determination as to those persons eligible for appointment.

8.2.1 From the date of the gubernatorial first primary election through Inauguration Day, specific approval must be obtained from the Director prior to making a permanent appointment to any position at or above one of the following pay ranges: GS-23, AS-620, SS-419, PS-115, WS-218, TS-315, unless the position has already been designated as a Shortage job, under Rule 7.20(d).

8.3 Anticipation of Need.

Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Director to determine who may be available for appointment and, if necessary, to establish a list of eligibles.

8.4 Certification of Eligibles.

- (a) The Director, in issuing certificates, shall certify to the appointing authority the names of the highest ranking eligibles from the appropriate list for the class of the vacant position.
- (b) The Director may establish zones of certification whereby eligibles residing in specific areas where the vacancies exist may be given preference over eligibles not residing in such areas.
- (c) Repealed, effective November 14, 1990.
- (d) The Director may establish a range of certifiable scores for certain jobs and, without issuing a certificate, permit competitive employment of applicants who have attained a score within that range.

20.40 (Rule 8.4 - Certification of Eligibles - continued)

- (e) An applicant who has obtained a baccalaureate degree from an accredited college or university with an overall grade-point average (GPA) of 3.5 or higher may be appointed probationally or by job appointment to any professional level job for which possession of the baccalaureate degree alone is sufficient to meet the Minimum Qualifications. An applicant may also be appointed under provisions of this rule to a job requiring experience beyond the baccalaureate degree when the job to which the applicant is appointed is a professional level journeyman or advanced journeyman job requiring up to but no more than three years of professional level experience beyond the degree. ***

In all cases, applicants appointed under this rule must meet the full Minimum Qualifications including the required degree plus any professional level experience required beyond the degree. However, applicants appointed under this rule do not need to take the Professional Entry Test (P.E.T.) or other written exam. They do not need a numerical score or need to have their names appear on a certificate.

When making an appointment under this rule, the hiring authority need only submit a personnel action form making a probational appointment and citing this rule as authority. For the appointment to be approved, the SF-1 must be accompanied by an official college transcript to verify the degree and 3.5 GPA and by an up-to-date application form (SF-10) to verify any required experience.

THIS RULE APPLIES ONLY TO PROBATIONAL APPOINTMENTS AND MAY NOT BE USED TO AUTHORIZE PROMOTIONS.

- (f) Applicants who possess a CPA (Certified Public Accountant) Certificate may be probationally appointed to any job using test series 1000 (Professional Accountant Test) or test series 1500 (Professional Auditor Test) without taking a Civil Service test. The CPA Certificate will be deemed an acceptable substitute for the Civil Service test score. However, persons appointed under this rule must meet all Minimum Qualification requirements of experience and education for the job to which they are appointed. In order to appoint someone under this rule, the hiring authority must submit:

- 1) a personnel action form (SF-1) citing Rule 8.4(f) as the authority
- 2) a current and complete application form (SF-10) to verify experience
- 3) an official transcript to verify required college semester hours in accounting
- 4) a copy of the CPA Certificate

THIS RULE APPLIES ONLY TO PROBATIONAL APPOINTMENTS AND MAY NOT BE USED TO AUTHORIZE PROMOTIONAL APPOINTMENTS.

- 1.9.01 'Commuting Area' means that geographic area in which employees are subject to competition for a layoff. It shall encompass either: 1) the parish of the abolished position(s), or 2) an expanded area which will be defined by the agency and will consist of the parish of the abolished position(s) plus one or more parishes bordering the parish of the abolished position(s).
- 1.9.02 'Compensation' means any salary, wages, fees, special pay considerations, or any other cash payment directly to an employee as a result of service rendered in any position. It shall not include reimbursement for travel incurred in the performance of official duties nor the authorized assignments on utilization of automobiles, houses or other movable property of the state or other governmental entity.
- 1.9.1 'Continuing Position' means an office or position of employment in the Classified Service which reasonably can be expected to continue for more than twelve months.
- 1.10 'Continuous State Service' means continuous employment in a classified position. ***
Such service includes any authorized leave of absence; a separation by layoff of not more than one year when reemployment is from a department preferred reemployment list; separation without a break in service of one or more working days; or separation for active military service in the armed forces of the United States where reemployment is in accordance with the provisions of Civil Service Rule 8.19.
- 1.11 'Demotion' means a change of a permanent or probationary employee from a position in one job to a position in another job which is assigned to a pay grade with a lower maximum.
- 1.12 'Department' means any legally constituted agency, board or commission whose employees are in the 'State Service' as defined by the Article.
- 1.13 'Department Preferred Reemployment List' means a list of permanent employees who have been laid off or demoted in lieu of layoff. Employees on such a list are given preferential hiring rights in the department or agency affected by a layoff.
- 1.13.01 'Designated Holiday' means a holiday or part of a holiday an employee observes, in lieu of a regular holiday observed by his agency, because the regular holiday or a portion thereof, fell on the employee's regular day off.
- 1.13.1 'Detail to Special Duty' means the temporary assignment of an employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned, without prejudice to his rights in and to his regular position.
- 1.14 'Director' means the Director of the Department of Civil Service.
- 1.14.01 'Dismissal' means the separation from employment for disciplinary reasons.

