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GENERAL CIRCULAR NUMBER 2012-029

DATE: November 14, 2012

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Public Hearing to consider adoption of proposed amendments to Civil Service Rules 1.19.1, 1.24.01, 5.6.1, 17.6, 17.15, 17.18, 17.23, 23.4 and 24.2; to repeal 1.20.002, 1.20.1.1, 2.16 and 6.14.1; And to adopt 1.24.004

The State Civil Service Commission will hold a public hearing at 9:00 a.m. on Wednesday, December 12, 2012 to consider adoption of the proposed amendments to Rules 1.19.1, 1.24.01, 5.6.1, 17.6, 17.15, 17.18, 17.23, 23.4 and 24.2; to repeal 1.20.002, 1.20.1.1, 2.16 and 6.14.1; And to adopt 1.24.004.

The hearing will be held in the Louisiana Purchase Room of the Claiborne Building, 1201 North Third Street, Baton Rouge, Louisiana. Individuals who wish to comment on this proposal may do so at the public hearing, by writing to the Director of the Department of State Civil Service at Post Office Box 94111, Baton Rouge, Louisiana, 70804-9111, or by e-mailing the Civil Service Commission at civilservicecommission@la.gov. If any accommodations are needed, please notify the Department at (225) 342-8272 prior to the meeting.

These rules are being proposed to assure that all of the rules conform to the new language of the Performance Evaluation System adopted in the new Chapter 10 and the change in Rule 6.14 of the adoption of "Performance Adjustments" in lieu of "Merit Increases." Current rules are shown below with the changes proposed indicated. Proposed new language is shown in bold, underlined font; language proposed for deletion has been stricken through.

Chapter One Changes

1.19.1 '**Layoff Avoidance Measures**' means actions taken by an appointing authority and approved by the Director and/or the Commission to help prevent a layoff. These include: not granting merit-increases **performance adjustments**, granting reduced merit-increases **performance adjustments**, reductions in work hours, furloughs and retirement incentives. Another measure, one not needing Civil Service approval, is the required use of leave during agency closures as stated in Rule 17.10.

1.20.002 '~~Merit Increase~~' means an adjustment to individual pay rate based on performance, or some other individual equity basis. **Repealed effective December 12, 2012.**

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. **Repealed effective December 12, 2012.**

1.24.004 Performance Adjustments - means an adjustment to individual pay rate based upon performance, or some other individual equity basis.

1.24.01 '~~Performance Appraisal Rating Evaluation~~' means the overall rating of an employee, made in accordance with the performance appraisal **evaluation** system established by these Rules.

Chapter Seventeen Changes**17.6 Merit Increases Performance Adjustments**

When an appointing authority determines that it is necessary not to grant or to reduce merit-increases **performance adjustments** in order to avoid or reduce layoffs, his request is subject to the following:

- (c) Employees whose merit-increases **performance adjustments** are affected by this measure shall retain their eligibility for such increases for a three-year period. Such eligibility shall be lost if during that period the employee receives an official rating **evaluation** of "poor" or "needs improvement." **"needs improvement/unsuccessful."**

17.15 Determining the Employees Who Will Be Laid Off or Relocated

- (b) Employees who received a ~~“poor” or “needs improvement”~~ **“needs improvement/unsuccessful”** on their last official Performance Planning and Review rating ~~System~~ **Evaluation System evaluation** shall be laid off first. For purposes of layoff determination, the last official ~~rating~~ **evaluation** shall refer to an ~~rating~~ **evaluation** received no fewer than 60 days prior to the effective date of the layoff.

17.18 Relocation Provisions

- (a) Rights to relocate to a vacant position created as the result of a layoff shall be granted only to permanent employees whose most recent official performance ~~rating~~ **evaluation** is ~~“meets requirements”~~ **“successful”** or higher.
- (b) A permanent employee, who accepted a new probational appointment without a break in service for a trial period may be, at the option of the appointing authority, considered as having permanent status for the purpose of layoff.
- (c) For purposes of this rule, an employee with an ~~rating~~ **evaluation** of “unrated” ~~or~~ **“not evaluated”** shall be considered as having an ~~rating~~ **evaluation** of ~~“meets requirements”~~ **“successful”** for that ~~rating~~ **evaluation** period.

17.23 Department Preferred Reemployment List

- (c) Employees not eligible for this list include:
1. those who moved to a lateral position;
 2. employees who declined a movement offer within their organizational unit, commuting area and career field;
 3. those whose most recent official performance ~~rating~~ **evaluation** at the time of layoff was ~~“needs improvement” or “Poor”~~ **“needs improvement/unsuccessful”**;
 4. non-permanent employees; and/or
 5. those who have retired from state service.

