State of Louisiana
State Civil Service Commission
Baton Rouge, La.

Civil Service Rules

Enacted pursuant to the authority vested in the State Civil Service Commission by Article X, Section 10, of the Constitution of the State of Louisiana.

Civil Service Rules

The Civil Service Rules govern personnel practices and are binding for state classified employees in all state agencies and departments. These Rules are adopted and amended in open hearings by the State Civil Service Commission. Authority for the rules is derived from Article X of the Louisiana State Constitution.

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Chapter 1: Definitions of terms used in the rules

The following words and phrases when used in these Rules shall have the following meaning —

1.1 'Abandonment of Position' means the desertion by a Classified employee of his position.

1.1.1 Repealed effective July 1, 2010.

1.1.2 'Action' means a personnel transaction effecting a change to a persons employment or to a position.

1.2 'Allocation' means the determination of the job title for a position.

1.3 Repealed effective January 1, 1975.

1.3.1 'Annual Leave' is leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.

1.4 'Appointing Authority' means the agency, department, board, or commission, and the officers and employees thereof authorized by statute or by lawfully delegated authority to make appointments to positions in the State Service.

1.5 'Appointment' means an offer by an appointing authority to a qualified person of employment in a classified position and the acceptance of such offer.

1.5.01 'Article' or 'Civil Service Article' means Article X, Part I of the Constitution of the State of Louisiana of 1974, ratified by the electorate of Louisiana.

1.5.01.1 'Base Pay' means the employee's hourly rate (including rate within base supplement) and any supplemental pay authorized by the Article. Base pay shall not include any overtime, per diem, shift differential, payment in kind, premium pay, one-time lump sum payments, or any other allowance for expenses authorized and incurred as an incident to employment. For purposes of these rules, "pay" means base pay.

1.5.02 'Base Supplement' means additional pay above the range maximum, when authorized by the Commission and approved by the Governor under limiting factors (e.g., by job titles, geographic areas, organizations, etc.) it deems appropriate when market and employment conditions require such supplement in order to maintain competent and experienced staff, which is treated as a part of base pay.

1.5.1 'Bona Fide Student' means a person enrolled in an accredited high school, college or university in the State, or a person enrolled in a State-operated technical college, in a sufficient number of courses and classes in such institution to be classified as a full-time regular student under the criteria used by the institution in which he is enrolled; or a person enrolled in an off-campus college work-study program in a proprietary institution of higher education as defined in Section 102(b) of the Higher Education Act of 1965, as amended. Less than full time students may be considered for employment as bona fide student employees only for work performed under the Federal Work-Study Program. A bona fide student shall retain his status during breaks, which occur in the course of or between sessions, including summer breaks. In addition, colleges and universities may employ their own full-time and part-time students as bona fide students.

1.5.2 'Career field' means any one of a job series or group of positions considered to have a close occupational relationship and categorized as such by the Department of State Civil Service. A career field shall include a job series, or series of jobs that were created to provide a natural progression. The career field(s) used by an agency in a layoff shall be the career field(s) in the official career field listing before the layoff plan is received by the Department of State Civil Service.

1.5.2.001 'Career Progression Group' means two or more job titles that have been banded into a defined group, typically within the same job family or series. Movement is based on a consideration of performance, competency, skill, duty assignments, and experience.

1.5.2.01 'Cause' means conduct which impairs the efficient or orderly operation of the public service.

1.5.2.1 Repealed effective February 16, 2009.

1.5.3 'Change in Position' for the purpose of the performance evaluation system, means either a voluntary demotion or the assignment of an employee to another position in the same or a different job with significantly different duties from those of the position he previously held, or the movement of an employee to another position in another agency.

1.5.11 'Business Reorganization' is the strategic effort of an appointing authority to structure or redesign the resources of an organizational unit to more efficiently and effectively achieve its mission. For purposes of these rules, business reorganization shall not result in a reduction of the total number of employees in the organizational unit upon implementation.

1.6 Repealed effective July 1, 2010.

1.6.1 Repealed effective July 1, 2010.

1.7 'Classified Position' means any office or position in the Classified Service.

1.8 'Classified Service' means all persons holding positions in state service except those exempted by or under Section 2 of the Article.

1.9 'Commission' means the State Civil Service Commission.

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 Classified 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 23.15.

1.11 'Demotion' means a change of an employee from a position in one job title to a different position allocated to another job.

1.11.1 Repealed effective July 1, 2013.

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 relocated downward in accordance with Chapter 17, or permanent employees who have been reallocated downward as a result of a business reorganization in accordance with Rule 5.6.1. 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 State Civil Service.

1.14.01 'Dismissal' means the separation from employment for disciplinary reasons.

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 Repealed effective July 1, 2010.

1.15 Repealed effective February 16, 2009.

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 separation or relocation as a consequence of a layoff.

1.15.1.01 Repealed effective July 1, 2013.

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.

1.15.1.2 Repealed effective December 11, 2013.

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.

1.15.2.1.01 Repealed effective July 1, 2013.

1.15.2.2 Repealed effective July 1, 2010.

1.15.2.3 Repealed effective July 1, 2010.

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.

1.17.1.1 'Job or Job Title' means the descriptive name for the total collection of tasks, duties, and responsibilities assigned to one or more individuals whose positions have the same nature of work at the same level.

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.

1.18.1.01 Repealed effective July 1, 2013.

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' 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 performance adjustments, granting reduced 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 '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.

1.20.0001 Repealed effective July 1, 2013.

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 Repealed effected December 12, 2012.

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 Repealed effective July 1, 2010.

1.20.05 'Minimum Qualifications' are minimum requirements established by the Director and included on the job specification necessary for appointment to a classified job unless specifically waived elsewhere in these rules.

1.20.1 Repealed effective July 12, 2000.

1.20.1.1 Repealed effective December 12, 2012.

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.

1.20.4 'On-call Pay' means a nominal amount of compensation provided in return for an employee being available to report to work outside of his or her regular work schedule at the appointing authority's discretion.

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.

(c) An institution with an appointing authority and supporting services such as a hospital or school.

(d) A separate state agency or one that is housed in a department but has a separate appointing authority, separate identity, a distinct mission and powers granted by statute. Such agencies include those transferred under statute, each of which continues to exercise all of the powers, duties, functions and responsibilities authorized by the Constitution or laws. The functions of such agencies are exercised independently of the secretary and any assistant secretary.

(e) A program, activity or unit within a state department, office or institution.

1.22: 'Original Appointment' means appointment of a person to a classified position by probationary or job appointment.

1.23 Repealed effective June 29, 1987.

1.24 'Pay Plan' is the schedule of pay ranges assigned to each classification in the classified service.

1.24.001 Repealed July 1, 2010

1.24.002 'Pay Structure' means the organization of pay grades and ranges established for jobs within the classified service.

1.24.003 'Pay Structure Adjustment' means a change in the range minimums and maximums for all grades. The purpose is to maintain a general competitive level with the market for recruitment purposes and is generally accomplished without increases to individual pay rates.

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 Evaluation' means the overall rating of an employee, made in accordance with the performance evaluation system established by these Rules.

1.24.02 'Performance Standard' means a statement or description of observable conditions that define the levels of performance for each major task or duty area.

1.24.02.1 'Perquisites' means any tangible privilege or gain beyond salary and entitlements provided to administrators, faculty or other employees, including but not limited to housing allowances, car allowances, spousal travel, insurance, and club memberships.

1.24.03 'Personnel Action' means a personnel transaction effecting a change to a persons employment or to a position.

1.24.1 'Political Activity' means an effort to support or oppose the election of a candidate for political office or to support or oppose a particular party in an election.

1.25 'Position' means a set of duties requiring the services of one employee.

1.25.01 'Position Change' for the purposes of types of appointment means the movement of a classified employee from one position number to another position number with the same job title.

1.25.1 'Preference Employee' is an employee who on the effective date of his/her transfer pursuant to Rule 24.1 would be entitled to veteran's preference in accordance with Rule 22.7 as if he/she was applying for original appointment on that effective date.

1.25.2 Repealed effective July 2, 1986.

1.26 Probationary Appointment' means appointment of a person to serve a working test period in a position.

1.26.1 'Progress Review' means a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in the area of performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.

1.27 'Promotion' means a change of a permanent status employee to a different position allocated to a higher job.

1.28 'Promotional List' means a list, established in conformity with these Rules, of permanent employees who have demonstrated their fitness for a position of a higher grade by successfully passing an examination for such higher job position and are eligible for promotion within the same department or transfer and promotion from another department.

1.29 Repealed effective February 16, 2009.

1.30 'Public Hearing' means a hearing held after public notice of at least 24 hours, at which any person may have a reasonable opportunity to be heard, in accordance with such rules and regulations as may be adopted by the Commission.

1.31 Repealed effective March 15, 1966.

1.32 'Reallocation' means a change in the allocation of a position from one job to another.

1.33 'Reassignment' means the change within the same department of a probationary or permanent employee from a position in one job to another position in a different job, both jobs of which have the same maximum rate of pay.

1.33.01 'Red Circle Rate' is an authorized pay rate that exceeds the maximum of the range or base supplement.

1.33.02 'Reduction in Pay' means an action taken for disciplinary reasons whereby an employee's individual pay rate is reduced but the employee remains in the same job.

1.33.1 'Reemployment' means the noncompetitive appointment of a person based on permanent status attained in former employment in the Classified Service.

1.34 'Regular or Permanent Appointment' means the status attained by a classified employee upon the successful completion of his probationary period.

1.35 Repealed effective March 15, 1966.

1.36 'Reinstatement' means the restoration of an employee to pay and duty status with all benefits of employment.

1.37 'Removal' means the separation from employment for non-disciplinary reasons as provided in Rule 12.6.

1.37.1 'Reserve Component'-Consists of members of the National Guard and Reserves of all Branches, officers and enlisted personnel, who perform active duty, active duty for training or inactive training duty.

1.38 'Resignation' means the separation from employment at the employee's request.

1.38.1 Repealed effective July 1, 2013.

1.38.2 'Retitle' occurs when the revision in the job specifications results in a change in the job title.

1.38.3 'Selective Certification' means a special job-related qualification standard that is approved by the Director for a specific position number and consists of a narrowing of or addition to the established Minimum Qualifications but in no way reduces the Minimum Qualifications, i.e., an applicant must meet both the Minimum Qualifications and the Selective Certification to be appointed.

1.39 'Service Rating' means the individual rating of an employee, made in accordance with the service rating system established by these Rules.

1.39.01 'Shift Differentials' means extra pay allowances made to employees who work nonstandard hours.

1.39.1 'Sick Leave' is leave with pay granted an employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment.

1.39.101 'Special Provisional Appointment' means a temporary appointment under the provisions of Rule 24.2 to allow employees subject to acquisition up to two years to complete the processes

required for probationary appointment. Employees appointed under this provision earn leave according to Chapter 11 of these rules.