20.4

- 1.14.1.1 'Dual Career Ladder' means a set of one or more non-supervisory jobs in a job series which receives higher pay than traditional non-supervisory jobs because they require performance of higher level, more complex duties and possession of advanced, specialized skills. The purpose of the dual career ladder is to provide another route of advancement for employees as an alternative to promotion to supervisory or managerial positions.
- 1.14.1 'Discrimination' means consideration of religious or political beliefs, sex, race, or any other non-merit factors.
- 1.14.2 'Efficiency Rating' means the official overall rating assigned to an employee in accordance with Chapter 10 of these rules.
- 1.15 'Eligible' means any person who, after receiving a final passing rating in a Civil Service examination, is currently on an eligible list.
- 1.15.01 'Employee' for the purpose of these rules, does not include any employee of a temporary staffing services firm on contract with the State.
- 1.15.1 'Employee Affected by a Layoff' means one who has experienced one of the consequences of a layoff such as separation, displacement, demotion, reassignment, or change in duty station.
 - 1.15.1.1 'Exempt' is a term referring to those groups of employees that are exempt from the overtime provisions of the Fair Labor Standards Act.
 - 1.15.2 'Furlough' means a period of leave without pay required of employees by an appointing authority in order to avoid a layoff.
 - 1.15.2.1 'General Increase' means an across the board wage and salary increase designed to bring pay in line with increases in the cost of living.
 - 1.15.2.2 'Hiring Rate' means the beginning rate at which persons are hired into a job.
 - 1.15.2.3 'Individual Pay Rate' means the rate of pay assigned to a given individual. Individual pay rates may vary on the same job as a function of base supplement, of service in grade, performance or some other basis for establishing variation.
- 1.15.3 Repealed, effective May 8, 1996.
- 1.16 Repealed, effective September 7, 1982.
- 1.17 Repealed, effective March 15, 1966.
 - 1.17.1 Repealed, effective January 1, 1975.

CHAPTER 9

PROBATIONARY PERIOD

9.1 Probationary Period.

- (a) Probationary periods of no less than six months or more than twenty-four months shall be served by employees following appointments to:
1. Permanent positions following certification from an open competitive eligible list *** except as provided in Rule 9.1(h).
 2. Original appointments to permanent positions in non-competitive classes.
 3. Non-competitive re-employments based on prior service, except as provided in Rules 17.25(a) and 9.3.

The probationary period shall be an essential part of the examination process and shall be used for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required standard of work.

- (b) A permanent employee who is promoted, transferred, reassigned or demoted to another position shall not be required to serve a probationary period in the new position.
- (c) A permanent or probationary employee who is appointed to another position following certification from an open competitive eligible list is considered a new employee in the new position and shall serve a probationary period no less than six months or more than twenty-four months in such new position.
- (d) A probationary employee who is permanently transferred, reassigned, or demoted to another position shall be eligible for permanent status in the new position between the sixth and twenty-fourth month of the probationary period which began prior to the change in position(s).
- (e) A probationary employee may be separated by the appointing authority at any time.
- (f) A former employee who is appointed from a department preferred reemployment list is not required to serve a probationary period in the new position, unless the position is one that can be filled only by a probationary appointment, in accordance with Rule 8.10.1(b).
- (g) The probationary period of a part-time employee shall be computed on the same calendar basis as though he were employed full time.

20.50 (Rule 9.1 – Probationary Period – continued)

- (h) An employee who has served at least 24 months in a job appointment with no break in service may be appointed to the same position, or a position in the same job title, in the same agency without serving a probationary period. ***

9.2 Permanent Appointment Action Following Probationary Period.

- (a) Permanent appointment of a probationary employee shall begin upon certification by the appointing authority that the employee has met the required standard of work during the probationary period.
- (b) A permanent appointment must be reported to the Director in the manner he prescribes.
- (c) The appointing authority shall separate employees who have not been certified as permanent at the end of the twenty-four month probationary period in accordance with the provisions of Rule 9.1(e).

9.3 Interruption of Probationary Period for Military Purposes.

A probationary employee who is absent for military training or military active duty in excess of thirty consecutive calendar days, shall be returned to duty in the probationary status at the point he reached in the probationary period before leaving. Absences of thirty consecutive calendar days or less shall be counted as part of the probationary period.

9.4 Repealed.

- 9.5 An employee cannot attain permanent status or acquire other rights and benefits of permanent appointment for more than one full-time equivalent position in State service.