Chapter Twenty-three Changes

23.4 Promotion

- (c) No employee who has a current official overall Performance Planning and Review rating of ~~“Poor” or “Needs Improvement”~~ **“needs improvement/unsuccessful”** shall be promoted.

Chapter Twenty-four changes

Rule 24.2 - Status of Non-classified Employees Whose Positions are Declared to be in the State Classified Service or are Acquired by a State Agency

- (g) An employee who enters the State classified service in accordance with this Rule shall have his/her eligibility for ~~merit increases~~ **performance adjustments** under Rule 6.14 and leave earning determined based on the original date of appointment with his/her current or former employer and, upon appointment in the State classified service, ~~shall not be treated as a new employee under the provisions of Rule 6.14.~~ However, the Director may approve existing annual eligibility dates for all employees of an entity acquired under this rule, that already had a well-established merit pay policy.

When Rule 5.6.1 was drafted, an unfortunate error was made in the DPRL eligibility section of the rule. The same language was used in Rule 5.6.1 as is used in Rule 17.23, seemingly affording employees affected in a Business Reorganization reemployment rights to the same job title the employee held at the time of the reorganization and equivalent or lower-level jobs for which the employee qualifies in his career field. This is an unintended interpretation and we wish to address this contraction via the following changes to Rule 5.6.1.

5.6.1 Effect of Business Reorganization on Encumbered Positions

- (g) Employees whose positions are moved into a lower job classification as a result of the business reorganization shall be eligible to be placed on a Department Preferred Reemployment List (DPRL). Employees on such a list shall be given preferential hiring rights for their department or agency for the job which they occupied prior to the implementation of the business reorganization. Employees shall be ranked in order of length of state service. The employee with the most state service for a given job and parish shall be given the first offer.

1. Eligibility shall be limited to:

- c. the same job title the employee held prior to the implementation of the reorganization ~~and equivalent or lower level jobs for which the employee qualifies in his career field;~~

~~f. An employee whose position is allocated down shall only be eligible for jobs down to, but not including, those in the pay range to which he has been placed.~~

2. An employee shall be removed from applicable list(s) when:

- a. He is offered a permanent position from the DPRL. ~~His name shall be removed for that job as well as other equivalent or lower jobs, but he shall remain on the list for higher jobs for which he is eligible.~~
- b. He declines or fails to respond to an offer. ~~His name shall then be removed for that job, equivalent jobs, and all lower jobs.~~

4. If the job held by the employee immediately prior to the implementation of the reorganization undergoes a change in the minimum qualification requirements or the title or pay range is changed (including one that is changed upward) after the reorganization, at the request of the employee, he may have his name placed on the list for the newly-revised job title. ~~and equivalent and lower level jobs in his career field.~~ He shall not be required to meet the new qualifications if sufficient evidence is presented to the Director to show, as determined by the Director that he is returning to a job having essentially the same duties he was performing when affected by the reorganization, unless the lacking qualification is one required by law or under a recognized accreditation program.

Rules to abolish effective December 12, 2012

Rule 2.16 in chapter 2 deals with the extension and suspension of deadlines. This rule was adopted during the aftermath of Hurricanes Katrina and Rita in 2005. This rule is now obsolete by operation of time and the Department of State Civil Service proposes repealing this rule.

~~2.16 Suspension of deadlines terminated; extension of deadlines~~

~~(a) The suspension of deadlines provided for by emergency rule 2.15 shall terminate effective January 12, 2006.~~

~~(b) Except as provided in subsection (c), all deadlines that would have lapsed between August 29, 2005 and January 11, 2006^(H) are extended to February 13, 2006.~~

~~(c) As to actions pertaining to employees whose work or home domicile on August 29, 2005, was in Cameron, Jefferson, Orleans, Plaquemines, St. Bernard and Vermilion Parishes, all deadlines that would have lapsed or will lapse between August 29, 2005 and May 31, 2006 are extended to June 1, 2006.~~

~~(d) This rule does not apply to the deadlines in rules 13.36(b)2 and 13.37, which are established by the state constitution.~~

~~[1] This date was miscalculated. It should have been February 12, 2006. The error leaves an unintended gap.~~

2.16 – Repealed effective December 12, 2012

Rule 6.14.1 was adopted as a result of the economic down turn in 2010. This rule is now obsolete by operation of time and the Department of State Civil Service proposes repealing this rule.

~~6.14.1 Temporary Suspension of Merit Increase Authority~~

~~All provisions of the Merit Increase Rule shall be suspended for the period of July 1, 2011 through June 30, 2012. During this period of suspension, no appointing authority may grant a merit increase to any employee nor may any employee gain eligibility for a merit increase.~~

6.14.1 - Repealed effective December 12, 2012

Sincerely,

Shannon S. Templet
Director