1.39.2 'State Service' for the purposes of layoff and layoff avoidance measures, means the total length of Classified State Service in the equivalent full-time years, months and days as an employee of a state agency or agencies subject to the following:

(a) Periods of time not counted as Classified State Service under this definition for the purposes of layoff and layoff avoidance shall be:

1. All leave without pay not expressly authorized in Subsection (b)9 of this Rule.
2. State service earned before retirement in any state retirement system by an employee who is rehired into state service after such retirement.
3. Unclassified State Service acquired after January 1, 1983, subject to the provisions of Subsection (b) of this Rule.
4. Classified State Service obtained after January 1, 1983, on a restricted or provisional appointment if such an appointment was not converted to a probational or job appointment **by July 1, 2013**.
5. Classified or Unclassified State Service on a part-time intermittent (i.e., when actually employed -WAE) appointment, if such service was acquired after January 1, 1983.

(b) Periods of time counted as Classified State Service under this definition for the purpose of layoff or layoff avoidance measures are the following, which are all subject to Rule 1.39.2(a)2:

1. All time spent on any type of Classified and/or Unclassified appointment prior to January 1, 1983.
2. Classified State Service obtained after January 1, 1983, on probational, job and permanent appointments and on restricted or provisional appointments that were converted to probational or job appointments, subject to the provisions of Subsection (a) 5 of this Rule.
3. Absence from State Service of not more than one year as the result of a layoff of an employee with permanent status.
4. Any military service that interrupts Classified employment, including military service consisting of active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service, subject to the provisions of Rule 17.17
5. Separations of not more than thirty days from the Classified State Service, except that no breaks between emergency and/or restricted and/or multiple restricted appointments count.
6. Unclassified State Service acquired by an unclassified employee relative to his being brought into the Classified Service under Rule 24.2.
7. Periods of time that the layoff avoidance measures stated in Chapter 17 Rules are in effect for full-time employees shall count as full-time employment.
8. All authorized leave with pay.
9. Authorized leave without pay under the following conditions:
    a. Any leave without pay taken prior to January 1, 1983.

b. Any period(s) of leave without pay which does not exceed 30 calendar days, if taken after January 1, 1983. Additionally, if any period of leave without pay taken after January 1, 1983 equals or exceeds a 30 calendar day period, i.e., a reportable action to Civil Service, 30 days of one reportable period shall be counted in any calendar year, i.e., January 1, 1983 through December 31, 1983.
c. To hold an unclassified office, job or position with the State.
d. Leave without pay for military purposes as provided in Rule 11.26.
e. If authorized for educational purposes and approved by the Director. Such education must be required by the agency, pertinent to the job or needs of the agency, and full-time as defined by the educational institution attended, except that a final semester's work toward a degree need not be full-time.

(c) All periods of Classified State Service not expressly excluded or included in these Rules shall be submitted to the Director for a ruling.

1.40 'Suspension' means the temporary exclusion from employment of an employee for disciplinary reasons or while criminal proceedings are pending or while an investigation is being conducted.

1.40.01 'Temp' or 'Temporary Staffing Services Employee' means a short-term, temporary worker whose employer is a private sector temporary services firm on contract with the State.

1.40.02 'Temporary Staffing Services', for the purpose of these Rules, means a private firm on contract with the State whose primary business is to provide temporary employee staffing to private business.

1.40.03 'Temporary' a non-permanent appointment for a limited duration of time.

1.40.1 'Title Change' means a change in the title of the class to which a position is allocated without change in the position's duty and responsibility content.

1.41 'Transfer' means the change of an employee from a position in one depart ment to a position in another department without change in probational or permanent status and without a break in service of one or more working days.

1.41.1 Repealed effective July 1, 2010.

1.42 'Uniform Pay Plan' means a pay plan wherein the pay structure and administrative rules are uniformly applicable to all agencies for positions of the Classified Service.

Chapter 2: Civil Service Commission — powers, public meetings, procedures for adopting and amending the rules, etc.

2.1 Election of the Chairman and Vice-Chairman

(a) The members of the Commission shall meet and organize by electing one of its members Chairman and one of its members Vice-Chairman. In case of a vacancy in either office, the Commission shall elect a replacement from among its members.

(b) The Chairman and Vice-Chairman shall be elected at the first meeting held following December 31 of each year.

2.2 Commission Meeting Dates

The Commission shall meet at such time and place as may be fixed by the Commission, the Chairman, or the Director. Notice of each meeting shall be given to all members of the Commission

2.3 Rules of Order

The Commission shall not be bound by rules of order, evidence, or procedure in its meetings, hearings, or investigations except such as it may itself establish.

2.4 Meetings Open to the Public

(a) All meetings and hearings of the Commission shall be open to the public except executive meetings.

(b) The Commission may hold an executive meeting upon an affirmative vote of two-thirds of its constituent members present, taken at an open meeting for which notice has been given pursuant to Rule 2.5. No final or binding action shall be taken during an executive meeting except as provided herein.

(c) The Commission may hold an executive meeting for one or more of the following reasons:

1. Discussion of the character, professional competence, or physical or mental health of a person, provided that such person may require that such discussion be held at an open meeting.

2. Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the Commission.
3. iscussion regarding the report, development, or course of action regarding security personnel, plans, or devices.
4. Investigative proceedings regarding allegations of misconduct.
5. Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances or other matters of similar magnitude.
6. Discussion of any matter deemed confidential by these Rules, or State or Federal Law or Regulation.
7. Consideration and discussion of the merits of any appeal filed pursuant to these Rules. Final and binding action may be taken during an executive meeting held to discuss and decide such an appeal.

2.5 Notice of Meetings

(a) The Commission shall give written public notice of any regular, special, or rescheduled meeting no later than 24 hours before that meeting. Such notice shall include the agenda, date, time, and place of the meeting, provided that upon the approval of two-thirds of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda. In cases of extraordinary emergency, such notice shall not be required; however, the Commission shall give such notice of the meeting as it deems appropriate and circumstances permit.

(b) Written public notice shall include:

1. Posting a copy of the notice at the office of the director no less than 24 hours before the meeting.
2. Mailing a copy of the notice to any member of the news media who requests notice of meetings of the Commission.

2.6 Quorum and Voting

(a) Four (4) members of the Commission shall constitute a quorum for the transaction of business.

(b) The concurrence of a majority of the members present shall constitute a ruling upon an item of business then before the Commission.

(c) In the event of a tie vote the Commission may, in its discretion,

1. Refer a transcript of the record of the matter under consideration to one or more absent members, who shall then vote; or
2. Continue the matter for consideration at a later meeting.

(d) Temporary absence during the consideration of an item of business shall not disqualify a member from voting on said item.

2.7 Secretary to the Commission

The Director shall act as Secretary of the Commission and shall keep adequate records and minutes of its business and official actions.

2.8 Minutes of the Proceedings

The minutes of the proceedings of the Commission shall be prepared and maintained by the Director on behalf of and subject to the approval of the Commission.

2.9 Powers of the Commission

The Commission is empowered:

(a) To represent the public interest in the improvement of personnel administration in the departments whose personnel practices are governed by the Article and the Civil Service Rules.

(b) To appoint, remove and discipline the Director.

(c) To conduct investigations whenever it has reason to believe the provisions of the Civil Service Article or Rules are being violated or have been violated by any person or department; and to hold public hearings when charges of such violations have been filed with it. The Commission may issue appropriate orders in any such case, in addition to those orders provided for in Subsections (k) and (l) of this Rule.

(d) To make, alter, amend and promulgate Rules as authorized by the Article and otherwise to provide for the establishment and maintenance of a Civil Service system in departments of State government.

(e) Repealed, effective January l, l975.

(f) To hear appeals from employees and others who claim their rights under these Rules and the Civil Service Article have been violated and to issue appropriate orders in such cases.

(g) Repealed, effective January 1, 1975.

(h) To review and approve or disapprove proposed state contracts for personal services, prior to their effective date, between the State and any instrumentality thereof, or between the state and any person or entity in order to determine whether such contracts will result in the involuntary displacement of classified employees, and if so, to ensure that the appointing authority has

demonstrated that such contract is being let for reasons of efficiency and economy and not as a pretext for the discriminatory dismissal of classified employees.

(i) To perform such other acts as may from time to time be required of it by the Constitution or by Statute.

(j) To take such steps as may be necessary to maintain proper order and decorum during the course of its hearings and other proceedings, consistent with judicial resolution of matters coming before it for consideration.

(k) To issue orders withholding compensation from any person or entity, who, after investigation by public hearing, has been found by the Commission to be employed or paid by the State contrary to the provisions of the Constitution or the Rules adopted thereunder. Such orders may be directed to the officer having the authority to approve the payroll or assign the paycheck for such employee or entity, and the officer to whom it is directed and any other person to whom such order is directed shall make no payment of compensation or authorize the making of any such payment to such person or entity until authorized by the Commission upon penalty of personal liability for the sum so paid contrary to the order of the Commission and such other penalties as are otherwise provided by the Constitution and/or the Rules.

(l) To enforce its rules, regulations, and orders in the courts of this State by mandamus or injunction suits.

2.10 Adoption, Amendment or Repeal of Rules; Emergency Rules Changes

The adoption, amendment or repeal of any rule shall be approved by the Commission only after a public hearing. Such changes to the rules shall become effective upon adoption by the Commission, unless the Commission specifically provides another effective date.

(b) At least twenty-five days prior to the adoption, amendment or repeal of any rule by the Commission, the proposed rule change and a report thereon shall be submitted to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

(c) The report shall include:

1. A copy of the rule as it is proposed for adoption, amendment or repeal.
2. A statement of the proposed action, that is, whether the rule is proposed for adoption, amendment or repeal; a brief summary of the content of the rule if proposed for adoption or repeal; and a brief summary of the change in the rule if proposed for amendment
3. The specific citation of the law purporting to authorize the adoption, amendment or repeal of the rule.
4. A statement of the circumstances which require adoption, amendment or repeal of the rule.

5. A statement of the fiscal impact of the proposed action and if possible, a statement of the economic impact of the proposed action, both of which statements shall have been submitted to the Legislative Fiscal Office for comment

(d) No action shall be taken by the Commission on a proposed rule change until both Committees have submitted their recommendations to the Commission concerning the proposed rule change or twenty-five days have elapsed since the required report was submitted to the Committees, whichever occurs sooner.

(e) No action shall be taken by the Commission on the proposed rule until a notice of intent to consider the proposed rule has been published in a general circular electronically disseminated.

(f) If the Commission finds that an imminent peril to the public health, safety, or welfare or another emergency requires adoption of a rule change without compliance with this rule and within five days of adoption of the rule change, states in writing to the Governor of the State of Louisiana, and the Attorney General of Louisiana, its reasons for that finding, it may proceed without such compliance or upon any abbreviated notice that it finds practicable, to adopt an emergency rule change. Notice of the emergency rule change shall be mailed, within five days of adoption of the emergency rule change, to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs. The month following the month in which any emergency rule is adopted, the emergency rule change shall be published in full in a general circular electronically disseminated with the reason submitted by the Commission for the finding of the emergency. Any emergency rule change adopted by the Commission shall become effective on the date of adoption or on a date specified by the Commission not more than sixty days future from the date of adoption. Such an emergency rule change shall not be effective for a period longer than one hundred twenty days, but an identical rule change may be adopted in accordance with the provision of Paragraphs B through E of this Rule.

