Chapter 15: Effecting and Reporting Actions

Overview

This chapter is short, but its rules are very powerful. They define two critical areas of legal authority:

The **appointing authority's legal obligation** to ensure that the agency's actions comply with the Civil Service Rules and directives and to maintain records that document this.

The **Director's authority** to issue instructions that agencies must follow, including reporting and record-keeping procedures.

State Civil Service altered the method used to review personnel actions for compliance with the provisions of Article X of the Constitution, the Civil Service Rules, the Uniform Classification and Pay Plans and the policies and procedures issued by the Director. The new method decentralized both the processing of personnel and position actions and the maintenance of associated documentation. The alteration allowed agencies the ability to effect most personnel and position actions without obtaining prior approval from the Director. Civil Service provides a review of such actions after their effective dates.

Because public funds are used to pay state employees, both appointing authorities and employees are specifically required to certify the truth and accuracy of payroll records. These rules also establish standard payroll periods and timeframes for payment to employees.

These rules allow an appointing authority to change a personnel action up until its effective date. But to change an action after its effective date, the agency must obtain permission from the Director. If an agency takes an action that does not comply with the rules, the Director can order the agency to correct or reverse it.

This chapter also designates certain records as confidential and therefore not subject to public review. Most other records of personnel actions are subject to the Public Records Act.

HR Impact

Accurate record-keeping is a critical responsibility of any HR office. With the decentralization of personnel transactions, agencies are allowed to report personnel transactions electronically instead of by means of paper forms. It is imperative for HR staff to maintain records that are accurate, accountable and can withstand review by SCS staff as well as the Legislative Auditor. Agencies must adhere to reporting actions within 30 calendar days from the effective date of the action and must be able to certify that these actions comply with Article X of the state constitution, the Civil Service Rules, the Uniform Classification and Pay Plans and the policies and procedures issued by the Director.

Rule-By-Rule Review

Rule 15.1 Effecting and Recording Actions

(a) This rule authorizes appointing authorities to effect actions without the prior approval of the director, provided these actions fully comply with Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and the policies issued by the Director. These requirements form the basis for the decentralization of the processing of personnel transactions.

(b) This rule requires the Director to specify the records the agencies must maintain and the length of time they must maintain them.

(c) This rule requires appointing authorities to maintain a system of internal controls which prevent fraud and ensures that all actions taken comply with Article X, the Civil Service Rules, the Uniform Classification and Pay Plans and the policies and procedures of the Director. This requirement is similar to normal internal controls as required by the Legislative Auditor.

Rule 15.2 Certification of Payroll and Attendance

This rule requires certification by an appointing authority or his designee, along with the employee to certify that the employee actually worked or was on leave during the payroll period.

Rule 15.2.1 Payroll Periods and Timely Issuance of Paychecks Due to Classified Employees

(a) This rule places responsibility with the appointing authority, the Commissioner of Administration on behalf of the Uniform Payroll System, or the head of any other payroll system responsible for issuing payroll checks to classified employees for establishing weekly, bi-weekly, semi-monthly or monthly payroll periods. If a different payroll cycle is required, the Director must provide approval.

(b) This rule requires paychecks due to classified employees to be issued within seven days of the end of the pay period unless approved by the Director.

(c) This rule establishes the disbursement date for all market adjustments granted to classified employees.

NOTE: This rule was promulgated to establish authorized pay periods and to prevent unduly long lags between the end of pay periods and the issuance of paychecks. The most recent amendment revised subsection (c) which established a statewide disbursement date to employees eligible to receive a market adjustment.

Rule 15.3 Reporting and Certifying Actions

(a) This rule provides for the Director to determine which actions and status changes are to be reported to State Civil Service and that these actions and changes must be reported within 30 calendar days of their effective date.

(b) This rule requires that the appointing authority, or his designee certify that each action taken under his authority complies with Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and policies and procedures issued by the Director. This certification serves as authorization for payment to the employee as long as the employee remains in a pay status.

NOTE: This rule coincides with the decentralization of personnel transactions, and the amendments to the rule, which eliminated the requirement for agencies to report personnel transactions by means of paper forms, and established the requirement to report transactions within 30 calendar days of the effective date. The changes also eliminated the requirement for pre-approval by the Director in order to pay the employee. Instead, agencies were required to certify that personnel actions conformed to Article X, the Civil Service Rules, the Uniform Classification and Pay Plans and the policies and procedures issued by the Director.

Rule 15.4 Required Director's Approval of Action

This rule clarified the Director's authority to require pre-approval of certain personnel transactions after the effective date of decentralization of authority.