2.11 Contempt of the Commission

A contempt of the Commission or its Referee is an act or omission tending to obstruct or interfere with the orderly discharge of the responsibilities and duties of the Commission or its Referee, or to impair the dignity of the Commission or its Referee or respect for their authority.

A contempt of the Commission includes, but is not limited to, any of the following acts:

(a) Wilful failure to comply with a subpoena or summons to appear before the Commission or its Referee, proof of service of which appears of record.

(b) Willful violation of an order excluding, separating, or sequestering a witness.

(c) Refusal to take the oath or affirmation as a witness, or refusal of a witness to answer a nonincriminating question when ordered to do so by the Commission or its Referee.

(d) Insolent or disorderly behavior toward the Commission or an attorney or other officer or Referee of the Commission, tending to interrupt or to interfere with the business of the Commission or its Referee or to impair its dignity or respect for its authority.

(e) Breach of the peace, boisterous conduct, or violent disturbance tending to interrupt or to interfere with the business of the Commission or its Referee or to impair its dignity or respect for its authority.

(f) Use of insulting, abusive or discourteous language by an attorney or other person before the Commission or its Referee, or in a motion, plea, brief or other document filed with the Commission or its Referee in irrelevant criticism of the Commission, a Commissioner, an attorney, the Director or his staff, or an officer or Referee of the Commission.

(g) Action by any person taken or ordered to be taken without approval of the Commission when such approval for the action is required by either the State Constitution or by Civil Service Rule.

(h) Failure of any person to comply with any order or directive of the Commission unless otherwise stayed by a Court of proper jurisdiction or unless within the time limits for such compliance provided by applicable rule or law.

(i) Wilful failure of an attorney to appear at the time and place set for the hearing in which he is to participate.

2.12 Procedure for Punishing for Contempt

(a) When a person has committed a contempt of the Commission or a Referee in the presence of the Commission or a Referee, he may be found guilty and punished therefore by the Commission or Referee forthwith, without any trial other than affording him an opportunity to be heard orally by way of defense or mitigation.

(b) When a person is charged with committing a contempt outside of the presence of the Commission or a Referee, he shall be tried by the Commission or the Referee on a Rule to show cause alleging the facts constituting the contempt. The Rule may be issued by the Commission or Referee on its own motion, or on motion of the Director.

(c) A copy of the motion and of the Rule shall be served on the person charged, in the manner of a subpoena, not less than forty-eight hours prior to the time assigned for trial of the Rule.

(d) If a person charged with contempt is found guilty, the Commission or a Referee shall render an order reciting the facts constituting the contempt, adjudging the person charged with the contempt guilty thereof, and specifying the punishment imposed.

(e) Should a person served in accordance with this Rule fail to appear at the time, date, and place set for the hearing on the Rule, the Commission or Referee may order any law enforcement officer to apprehend and to bring before the Commission or Referee the person charged with contempt,

to proceed with the hearing in the absence of the person charged, or to institute proceedings before the judiciary of this State as the Commission or Referee deems proper.

2.13 Penalties for Contempt

(a) In addition to that which is provided for in these Rules, the Commission or a Referee may punish a person adjudged guilty of contempt of the Commission or the Referee by a fine of not more than five hundred dollars ($500.00).

(b) Money collected pursuant hereto shall be paid into the General Treasury of the State of Louisiana in accordance with law.

2.14 Commanding Immediate Presence

In addition to that which is provided for herein, the Commission or a Referee may order any law enforcement officer to locate and bring before the Commission or the Referee any person who fails to appear at a hearing pursuant to a subpoena if proof of service appears of record and if the immediate presence of that person will facilitate the progress of the subject hearing.

2.15 Suspension of deadlines

All deadlines imposed by these rules are suspended until the state of emergency resulting from Hurricane Katrina is terminated. This rule shall apply retroactively to August 29, 2005. **[Adopted on an emergency basis on 9/14/05; expired on January 12, 2006]**

2.16 Repealed effective December 12, 2012.

Chapter 3: Duties of the Director of State Civil Service

3.1 Duties of the Director

It shall be the duty of the Director of Personnel

(a) To serve as the executive and administrative head of the Department of State Civil Service and direct and supervise all of its administrative and technical activities.

(b) To attend all meetings of the Commission and to act as its secretary and keep minutes of its proceedings.

(c) To establish and maintain a roster of all employees who are in the Classified Civil Service of the State, in which there shall be set forth as to each employee, the class title of the position held, the salary or pay, any change in class title, pay or status, and any other necessary data.

(d) To appoint, remove and discipline, under the provisions of the Civil Service Article and Rules, such employees of the Department of State Civil Service and such experts and special assistants as may be necessary to effectively carry out the provisions of the Civil Service Article and Rules.

(e) To formulate and prescribe procedures, consistent with Civil Service Rules, and to publish them in the Human Resources Handbook; to conduct Civil Service examinations; to maintain list of eligible; and to certify qualified person for appointment to the departments.

(f) To develop, in cooperation with appointing authorities and others, training, educational, and safety programs for Classified employees in the departments governed by the Civil Service Article.

(g) To make and publish annual reports regarding the work of the Commission and the Department, and such special reports as he considers desirable to the Commission and to the Governor.

(h) To perform any other acts and functions which he may consider necessary or desirable to carry out the purposes of the Civil Service Article, or which he may be directed to perform by the Commission or the Chairman.

(i) Repealed, effective August 5, 1992.

(j) To prepare and submit, subject to review by the Commission, budget requests covering the estimated costs of administering the Civil Service program.

(k) To act between meetings of the Commission on routine matters requiring Commission approval. Subject to the provisions of Sub-section (n) of this Rule, any such action of the Director

shall be reported to the Commission at its next meeting and unless approved by the Commission at such meeting, shall terminate.

(l) To make such investigations as may be necessary to enforce the provisions of the Civil Service Article and Rules and to determine the qualifications and suitability of applicants for employment in the Classified Service.

(m) To establish mandatory grievance procedures within each department to provide the means to resolve employee complaints and other personnel problems not appealable to the Director or the Commission under the Civil Service Article.

(n) To act between meetings on piecemeal Classification and Pay Plan matters requiring Commission approval. Any such action by the Director shall be reported to the Commission at the next public hearing called to consider Classification and Pay Plan matters and unless approved by the Commission following such hearing, shall terminate.

(o) To review and approve or disapprove proposed state contracts for personal services, prior to their effective date, between the State and any instrumentality thereof, or between the state and any person in order to insure such contract is being let for reasons of efficiency and economy and not as a pretext for discriminatory practices against classified employees.

(p) To develop and propose to the Commission uniform classification and pay plans and amendments thereto.

(q) To develop and propose to the Commission, rules and amendments thereto governing employment conditions for employees in the Classified Service.

(r) To require departments and agencies to establish and implement, in accordance with established policy, an affirmative action program to assure equal employment opportunity in the Classified Service of State government.

(s) To notify the State Police Civil Service Commission of any proposal which would affect the pay of jobs in the protective services concurrent with the issuance of the Civil Service Commission monthly agenda and supplemental agenda.

3.2 Amended and re-enacted as Rule 3.1(k) effective March 15, 1966.

3.3 Amended and re-enacted as Rule 3.1(l) effective March 15, 1966.

3.4 Appointment of the Director

(a) Subject to the provisions of Sub-section (b) of this Rule, the Director shall be appointed by the Commission following competitive examination administered in a manner prescribed by the Commission.

(b) The Commission shall have access to other provisions of these Rules for the temporary, interim appointment of an acting director, if such is necessary.

3.5 Status of the Director

The Director shall be employed within the Classified Service of the State.

Chapter 4: Classified and Unclassified Positions

4.1 Classified and Unclassified Positions.

(a) All departments and persons subject to the Civil Service Article are governed by these Rules.

(b) Subject to the provisions of Sub-section (c) and (d) of this Rule, all officers and employees of the State of Louisiana are in the Classified Service.

(c) Subject to the provisions of Sub-section (d) of this Rule, the following officers and employees of the State of Louisiana shall be in the Unclassified Service:

1. Elected officials and person appointed to fill vacancies in elective offices.
2. The head of each principal executive department appointed by the Governor.
3. Registrars of voters.
4. Members of State boards, authorities, and commissions.
5. One private Secretary to the president of each college or university.
6. One person holding a confidential position and one principal assistant or deputy to any officer, board, commission or authority mentioned in (1), (2), (3), or (4), above, except the State Department of Civil Service.
7. Members of the military or naval forces; including those employees in the Military Department of the State of Louisiana who are members of the Louisiana National Guard or Louisiana State Guard, either active or retired.
8. The teaching and professional staffs, and administrative officers of schools, colleges, and universities of the State, and bona fide students of those institutions employed by any State agency.
9. Employees, deputies, and officers of the legislature and of the offices of the Governor, Lieutenant Governor, and Attorney General; and of police juries, school boards, and assessors; and of all offices provided for in Constitutional Article V.
10. Commissioners of elections, watchers, and custodians and deputy custodians of voting machines.
11. Railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.
12. Notaries Public.
13. All employees of the Governor's Office of Homeland Security and Emergency Preparedness.

(d) 1. The Director, upon submission by an employing agency of written justification deemed adequate by him, may add to the unclassified service positions involving duty assignments which are of a temporary nature.

2. The Commission, upon submission of adequate justification by the employing agencies and upon considering the recommendations of the Director, may add positions to the unclassified service and may, revoke any position added to the unclassified service under the provision of this Sub-section.
3. The Director may not revoke any position added to the unclassified service by the Commission, but may revoke those positions added by him.
4. Repealed, effective April 5, 1978.

(e) The Commission adds to the unclassified service the positions of all persons rendering personal service to the State, or any agency thereof, pursuant to a contract for such services after review by the Director in accordance with Rule 3.1(o).

Chapter 5: Classification Plan

5.1 Adoption of a Classification Plan.

(a) The Director, on a regular basis, shall present to the Commission at public hearing a Classification Plan consisting of all current classifications in the system including any new or amended jobs added (in accordance with Rule 5.1(c)). Such plan shall consist of job specifications designated by standard titles designed to encompass all positions and jobs in the classified service.

(b) An original classification plan or an amended classification plan shall become effective only after approval by the Commission following public hearing.

(c) The Director may approve amendments to the classification plan on an interim basis as the need for new jobs is identified; and any amendments made more than 15 days prior to the public hearing may be presented to the Commission at public hearing as provided in Rule 5.1(a).

5.2 Allocation of Positions.

(a) The Director, after consultation with the appointing authorities concerned, shall cause each position to be allocated into its appropriate job and may reallocate positions from job to job.

(b) In making such allocations, the Director shall provide for uniform application of the classification plan to all positions regardless of appointing authority.

(c) No person shall be appointed to any position until it has been officially allocated by the Department of State Civil Service.

(d) Allocation of positions shall be based on those duties being actually certified as true by the appointing authority as stated on the official position description form. Falsification or misrepresentation of duty statements are a violation of Civil Service Rules and any such falsification or misrepresentation cannot support allocation into any job.

5.3 Review of Classifications.

(a) The Director shall provide for the systematic review of the classification of each position in the classified service.

(b) An employee affected by the allocation or reallocation of a position to a job shall be afforded a reasonable opportunity to have his case reviewed by the Director or by a representative whom he designates. The Director's decision shall be final in these matters unless there is an allegation that his ruling has been discriminatory.

5.4 Use of Job Titles.

(a) The title of each job shall be the official title of every position allocated to that job and shall be used to the exclusion of all others on all payrolls, budget estimates, and official records and reports pertaining to budget estimates, and official records and reports pertaining to the position, provided

1. That any abbreviation or code symbol approved by the Director may be used to designate a position of a job.
2. That any other working title satisfactory to the appointing authority may be used in connection with matters not having to do with the personnel transactions prescribed by the Director.

(b) No employee shall be appointed, employed, or paid under any title other than that of the job to which the position occupied or to be occupied by him is assigned.

5.5 Force and Effect of Job Specifications.

The classification plan consists of the specifications for all jobs officially created and shall have the following force and effect:

(a) The definitions are descriptive and not restrictive. They are intended to indicate the kinds of positions that should be allocated to the various jobs as determined by their duties and responsibilities. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality.

(b) The allocation of a position to a job and the assignment of a job to a pay grade is based on the analysis of duties and responsibilities reported on the official position description by the appointing authority.

(c) Repealed, effective September 7, 1982.

(d) Repealed, effective June 29, 1987.

5.6 Status of Incumbent When Position is Reallocated.

(a) When a position is reallocated, the incumbent shall be entitled to remain in the position provided that he or she meets the minimum qualification requirements of the job to which the position has been allocated.

(b) When the incumbent does not meet the minimum qualification requirements, the agency can return to, or remove from, the position the duties which caused the reallocation; or the Director shall declare the position a new position.

(c) Repealed July 1, 2013.

5.6.1 Effect of Business Reorganization on Encumbered Positions.

(a) When an appointing authority determines it is necessary to restructure an organization to more effectively or efficiently carry out its mission, and this restructuring has the potential to change the allocation of a permanent classified employee to a job title in a pay grade with a lower maximum, he shall submit a plan to the Director outlining his rational business reason for the proposed change and the impact of the change on the incumbent(s) of the affected position(s). This rule shall not apply if the restructuring proposes a reduction in the number of employees in the organization. Such reductions in force shall be conducted in accordance with Chapter 17, Layoffs and Layoff Avoidance Measures.

(b) Position allocations that change as a result of the business reorganization may be effected through reallocation, job correction or the creation of a new position as determined by the Director. Occupied positions shall be reallocated down only in accordance with parts (d), (e) and (f) of these rules.

(c) The business reorganization plan shall be submitted to the Director prior to the proposed effective date. The plan shall include, but not necessarily be limited to, the following documents:

1. proposal outlining the rational business reasons resulting in the reallocation(s) down;
2. position descriptions (SF-3s) for all positions;
3. current and proposed organizational charts.

(d) When an appointing authority proposes to lower the allocation of a position occupied by a permanent employee, the Director's approval is required. The employee shall be given written notice of:

1. the proposed action;
2. the proposed effective date of the action;
3. the business reason for the action; and
4. their opportunity to respond.

This notice must be given at least fifteen (15) calendar days prior to the Director's approval of the plan.

(e) Approval of Business Reorganization Plans

The Director may:

1. approve the plan;
2. disapprove the plan;
3. grant interim approval of the plan pending ratification of the Commission at its next regularly scheduled meeting
4. refer the plan directly to the Commission for consideration at its next regularly scheduled meeting;
5. require the agency to implement a layoff in accordance with Chapter 17.

(f) Pay of employees affected by reallocation down shall be red-circled in accordance with Rule6.15.

(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:
    a. the agency or department where the reorganization occurred;
    b. the employee's parish of domicile at the time of reorganization and any other parishes he may list for availability;
    c. the same job title the employee held prior to the implementation of the reorganization;
    d. employees whose most recent official performance evaluation at the time of the reorganization was "exceptional", "successful" or their equivalents;
    e. permanent employees.
2. An employee shall be removed from applicable list(s) when:
    a. He is offered a permanent position from the DPRL.
    b. He declines or fails to respond to an offer.
    c. He is dismissed or resigns to avoid dismissal following the reorganization.
    d. The Director determines that a person is not qualified, not available, or upon investigation, not suitable for appointment to the position.
    e. His name has been on the list for two (2) years following the effective date of the reorganization.
3. Exceptions to Hiring from the List:

    If there is a DPRL, the employee who is first on the list shall be hired first for positions in his career field except when a position is filled by:

    a. internal demotion; or
    b. restoration of an employee returning from military service in accordance with Rule 23.15.
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. 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.

(h) For rational business reasons, the Director or Commission may make exceptions to these rules.

(i) Permanent employees whose allocation has been moved to a lower classification may have the right to file an appeal to the Civil Service Commission in accordance with Chapter 13 of these Rules.

5.7 Job Evaluation.

The Director shall evaluate and/or reevaluate each job in the classification plan to establish its relative value in the classified service. Jobs will be assigned to a pay grade based on the provisions contained in Chapter 6 of these Rules as well as consideration of each job's evaluation.

5.8 Status of Incumbent Affected by a Job Correction.

(a) When the allocation of a position is changed by job correction, the incumbent shall be entitled to remain in the position provided that he or she possesses any license, commission, certification, or accreditation which is established as a minimum qualification.

(b) When the incumbent lacks a required credential, the position shall be declared a new position; the former position shall be deemed abolished and the incumbent shall be removed therefrom by layoff.

5.9 Dual Career Ladder Classification Program.

Subject to the provisions of Rule 6.29, an appointing authority may participate in a dual career ladder program for selected job series by submitting an agency policy requesting the establishment of a job or jobs to provide a mechanism to implement a dual career ladder program. The agency policy must be approved by the Civil Service Commission prior to implementation. All such programs must comply with the following requirements:

(a) The dual career ladder jobs must be in a scientific, medical, information technology, or engineering field that exhibits one or more of the following characteristics:

1. Requires substantial technical or professional training and expertise beyond the basic level.
2. Is known for rapid innovation.
3. Possesses the potential for employees to receive national credentials or licenses.

(b) Such a program shall be implemented in accordance with written policies and procedures approved by the State Civil Service Commission.

1. Repealed July 1, 2013.
2. Repealed July 1, 2013.
3. Repealed July 1, 2013.
4. Repealed July 1, 2013.
5. Repealed July 1, 2013.

(c) Amendments to policies by an agency must be submitted for prior approval by the Civil Service Commission.

(d) Pay for employees in dual career ladder jobs shall be established in accordance with Civil Service Rules governing pay.

(e) Applicants may be placed in dual career ladder positions using normal procedures for filing positions or, if appropriate, through reallocation.

(f) Agencies must report to the Department of State Civil Service annually on the use and effectiveness of the program. Such annual reports should reflect fiscal year information.

(g) The Director shall review all programs and report annually to the Civil Service Commission on the program's use and effectiveness.

Chapter 6: Pay Rules

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, and 6.16 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, or job appointee shall not be reduced when the employee 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.
2. When special entrance rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions affected by the authorized rates shall not be changed.
3. Special entrance rates and special retention rates must be approved by the Commission at its next scheduled meeting after action was taken by the Director.

(c) Reentering the Classified Service.

The pay of an employee reentering the classified service, other than one being restored to duty following military service, may be fixed at any rate in the range, or within the range plus base supplement authorized for the position in which he is being employed, that does not exceed the highest salary he previously earned while serving with permanent status in a classified position other than detail to special duty. If the range for the job has been adjusted and the range minimum is higher than his former salary, he will enter at range minimum. If the former salary is higher than the range maximum or range maximum plus authorized base supplement, his pay rate shall be set no higher than the range maximum, or range maximum plus base supplement if authorized for the position in which he is being employed. The appointing authority may at any time grant, to the extent permitted by other provisions of these Rules, any increase for which an employee having reentered the classified service possesses eligibility under this subsection. This Rule shall not apply to a former employee who was dismissed or resigned to avoid dismissal.

(d) Classified When Actually Employed (WAE) Appointment

When an appointing authority makes a classified WAE appointment, he may set the pay of the employee at any rate in the range.

(e) Return From Military.

Subject to Rule 23.15, when an employee returns from military service and is restored to duty in his former, equivalent or lower position, his pay shall be fixed at the rate earned prior to leaving the classified service. If the job or equivalent job had been upgraded or any pay adjustments granted, he shall be granted a pay rate reflecting the impact of these adjustments, as though he had been in that job at the time of the adjustments.

(f) The Director, with the approval of the Commission, may establish special hire rates for workers employed by any State agency which administers federal funds for use in this state, either directly or indirectly or as a grant- in-aid or to be matched or otherwise, provided such State agency is required to by rule or regulation of, or contract with, a participating federal authority to pay such special rate, except that an appointing authority must comply with the minimum wage rate as prescribed and required by Federal rules, statutes, regulations and judicial decisions, when such minimum rate is in excess of that provided for in these rules.

(g) Extraordinary Qualifications/Credentials

Subject to provisions of Rule 6.29, if an applicant who is eligible for appointment under provisions of Chapters 22 and 23 of the Rules possesses extraordinary or superior qualifications/credentials above and beyond the minimum qualifications/credentials, the appointing authority may, at his own discretion, pay the employee at a rate above the minimum provided that:

1. such superior qualifications/credentials are verified and documented as job related,
2. the rate does not exceed the third quartile of the range for the affected job,
3. the rate is implemented in accordance with written policies and procedures established by the department,
4. the appointment is probational, provisional or a job appointment.

The employee may be paid upon hiring or at any time within one year of the hire date. If paid after the hiring date, the pay change must be prospective. The salaries of all current probational and permanent employees who occupy positions in the same job title and who possess the same or equivalent qualifications/credentials may be adjusted up to but not to exceed the amount of the percent difference between the special hiring rate and the regular hiring rate provided that the qualifications/credentials are also verified and documented as job related and that the rate is implemented in accordance with written policies and procedures established by the department; such policies shall be posted in a manner which assures their availability to all employees. Such adjustments shall only be made on the same date that the higher pay rate is given to the newly hired employee.

If an employee with permanent status resigns and is then rehired into either the same position or into the same job title or a lower level job in his career progression group at the same agency, the employee shall not be eligible for an increase under this rule unless there has been a break in State service of at least 60 days.

(h) Reentering the Classified Service Without a Break In Service

When an appointing authority requires an employee to resign a permanent position in order to accept a probational appointment, and the employee accepts such an appointment without a break in service, and the appointment would have been considered a promotion according to Rule 6.7 the employee shall retain eligibility for the promotional increase for a period not to exceed 1 year. The appointing authority may grant any increase for which the employee would have been eligible under Rule 6.7. This Rule shall not apply to an employee who was dismissed or resigned to avoid dismissal.

6.5.1 Pay Upon Appointment From a Department Preferred Reemployment List

Subject to Rule 6.14, the pay of a person appointed from a department preferred reemployment list may be fixed no higher than his rate of pay at the time of the layoff or displacement action, which entitled him to placement on the preferred list from which he is appointed, or at his current rate if such rate is higher based on other provisions of these Rules. In no case shall the rate of pay be higher than the range maximum for the class to which appointed, or the highest rate within the base supplement authorized for the position to which appointed.