Rule 15.5 Leave Records

This rule requires each appointing authority to install and maintain a leave record for classified employees. Records that must be maintained are:

- Annual leave earned, used and unused;
- Sick leave earned, used and unused; and
- Any special leave with or without pay.

This record will be the necessary documentation to support and justify the certification of authorized leave with pay.

NOTE: In the March 2001 ISIS HR Payroll Implementation, the Director allowed agency automated systems to manage leave accrual, usage and reporting for state classified employees. The specific HRIS must contain programming that provides for accrual and usage in accordance with Civil Service Rules. The documentation of such leave usage may be used to support and justify payroll records for state classified employees.

Rule 15.6 Review of Records

This rule clarified the Director's authority to examine records to assess compliance with Article X and these rules.

Rule 15.7 Actions on Violation of the Rules

This rule was established to provide for the Director to take any corrective action necessary or direct the appointing authority to take corrective action when the personnel transaction is in violation of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans or policies and procedures. The rule provided that corrective action could include rescinding any action and the associated compensation or restitution to the employee.

Rule 15.8 Official Roster

This rule requires the Director to maintain an official roster of all classified employees of all departments. This information is provided to the Legislature.

NOTE: Although it is not mentioned in this Rule, La. R.S. 42:291 requires State Civil Service to maintain similar records for all unclassified employees and to regularly publish reports on both classified and unclassified employees.

Rule 15.9 Records of the Department of State Civil Service

(a) This rule provides for the Department of State Civil Service to be the depository of the records of the Department and the Commission.

(b) This rule indicates that all records of the Department or Commission are public records and are subject to the provisions of the Public Records Act except for those listed in subsection (c).

(c) This rule indicates those records deemed to be confidential:

1. Investigation correspondence and data related to the moral character and reputation of an applicant or employee in the classified service.
2. Examination materials, questions, data, examination papers and records relating to exams and tests constructed, maintained and administered by the Department.
3. Files, statements, reports, correspondence and other information related to an investigation of violations of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, or policies and procedures issued by the Director, unless the Director issues some type of corrective action.
4. Information collected in the course of a salary survey that identifies private corporations with the actual salary rates and practices of that organization or that reveal characteristics that would allow someone to determine the name of the corporation.
5. The content of any decision of a Referee or the Commission before a decision is rendered.

Rule 15.10 Modifications of Personnel Actions

The rule starts by stating that personnel actions on appeal may only be rescinded or modified with the approval of the Commission or a Referee. Otherwise, the rule states that before the effective date of a personnel action, an appointing authority on its own may rescind or modify the action, except that after the action's effective date, the action can only be rescinded or modified with approval of the Director.

(a) An appointing authority may rescind or modify an action before the effective date of the action.

(b) An appointing authority may only rescind or modify an action after its effective date if he has obtained the Director's approval to do so.

Rule 15.11 Forms and Procedures

The Director may require agencies to use certain forms and to follow certain procedures in order to carry out the provisions of the Civil Service Article and these rules.

NOTE: This rule grants the Director the authority to require agencies to use certain forms and to follow certain procedures in order to carry out the provisions of the Article and the rules. This is the authority behind the "Documentation and Reporting Requirements" and other directives issued by the Director.

Job Aids and Resources

Documentation and Reporting Requirements

- Employee Reporting Requirements
  - Methods of Reporting and Data Items
  - Unclassified Employee Reporting
  - Classified Employee Reporting and Approval
  - Employee Notification
  - Employee Notification Form Sample
- Pay Reporting Requirements
- Documents Sent TO State Civil Service
- Documents Maintained by the Agency
  - General Requirements
  - Position Actions – Specific Requirements
  - Employee Actions – Specific Requirements
  - Employee File – Confidential and Public Records
  - Required Documentation for Classified WAE Positions

Certification of Compliance

- Appointing Authority Approval – Compliance Certification – Internal Controls Chart

- Certification of Compliance of Personnel Actions with Civil Service Law – Sample Policy
- Appointing Authority – Full Authority Delegation
- Appointing Authority – Partial Authority Delegation
- FAQs – Appointing Authority
- Documentation of Who has Appointing Authority

Public v. Private Information

Entry Guidelines for LaGov HCM Information

- LaGov HCM – LaGov Actions vs. Personnel Actions
- Entry Guidelines for LaGov HCM

Access to Documentation

FAQs – Fixing Mistakes

FAQs – Keeping Applicant Flow Records

Retention Schedule

Template – Request to Rescind/Modify an Action