6.6 Market Grade Adjustment

(a) When the pay range for the grade to which a job is currently assigned is either not sufficient to compete with prevailing market conditions, or is found to exceed prevailing market rates, the Director may, in accordance with Rules 6.1 and 3.1(n), authorize the assignment of the job to a grade with a more appropriate pay range. The individual pay rate of employees occupying jobs which are affected shall be set in accordance with Rule 6.8.1.

(b) Repealed, as of December 4, 1989.

6.7 Rate of Pay Upon Promotion

(a) Subject to the provisions of subsections (e) and (f) of this rule, when an employee is promoted to a position in a higher grade, his pay shall increase by at least 7 percent.

(b) Subject to the provisions of subsections (e) and (f) of this rule, when an employee is given a one grade promotion his pay shall increase by 7 percent. When an employee is given a two grade promotion his pay may be increased in an amount not to exceed 10.5 percent. When an employee is given a three or more grade promotion his pay may be increased in an amount not to exceed 14 percent. An employee shall not be paid below the minimum of the higher range.

(c) Eligibilities gained but not received at the time of promotion may be given prospectively at any time within three years from the effective date of the promotion.

(d) When an employee has been detailed with pay to a higher job and is promoted to that same job or a job at the same pay level or a higher pay level directly from the detail, his pay eligibility on promotion shall not be less than he received on detail.

(e) Subject to the provisions of subsection (f) of this rule, when an employee is promoted from a job assigned to one pay schedule to a job with a higher range maximum in another pay schedule, his pay shall be adjusted as follows:

1. If the maximum of the job to which he is being promoted is less than 14% above his current maximum, his pay shall be increased by 7%.
2. If the maximum of the job to which he is being promoted is at least 14% but less than 21% above his current maximum, his pay shall be increased at least by 7% but not to exceed 10.5%.
3. If the maximum of the job to which he is being promoted is equal to or greater than 21% above his current maximum, his pay shall be increased by at least 7% but not to exceed 14%.

(f) When an employee, whose rate of pay falls within the base supplement for his current position, promotes to a position which has no base supplement, his salary for purposes of pay calculation upon promotion shall be the range maximum of his current position for which the base supplement is authorized.

6.8 Pay Upon Reallocation

When the Director changes the allocation of a position from one job to another by reallocation,

(a) If the job to which the position is allocated is in a higher grade in the same schedule or is in a grade with a higher maximum in another schedule, the affected employee's pay shall be set in accordance with Rule 6.7.

(b) Subject to the provisions of subsection (d) of this rule, if the job to which the position is allocated is in a lower grade in the same schedule or is in a grade with a lower maximum in another schedule, the affected employee's pay will not change, but shall be subject to provisions of Rule 6.15.

(c) Subject to the provisions of subsection (d) of this rule, if the job to which the position is allocated is in the same grade in the same schedule or is in a grade with the same maximum in another schedule, the employee's pay shall not change.

(d) If the position is reallocated in such a way that the current base supplement rate of pay authorized for the position is lost or reduced, the affected employee's pay shall be set no higher than his current salary and at the higher of the following:

1. the range maximum (this is a red circle rate) of the position from which he is being reallocated, or
2. within the range maximum plus the base supplement (this is not a red circle rate) authorized for the position to which he is being reallocated.

6.8.1 Pay Upon Job Correction or Grade Assignment

When the Director assigns a job to a different grade or changes the allocation of a position from one job to another by job correction,

(a) If the job to which the position is job corrected is in a higher grade in the same pay schedule or is in a grade with a higher range maximum in another pay schedule, or if the job is assigned to a higher grade in the same pay schedule or to a grade with a higher range maximum in another schedule, the affected employee's pay shall not change. An employee shall not be paid below the minimum of the higher range.

(b) Subject to the provisions of subsection (d) of this rule, if the job to which the position is job corrected is in a lower grade in the same pay schedule or is in a grade with a lower range maximum in another pay schedule, or if the job is assigned to a lower grade in the same pay schedule or to a grade with a lower range maximum in another schedule, the affected employee's pay shall not change, but shall be subject to provisions of Rule 6.15.

(c) Subject to the provisions of subsection (d) of this rule, if the job to which the position is job corrected is in the same grade in the same pay schedule or is in a grade with the same range maximum in another pay schedule, or if the job is assigned to the same grade in the same pay schedule or to a grade with the same range maximum in another schedule, the affected employee's pay shall not change.

(d) If the position is job corrected or if a job has a pay range change in such a way that the current base supplement rate of pay authorized for the position is lost or reduced, the affected employee's pay shall be set no higher than his current salary and at the higher of the following:

1. the range maximum (this is a red circle rate) of the position from which he is being reallocated, or
2. within the range maximum plus the base supplement (this is not a red circle rate) authorized for the position to which he is being reallocated.

6.8.2 Pay Upon Relocation

Pay may be reduced upon movement to lower jobs as a result of a layoff. Pay reductions shall be uniform in their percentage for all affected employees. If the uniform pay reduction results in an employee's rate of pay falling above the maximum of the pay range, the appointing authority may choose one of the following options for all employees similarly situated:

1. The pay of affected employees may be reduced to the range maximum; or
2. The pay of affected employees may be set at the red-circle rate.

6.9 Pay Upon Transfer or Reassignment

(a) Subject to the provisions of Subsection (f) of this Rule, when a permanent or probationary employee is transferred without promotion or demotion, his pay shall not be reduced without his permission.

(b) When a permanent employee is transferred with promotion following certification from a promotional or probational eligible list, or following noncompetitive promotion, Rule 6.7 shall apply.

(c) When a permanent or probationary employee is transferred with demotion, Rule 6.10 shall apply.

(d) Subject to the provisions of Subsection (f) of this Rule, when an employee is reassigned to another position, his rate of pay shall not be reduced without his permission.

(e) When an employee is transferred, the department releasing the employee shall be liable for payment for any holidays and/or regular days off intervening between the last day actually worked in the department releasing the employee and the first day to be worked in the department acquiring the employee.

(f) Notwithstanding the provisions of Subsections (a) and (d) of this Rule, if an employee is transferred without promotion, demotion, or change in duty station or is reassigned from a position with an authorized base supplement to a position for which a lower or no base supplement is authorized, the affected employee's current base supplement pay shall be reduced

to the range maximum or to a rate within the new position's base supplement no higher than his current salary.

6.10 Rate of Pay Upon Demotion

Subject to the provisions of Civil Service Rule 6.15 and 5.6.1(e) and (f), when an employee is demoted for any reason under any circumstances, his pay shall be reduced as follows:

(a) If the demotion is to a job within the same schedule or to a job in another schedule with a lower maximum his pay shall be reduced by a minimum of 7% and may be set at a lower rate in the range provided that it is no less than the minimum.

(b) Repealed, effective September 9, 2003.

(c) Repealed, effective September 9, 2003.

(d) Subject to the provisions of Rule 6.29, an appointing authority may grant exceptions to this rule for voluntary demotions. Exceptions shall not by granted by the appointing authority in an arbitrary or fraudulent manner designed to increase an employee's rate of pay. An appointing authority may, as part of a formal written policy, waive a pay increase on promotion for an employee who has been demoted without a decrease in pay within a six-month period.

6.11 Rate of Pay on Detail to Special Duty

When an employee is detailed to special duty, his pay shall not be reduced; if the position is allocated to a job which is assigned to a higher grade, his pay shall be increased to the rate he could receive upon promotion to such position, provided:

(a) Any such temporary increase granted him shall not affect his eligibility for pay increases which he would have acquired in his regular position had he not been detailed.

(b) At the conclusion of the detail, his pay shall revert to his authorized rate of pay in his regular position.

6.12 Compensation for Part-Time Services

(a) When part-time service in any position is authorized or rendered, the actual compensation to be paid shall be the appropriate hourly rate.

(b) When part-time service is rendered, it shall be the duty of the appointing authority to certify to the Director, on each notice of appointment or change in status of the employee, the percent of full-time hours to be worked.

(c) An employee paid on a monthly or semi-monthly basis, who is employed for only part of a pay period shall be paid for the proportionate calendar days worked.

6.12.1 Compensation for Holidays

Employees shall be eligible for compensation on holidays observed except:

(a) When the employee's regular work schedule averages less than 20 hours a week;

(b) When the employee is on classified WAE appointment;

(c) When the employee is on leave without pay immediately preceding and following the holiday period;

(d) When the employee is on an intermittent work schedule.

6.13 Certification and Payment

(a) No employee shall receive any compensation except as authorized by or pursuant to the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director.

(b) If payments to an employee are found to have been made in violation of the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, or the policies and procedures issued by the Director, the Director may take any corrective action he deems appropriate or may direct the appointing authority to take such corrective action. Corrective actions may include, but are not limited to, the rescinding of any actions and associated compensation, or restitution to the employee.

6.14 Performance Adjustments

(a) An employee who is in active status as of June 30 of the performance evaluation year, except for those serving as classified When Actually Employed (WAE) employees, becomes eligible for and may be granted a performance adjustment, provided that the appointing authority has determined his performance merits such an adjustment.

(b) Repeal effective July 1, 2012.

(c) The amount of each performance adjustment shall be 4 percent of the employee's individual pay rate.

(d) Repeal effective July 1, 2012.

(e) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the maximum rate of pay established for the job, or the highest rate within the base supplement authorized for the position occupied.

(f) An employee's eligibility for the increases authorized in Subsection (a) shall not be interrupted by time served in the military service if he is reemployed under the provisions of Rule 23.15.

(g) Repeal effective July 1, 2012.

(h) Any adjustment or increase which an employee receives under the provisions of other rules, unless otherwise indicated, shall not affect such employee's eligibility to receive increases authorized under this rule.

(i) An employee who has a current official overall Performance Evaluation of "Needs Improvement/Unsuccessful" or equivalent shall not be eligible for any increase under the provisions of this rule.

(j) Repeal effective July 1, 2012.

(k) An employee on detail to a position in a higher grade may be eligible for a performance adjustment in the higher job calculated on his individual pay rate in the higher job.

6.14.1 Repealed effective December 12, 2012.

6.14.2 Suspension of Performance Adjustments

All provisions of the Performance Adjustment Rule shall be suspended for the period of June 29, 2016 through June 29, 2017. During this period of suspension, no appointing authority may grant a performance adjustment to any employee nor may any employee gain eligibility for a performance adjustment.

6.15 Red Circle Rates

Rates that fall within the range or within the base supplement authorized for a position become the employee's authorized individual pay rate. Excluding those that fall within the base supplement authorized for a position, individual pay rates that fall above the maximum established for the grade become red circle rates; or, under the conditions outlined below in subsection (d) of this rule, individual pay rates that fall above the base supplement authorized for a position become red circle rates. Such red circle rates remain in effect until the range or range plus authorized base supplement for a position catches up with the rate; however, eligibility for a red circle rate is lost upon separation from state service, or demotion. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules. Red circle rates are assigned under the conditions as outlined below:

(a) When the job to which a position is allocated is assigned to a lower grade.

(b) Except as provided in Rule 6.8(d), when a position is reallocated to a job assigned to a lower pay grade.

(c) When an adjustment (this does not include base supplement) to the pay structure has the effect of lowering the range minimum and maximum for the grade to which a job is assigned.

(d) When positions are declared to be in the classified service and the employee's current rate of pay falls above the maximum of the range for the grade of the job into which the position(s) are allocated, or above the range plus base supplement authorized for the position allocated. A red circle rate given as a result of an acquisition of a position under Civil Service Rule 24.2 shall be treated in the following manner:

1. After two years, should the red circle rate of pay exceed the maximum rate of pay of the job to which the position is allocated by over twenty-eight percent, the red circle rate shall be reduced to a figure not more than twenty eight percent above the aforementioned maximum or to the maximum of the base supplement, whichever is higher.
2. A red circle rate reduced under (d) 1 above may not be reinstated under subsection (g) below.

(e) When the employee's pay exceeds the maximum of an approved market grade.

(f) Repealed effective April 2, 2014

(g) An appointing authority may request authority from the Commission to reinstate red circle rates (except those specified in subsection (d) above) awarded for two years which have expired when the employee's pay continues to be lower than the previously authorized red circle rate. Any approval granted shall be prospective from the date of Commission action. Eligibility for reinstatement is lost upon separation from state service or demotion.

(h) Red circle rates in effect on June 8, 1994, the effective date of the amendment to this rule providing for a continuing red circle rate, shall be extended in accordance with the provisions of this rule.

6.16 Special Pay Provisions.

Under conditions described below, the Commission may authorize special pay considerations, beyond those already prescribed in these rules.

(a) Premium Pay

In order to remain competitive with the pay practices of market competitors, the Commission may authorize special pay for positions in a job where employment conditions are unusual. Additional

pay may be authorized for an employee who performs extraordinary duty that is not an integral part of his regularly assigned duties. Such additional pay shall not be considered as part of the employee's base pay.

(b) Repealed, effective January 1, 2000.

(c) Individual Pay Adjustment.

When an appointing authority requests and can present adequate justification with documentation before the Commission in public hearing, the Commission may grant special adjustments in pay for individual employees. Such adjustments shall be granted only within the pay range for the grade to which the employee's 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).

(d) An appointing authority may, after presenting justifiable reasons in writing to the Commission, and with the Commission's approval, pay an incentive award at any time that the justifications have been shown.

(e) The special pay rates authorized by this Rule shall not be effective until after approval by the Commission at a public hearing.

(f) Rate of Pay Upon Approval of Base Supplement.

When market and employment conditions require additional pay above the range maximum in order to maintain competent and experienced staff, the Commission, upon request from the appointing authority, may authorize that employees occupying positions in selected job titles, geographic areas, organizations or other limiting factors deemed appropriate by the Commission, receive a base supplement. Any Commission-approved base supplement must also be approved by the Governor before it can become effective. Authority for such pay may be adjusted or rescinded by the Commission, with the approval of the Governor, should market and employment conditions change. When authorized, this base supplement shall be treated as a part of base pay and must be reported as such.

(1) Upon reaching the range maximum, the salary of an employee whose position has been authorized base supplement may receive additional pay based on other provisions of these rules up to the highest rate within the base supplement and in accordance with any special provisions and conditions specified by the Commission.

(2) An employee who occupies a position at the time its base supplement authority is rescinded or adjusted downward by the Commission shall have his salary set in accordance with the provisions and conditions specified by the Commission.

(3) An employee who occupies a position at the time its base supplement authority is moved upward shall have his salary remain the same, unless he retains eligibility for other adjustments authorized under other provisions of the Rules and unless the salary is set in accordance with any special provisions and conditions specified by the Commission.

(g) Pay for Employees at Range Maximum

Subject to the provisions of Rule 6.29, in order to reward those employees who have achieved at least 12 years of continuous State service and have reached the maximum of their pay range or the maximum plus maximum base supplement, have continued to exhibit satisfactory performance for a period of at least three years after reaching the maximum or maximum plus maximum base supplement, and who have been at the same maximum or maximum plus maximum base supplement pay rate for a period of three years, an appointing authority may, at his own discretion, grant a lump sum payment of up to 4% of the employee's base salary. Employees may not receive such an increase more frequently than every three years. Employees who are red circled shall not be eligible for a lump sum payment. Eligibilities gained but not received at the time of initial eligibility may be given prospectively at any time within three years of the initial eligibility.

(h) Payment for Attainment of Advanced Degree

An appointing authority may approve a base pay increase of up to 10% for a permanent employee who attains a job related Master's Degree, Ph.D., or their equivalent from an accredited college or university while employed at the Department, provided that a Department policy has been approved by the Civil Service Commission and the employee was not previously rewarded for attainment of the degree under another rule.

6.16.1 Rewards and Recognition

Subject to the provisions of Rule 6.29, an appointing authority may, at his discretion, implement a program of rewards and recognition for individual employees or for employee groups for significant achievement. Such rewards may be either monetary or non-monetary. If monetary, such rewards shall not exceed a total of 10% of the employees base salary within a fiscal year. Monetary rewards shall not be a part of the employee's base pay, but rather shall be a lump sum reward. Such reward and recognition programs shall be implemented in accordance with written policies and procedures established by each department. Such policies must receive advance approval from the Civil Service Commission and shall be posted in a manner that assures their availability to all employees. Such policies shall also include the public posting of all reward recipients.

6.16.2 Optional Pay Adjustments

Subject to the provisions of Rule 6.29, an appointing authority may, at his own discretion, grant individual pay adjustments to permanent employees for the following reasons:

(a) Matching a Job Offer

To provide for the retention of an employee whose loss would be detrimental to the State service, an appointing authority may grant an employee up to a 10% base pay or lump sum to match a

verified, non-State job offer or unclassified job offer in a different state department. An appointing authority may ask the Commission to authorize an increase greater than 10%.

(b) Compression Pay

An appointing authority may grant an employee a pay increase of up to 10% of the employee's base pay to reduce compression, realign pay between comparable employees, or alleviate supervisor/subordinate pay inversions caused by job and pay plan changes.

(c) Additional Duties

To compensate employees for performing additional duties, an appointing authority may grant an employee a base pay increase or lump sum payment of up to 10%. Employees at the maximum of the pay range may only receive a lump sum adjustment. An employee may not receive more than 15% base pay increases within three consecutive years.

(d) Recruitment

May grant an employee a pay increase of up to 10% of the employee's base pay to recruit employees into positions for which recruiting is difficult.

Such optional pay adjustments shall be implemented in accordance with written policies and procedures established by each department. Such increases shall not exceed 10% in a fiscal year for an individual employee and shall not duplicate a payment received pursuant to any other Rule. Such polices must be receive advance approval from the Civil Service Commission and shall be posted in a manner that assures their availability to all employees. Such policies shall also include a public posting of all recipients.

6.16.3 Exceptional Performance and Gainsharing

This rule establishes an incentive program designed to encourage increased efficiency and better performance in governmental operations. Subject to the provisions of Rule 6.29, and after obtaining a reward of monies from the incentive fund as established in the Louisiana Government Performance and Accountability Act, an appointing authority may implement an exceptional performance or gainsharing incentive reward program which provides for supplemental compensation to identify classified employees or classified employee groups responsible for efficiencies or exceptional performance. Where the agency is not covered by the Louisiana Government Performance and Accountability Act, the appointing authority shall obtain certification of efficiencies or exceptional performance as required by the Director of the Department of Civil Service. Employees must have been employed by the agency, program, or activity during the period when the efficiencies or the exceptional performance occurred and at the time the reward is distributed. Monetary rewards shall not be part of the classified employee's base pay, but rather shall be a lump sum reward not to exceed 20% of their annual base salary. Such reward shall not be considered in the determination of retirement benefits. Each appointing authority's supplemental compensation plan must be approved by the Civil Service Commission

prior to distribution of the monies. The plans shall be posted in a manner that assures their availability to all employees. Such public posting shall identify the reward recipients and the amount received by each recipient.

6.17 Pay on Entering the Classified Service Under the Provisions of Rule 24.2.

An employee who enters the classified service under the provisions of Rule 24.2 because his position has been declared to be in the classified service shall have his pay established as follows:

(a) If the employee's rate of pay falls within the range, or within the range plus the authorized base supplement for the position allocated, his rate of pay shall remain the same.

(b) If the employee's current rate of pay is below the range minimum, it shall be brought to the range minimum or interim minimum if such is in effect at the time.

(c) If the employee's current rate of pay is above the range maximum or above the range maximum plus the base supplement authorized for the position allocated, Rule 6.15 shall apply.

6.25 Repealed and Re-enacted in Rules 21.10 and 21.11, effective December 31, 2003.

6.26 Repealed and Re-enacted in Rule 21.2, effective December 31, 2003.

6.27 Repealed and Re-enacted in Rules 21.7 and 21.12, effective December 31, 2003.

6.28 Compensation for On-Call Duty/Shift Work

Subject to the provisions of Rule 6.29,

(a) The Director may authorize compensation for on-call/shift work through policy directives which establish guidelines for compensation for employees performing these types of work. These guidelines will establish the maximum authorized amounts which may be utilized. The Commission may authorize amounts at levels higher than established by the Director.

(b) On-call compensation is for hours worked in excess of regularly scheduled hours of duty, when the worker is available for call back to his/her duty station, work-ready, within a specified period of time, at the direction of his/her appointing authority. On-call compensation is in addition to the employee's regular pay and is not to be included in terminal leave payments allowed under other Sections of the Rules. On-call compensation shall not be granted to an employee for his/her regularly scheduled hours of duty. Further, when an employee is called back he/she shall be considered in duty status and eligible for overtime compensation, according to Chapter 21 of these Rules

(c) Shift differential is an additional pay allowance for employees who work non-standard hours.

6.29 Corrective Pay Actions

(a) The discretion granted by this Chapter to an appointing authority is subject to revocation by the Director when he determines that such discretion has been abused.

(b) An employee's pay is subject to reduction when it is determined that the employee has benefited from increased pay as a result of either a violation of these Rules, or an abuse of the discretion granted in these Rules.

6.30 Pay adjustment if within $20 of range maximum or highest rate within the base supplement

In order to avoid excessive administrative costs, an appointing authority may adjust an employee's salary to the monthly range maximum or highest rate within the base supplement authorized for a position when any personnel transaction results in a salary increase which is within $20 of that monthly range maximum or highest rate within the base supplement.

6.31 Pay for Employees Appointed at Range Minimum

An appointing authority may grant a 2% base pay increase to an employee appointed at the minimum of the pay range after that employee has served at least six months. When an appointing authority elects to grant such pay adjustments, they must be granted in a uniform manner to all employees in the same job title who are hired at the minimum of the range. Such pay adjustments may only be granted within twelve months of the effective date of the appointment.

Chapter 7: Examinations and Eligible Lists

Chapter 7 was repealed in its entirety effective February 16, 2009. Refer to Chapters 22, 23 and 24.

Chapter 8: Certification and Appointment

Chapter 8 was repealed in its entirety effective February 16, 2009. Refer to Chapters 22, 23 and 24.

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 under the provisions of Rule 23.3(a).
3. Non-competitive re-employments based on prior service, except as provided in Rules 17.23(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.

(g) The probationary period of a part-time employee shall be computed on the same calendar basis as though he were employed full time.

(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 Concurrent Full-Time Status

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.

Chapter 10: Performance Evaluation System

Effective July 1, 2012

10.1 Performance Evaluation System; Required Components

(a) The Performance Evaluation System is a tool used to measure individual performance and to develop employees into high-performing individuals. This Performance Evaluation System is effective July 1, 2012, and applies to all classified employees except for those serving as classified When Actually Employed (WAE) employees. The performance evaluation year shall be July 1st through June 30th of each year. The Performance Evaluation System shall consist of at least the following components:

1. A performance plan that lists the performance factors on which the employee's overall performance will be evaluated,
2. A planning session at which the evaluating supervisor and the employee discuss the performance plan,
3. A standard planning and evaluation form approved by the Director,
4. A three-level evaluation system, and
5. A planning and evaluation instruction manual that is accessible to all employees.

(b) An appointing authority may make variations to the performance planning and evaluation form or instructions with prior written approval from the Director.

10.2 Evaluating Supervisor

(a) The Appointing Authority shall designate an Evaluating Supervisor for each employee. Generally, the Evaluating Supervisor should be the person who, in the Appointing Authority's judgment, is in the best position to observe and document the employee's performance. Failure to designate an Evaluating Supervisor shall be a violation of these rules.

(b) The Evaluating Supervisor shall be responsible for administering the performance evaluation system for his designated employees in accordance with these Rules and any applicable agency policies. An Evaluating Supervisor who fails to administer the performance evaluation system in accordance with these Rules shall not be eligible for a performance adjustment for that year.

10.3 Second Level Evaluator

(a) The Appointing Authority shall designate a Second Level Evaluator for each employee. Generally, the Second Level Evaluator is the Evaluating Supervisor's supervisor. The Second Level Evaluator must approve the performance plan and the performance evaluation prepared by the Evaluating Supervisor before they are given to the employee for signature.

(b) The Second Level Evaluator shall be responsible for administering the performance evaluation system in accordance with these Rules and any applicable agency policies. A Second Level Evaluator who fails to administer the performance evaluation system in accordance with these Rules shall not be eligible for a performance adjustment for that year.

10.4 Performance Evaluations

(a) Each employee shall be evaluated on his overall performance based on work tasks and behavior standards determined by the evaluating supervisor to be requirements of the employee's job.

(b) Additionally, each supervisory employee shall be evaluated on his administration of the performance evaluation system as required by these rules.

10.5 Performance Plan and Performance Planning Session

(a) The Evaluating Supervisor shall prepare a performance plan at the beginning of each evaluation period. The performance plan shall list work tasks and behavior standards on which the employee's overall performance will be evaluated. These shall be recorded on the planning and evaluation form.

(b) The Evaluating Supervisor shall obtain the Second Level Evaluator's signature approval of the performance planning and evaluation form prior to presenting it to the employee for final signature.

(c) After obtaining the Second Level Evaluator's signature approval of the performance plan, the Evaluating Supervisor will conduct a performance planning session with the employee.

(d) During the planning session, the Evaluating Supervisor shall present the performance planning and evaluation form to the employee and discuss the performance work tasks and behavior standards on which he will be evaluated and the performance that will be expected of him during the coming evaluation period.

(e) The Evaluating Supervisor and the employee shall sign and date the performance planning and evaluation form to document the planning session. The employee shall be given a copy of the form. Should the employee decline to sign the performance planning and evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the planning session occurred. An employee cannot prevent the planning session from becoming official by refusing to sign the form.

(f) Planning sessions shall be conducted during the first three (3) calendar months following:

1. the appointment of a new employee;

2. the permanent movement of an employee into a position having a different position number with significantly different duties;
3. the beginning of the new performance evaluation year (no later than 9/30).

(g) A performance planning session may be conducted when:

1. the employee gets a new Evaluating Supervisor,
2. performance expectations change, or
3. the Evaluating Supervisor deems a performance planning session is appropriate.

10.6 Overall Performance Evaluation

(a) At the end of the performance evaluation period, the Evaluating Supervisor shall assign one of the three values listed below to the employee's overall performance based upon the work tasks and behavior standards established in the performance plan.

Exceptional: Work and behavior consistently exceeded the performance criteria.

Successful: Work and behavior met the performance criteria.

Needs Improvement/Unsuccessful:: Work and/or behavior did not meet the performance criteria.

(b) An Evaluating Supervisor may elect to assign an employee who worked less than three calendar months within the performance evaluation year a default overall evaluation of "Not Evaluated." An overall evaluation of "Not Evaluated" shall have the same effect as an evaluation of "Successful." "Not Evaluated" evaluations may be given only when:

1. the employee is active as of June 30th, the end of the performance year, and
2. the employee has worked less than three (3) months at the evaluating agency within the performance year, and
3. the appointing authority determines that not enough time has elapsed to create an evaluation for the employee.

(c) When an evaluation is in violation of these rules, the employee shall receive an overall evaluation of "Unrated." "Unrated" evaluations shall have the same effect as an evaluation of "Successful."

10.7 Official Performance Evaluations and Evaluation Sessions

(a) Official performance evaluations are required for all classified employees except those serving as classified WAE employees. The Evaluating Supervisor shall base the official evaluation of the employee's performance on the work tasks and behavior standards as stated on the performance planning and evaluation form.

(b) Official evaluations shall be made after the performance year has ended and must be rendered no later than August 31st. All official overall evaluations will be recorded with an effective date of July 1st.

(c) Evaluations become official on the date they are rendered. No evaluations shall be rendered after August 31st. To render an official evaluation, the Evaluating Supervisor shall:

1. complete a performance evaluation form after June 30th of the evaluation year,
2. provide documentation to support an evaluation of "Needs Improvement/Unsuccessful" or "Exceptional,"
3. obtain the Second Level Evaluator's signed approval of the evaluation form prior to discussion with the employee,
4. discuss the evaluation with the employee and present the evaluation form to the employee to be signed and dated, and
5. give the employee a copy of the evaluation form with his official overall evaluation noted.

(d) When an employee is not available, the provisions of this rule shall be satisfied when notification to the employee is made by mail. If the employee is notified by mail, the notification shall be deemed timely if it was mailed to the employee's most recent address on or before August 31st, as evidenced by official proof of mailing. The agency must maintain documentation that the employee was notified on or before August 31st.

(e) Should the employee decline to sign the performance evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the evaluation session occurred. An employee cannot prevent the evaluation from becoming official by refusing to sign the form.

(f) Evaluations of "Unrated" shall be indicated on the final overall performance evaluation form by the Evaluating Supervisor, Second Level Evaluator, or Human Resources officer. An employee shall be notified when he has been assigned an official overall evaluation of "Unrated".

10.8 Effects of the Needs Improvement/Unsuccessful Evaluation

(a) An evaluation of "Needs Improvement/Unsuccessful" is not a disciplinary action.

(b) Any employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall <u>not</u> be:

1. eligible for a performance adjustment, a promotion or permanent status, or
2. detailed to a higher level position unless approved in advance by the Director of Civil Service.

(c) An employee whose official overall evaluation is "Needs Improvement/Unsuccessful" may be separated or disciplined in accordance with the rules applicable to the employee's status.

(d) Permanent employees shall have a right to request a review in accordance with the provisions of rules 10.11 and 10.12.

10.9 Effect of the Absence of an Official Evaluation

An employee who is not evaluated in accordance with the provisions of these rules shall have an official overall evaluation of "Unrated" on the evaluation effective date of July 1st. Permanent employees shall have a right to request a review in accordance with the provisions of rule 10.11.

10.10 Record Keeping and Reporting Requirements

(a) Each completed performance evaluation form shall be kept in the agency Human Resource office or other designated, secure location not accessible to the public, and shall not be considered a public record. Completed forms must be available upon request to the Department of Civil Service for auditing purposes, to other agencies of the State of Louisiana for purposes of checking employment references and to the employee.

(b) Each Appointing Authority shall annually report to the Director of Civil Service, in such manner as the Director prescribes, information about evaluations given during the previous year ending June 30th. The Director of Civil Service may require more frequent reporting as needed.

10.11 Agency Review

(a) A permanent employee who receives an overall performance evaluation of "Unrated" or "Needs Improvement/Unsuccessful" may request an official review of that evaluation by an Agency Reviewer(s).

(b) The appointing authority shall designate the Agency Reviewer or an Agency Review Panel. The Reviewer(s) shall not be either the Evaluating Supervisor or the Second Level Evaluator who signed the evaluation being reviewed.

(c) The official overall evaluation may only be changed by the Agency Reviewer(s).

(d) A request for review must be submitted in writing and be postmarked or received in the employing agency's Human Resources office no later than September 15th following the evaluation year. In the request for review, the employee must explain and provide supporting documentation for the request for review.

(e) If the request for review is timely, the Agency Reviewer(s) must review the employee's request, the evaluation given and any supporting documentation provided. The contested evaluation must be discussed with the employee and the Evaluating Supervisor.

(f) The Agency Reviewer(s) shall give the employee, the Evaluating Supervisor, and the Human Resources office written notice of the results of their review. This notification shall be provided no later than October 15th. Any change in evaluation shall be retroactive to July 1st.

(g) The performance evaluation form, the employee's request for review, the Agency Reviewer(s)' decision, and the supporting documentation attached to the performance evaluation, as well as any documents requested from the employee or supervisor during the review, shall be maintained in the employee's official personnel file or other secured performance file maintained in Human Resources.

10.12 Request for Review by the Director of Civil Service

(a) A permanent employee who receives an overall evaluation of "Needs Improvement/Unsuccessful" following an Agency Review may request to have his performance file reviewed by the Director or the Director's designee.

(b) A request for review under this rule must be postmarked or received by the Director no later than 10 calendar days following the date the employee received the Agency Review decision. In the request, the employee must explain why he is contesting the decision of the Agency Reviewer(s).

(c) If the request for review is timely, the Director or his designee shall obtain and review the employee's performance file. The Director may either affirm the overall evaluation or change the overall evaluation to "Unrated". The Director's decision shall be final.

(d) The Director shall provide a written decision to the employee, the Evaluating Supervisor, and the Human Resources Officer no later than thirty (30) calendar days following the date the request for review was received.

10.13 Exceptions

The Director may approve exceptions to these Rules.

10.14 Grievance Process

The agency's grievance process shall not be used to review or reconsider evaluations or a procedural violation of these rules.

<u>10.15 – 10.18 Repealed</u>

Chapter 11: Hours of Work, Annual, Sick and Other Forms of Leave

11.1 Full-Time Employees

(a) Subject to the provisions of subsections (b) and (c) hereof, the work week for each full-time employee in the classified service shall be forty (40) hours; or an appointing authority may specify an alternate 80-hour, two-week work period for exempt employees.

(b) An appointing authority, with the approval of the Commission, may specify a work week exceeding forty (40) hours for employees in specific classes of positions within his agency, or for employees in specific divisions or activities within his agency.

(c) Subject to the provisions of subsections (a) and (b) of this Rule, the appropriate appointing authority shall designate and record the number of hours and days, which will constitute the regular work week of each full-time employee.

(d) Each specification prepared under the provisions of subsection (b) of this Rule shall be filed with the Director.

11.2 Part-Time Employees

(a) When the services of an employee are not needed on a full-time basis his appointing authority may establish a regular tour of duty for him on a part-time basis.

(b) The appropriate appointing authority shall designate and record the number of hours and days, which will constitute the regular work week of each part-time employee.

11.3 Intermittent Workers

When the services of an employee are not needed on a regularly scheduled basis, the appointing authority may appoint an employee to serve on an intermittent hourly, daily, weekly or monthly basis.

11.3.1 Repealed and Re-enacted in Rule 21.1, effective December 31, 2003

11.4 Repealed and re-enacted effective July 1, 1973 as Rules 1.3.1 and 1.39.1

11.5 Earning of Annual and Sick Leave

(a) Annual and sick leave shall be earned by each full-time and each part-time employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on classified WAE appointment or while using leave from an agency leave pool as defined in Rule 11.34.

(b) The earning of such leave shall be based on the equivalent of years of full-time State service and shall be creditable at the end of each calendar month or at the end of each regular pay period in accordance with the following general schedule:

1. Less than three years of service, at the rate of .0461 hour of annual leave and .0461 hour of sick leave for each hour of regular duty.
2. Three years but less than five years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty.
3. Five years but less than ten years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty.
4. Ten years but less than fifteen years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty.
5. Fifteen or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.

(c) Repealed, effective July 1, 1973.

(d) No employee shall be credited with annual or sick leave

1. For any overtime hour.
2. For any hour of leave without pay.
3. Repealed 9/13/2006.
4. For any hour in on-call status outside his regular duty hours as defined in Rules 11.1 and 11.2.
5. For any hour of travel or other activity outside his regular duty hours as defined in Rules 11.1 and 11.2.
6. For any hour of a holiday or other non-work day which occurs while he is on leave without pay.

11.6 Carrying Leave Forward

(a) Accrued unused annual and sick leave earned by an employee shall be carried forward to succeeding calendar years.

(b) Repealed, effective March 15, 1973.

11.7 Use of Annual Leave

(a) Annual leave must be applied for by the employee and may be used only when approved by the appointing authority or his designated representative.

(b) Annual leave shall not be charged for non-work days.

(c) Each appointing authority shall select a method to charge the annual leave records of all employees. The minimum charge to annual leave records shall be not less than one-tenth hour (6 minutes) nor more than one-half hour.

(d) The appointing authority shall use the same method for charging to leave records for both annual and sick leave.

11.8 Repealed, effective December 17, 1957

11.9 Enforced Annual Leave

(a) Subject to subsection (b) hereof, and military leave provisions in Rule 11.26, an appointing authority may require an employee to take annual leave whenever in his administrative judgment such action would be in the best interest of the Department.

(b) No employee shall be required to reduce his accrued annual leave to less than 240 hours except;

1. prior to being granted leave without pay, but subject to the right granted the employee by the military leave provisions of these rules; or,
2. where it is determined that the need to be absent from work is because of a condition covered by the United States Family and Medical Leave Act.
3. the leaveis required during closures in accordance with Rule 17.10 as a layoff avoidance measure.

11.10 Payment for Annual Leave Upon Separation

(a) Subject to Rule 11.18(a) and sub-section (b) of this rule, each employee upon separation from the classified service shall be paid the value of his accrued annual leave in a lump sum disregarding any final fraction of an hour; provided, that the privileges of this rule shall not extend to any employee who is dismissed for theft of agency funds or property. The payment for such leave shall be computed as follows:

1. When an employee is paid wages on an hourly basis, multiply his regular hourly rate by the number of hours of accrued annual leave.
2. When an employee is paid on other than an hourly basis, determine his hourly rate by converting his salary in accordance with provisions in the uniform pay plan for conversion

to a working hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave.

(b) No terminal payment for annual leave earned under these Rules shall exceed the value of 300 hours, computed on the basis of the employee's hourly rate of pay (includes base supplement) at the time of his separation. The hourly rate of pay for employees who are on detail shall not include the employee's pay in the detail position.

(c) No payment for annual leave under this Rule shall operate to continue the payee as a classified employee beyond the last day of active duty.

(d) Payment for annual leave earned under administrative rules or regulations in effect prior to July 1, 1953 may be made upon separation in accord with such rules or regulations.

(e) When an employee who has been paid under this Rule for accumulated annual leave is reemployed in a classified position, he shall pay the Department which reemploys him the value of such annual leave at the rate paid him less the value of working hours for which he has been paid which intervene between the last day worked and the date of reemployment and shall be given credit for the number of hours of annual leave for which he has made reimbursement, except when:

1. an employee returns to work for the first time after retirement or
2. an employee is rehired into a job appointment or non-leave earning position, he/she shall not be required to make reimbursement.

(f) Repealed and reenacted as Sub-section (d)6 of Rule 11.5, effective July 1, 1973.

(g) Repealed, effective June 8, 1983.

11.10.1 Payment for Sick Leave When Employee Is Non-disciplinarily Removed under Rule 12.6(a)1

When an employee is removed in accordance with Rule 12.6 (a)1, he shall be paid the value of his accrued sick leave in a lump sum, based on his regular hourly rate of pay, unless he is reemployed in probational or permanent status in the classified state service or is reemployed in the unclassified service, without a break in service of one or more working days, in which cases the sick leave will transfer to the employing agency.

11.11 Repealed, effective December 17, 1957

11.12 Repealed, effective December 17, 1957

11.13 Use of Sick Leave

(a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of:

1. Illness or injury which prevents him from performing his usual duties.
2. Medical, dental, or optical consultation or treatment.
3. Repealed, effective January 1, 1963.

(b) Sick leave shall not be charged for non-work days.

(c) Each appointing authority shall select a method to charge the sick leave records of all employees. The minimum charge to sick leave records shall be not less than one-tenth hour (6 minutes) nor more than one-half hour.

(d) Repealed, effective June 30, 1972.

(e) The appointing authority shall use the same method for charging to leave records for both annual and sick leave.

11.13.1 Enforced Sick Leave

An appointing authority may place an employee on sick leave when the employee asserts the need to be absent from the work place because of the employee's illness or injury.

11.14 Certificate Required When Sick Leave Taken

An employee who has taken sick leave shall file with his appointing authority a certificate stating the cause of his absence and the amount of time taken. The appointing authority may require a statement from a registered physician or some other acceptable proof that the employee was ill and unable to report to work.

11.15 Repealed, effective July 11, 1984

11.16 Repealed, effective December 17, 1957

11.17 Repealed, effective December 17, 1957

11.18 Cancellation or Continuance of Annual and Sick Leave

(a) When an employee separates from the state classified service, all accrued annual leave except that which must be paid and all accrued sick leave except that which must be paid under Rule 11.10.1 shall be cancelled; however, if the employee is reemployed in probational or permanent

status in the classified service or is reemployed in the unclassified service without a break in service of one or more working days, all of the employee's annual and sick leave shall be transferred to the employing agency.

(b) Subject to the provisions of Rule 11.19, when a former employee is reemployed with permanent or probationary status within 5 years of his separation, all accrued annual and sick leave that was cancelled upon separation shall be recredited to him; provided, that the privileges of this Rule shall not extend to an employee whose last separation was by dismissal or resignation to avoid dismissal.

(c) Repealed, effective August 5, 1992.

(d) Repealed, effective August 5, 1992.

(e) Repealed, effective August 5, 1992.

11.19 Transferring Annual and Sick Leave Between Departments

(a) Repealed, effective July 1, 1973.

(b) Subject to the provisions of Subsection (c) of this Rule, all annual leave accrued by an employee for which he is not paid and all sick leave accrued by him whenever he changes from employment in one department to employment in another department within a period of thirty calendar days shall be certified by his former department to the other department and shall be credited to the employee.

(c) All annual leave accrued by an employee for which he was not paid and all sick leave accrued by him at time of separation to enter military service shall be credited to him upon his reemployment in a classified position following such military service.

(d) The annual and sick leave credits of a state employee, earned under the provisions of a formal system of leave accrual and use, or employed by an entity that employs state classified employees on a regular basis, who enters the Classified Service, shall be certified and credited in the same manner as provided in this rule for classified employees.

11.20 Repealed, effective December 17, 1957

11.21 Workmen's Compensation Payments

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation he

(a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(b) may, to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

(c) may be granted leave without pay.

Rule 11.21.1

(a) When an employee engaged in law enforcement work is disabled while in the performance of duty of a hazardous nature, and because of such disability is unable to perform his usual duties, his appointing authority may, with prior approval of the Director, grant such disabled employee a leave of absence with full pay not to exceed six months during the period of such disability without charge against the employee's accumulated sick or annual leave, provided such employee must pay to his Department all amounts received by him as Workmen's Compensation benefits. Requests for such leave shall be submitted in writing by the appointing authority and shall include all information necessary to determine whether an employee is covered by this Rule.

(b) If a request, made in accordance with the provisions of Subsection (a) of this Rule, is found to be questionable or if the leave requested exceeds or later extends beyond six months, the Director shall submit such request to the Commission for its review and approval.

11.22 Repealed, effective December 17, 1957

11.23 Civil, Emergency, and Special Leave

An employee serving with job appointment, probationary or permanent status shall be given time off without loss of pay, annual leave, or sick leave when:

(a) Performing jury duty.

(b) Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for purposes of this Subsection a plaintiff or defendant shall not be considered a witness, nor shall this Subsection apply to an employee summoned as a witness as a result of employment other than State employment.

(c) Performing emergency civilian duty in relation to national defense.

(d) His appointing authority determines that he is prevented by an act of God from performing duty.

(e) Amended and Re-enacted effective January 11, 1989 as Rule 11.23.2.

(f) Participating in a State Civil Service examination on a regular work day, or taking a required examination pertinent to the examinee's State employment, before a State licensing board.

(g) The appointing authority determines that because of local conditions or celebrations it is impracticable for his employees in such locality to work.

(h) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.

(i) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace or property of the people.

(j) Engaged in the representation of a client in a criminal proceeding pursuant to an order of a court of competent jurisdiction, provided if compensation for such services is available from another source, he may not accept the special leave and the compensation.

(k) The employee is a current member of a Civil Air Patrol and incident to such membership is ordered to perform duty with troops or participate in field exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.

11.23.1 Funeral Leave

Probationary and permanent employees may be granted time off without loss of pay, annual leave or sick leave when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, or grand-child; provided such time off shall not exceed two days on any one occasion.

11.23.2 Voting Leave

A probationary or permanent employee may be granted time off without loss of pay, annual leave or sick leave when voting in a primary, general or special election which falls in his regularly scheduled work day, provided not more than two hours of leave shall be allowed to vote in the parish where he is employed and not more than one day to vote in another parish.

11.23.3 Voluntary Disaster Service Leave

A full-time probationary or permanent employee may be granted time off without loss of pay, annual leave, compensatory leave, or sick leave, for a period not to exceed 15 work days in any calendar year, to participate in American Red Cross relief services in Louisiana for disasters designated at Level III or above in the American Red Cross Regulations and Procedures. Such employees must have received a certification from the American Red Cross as a Trained Disaster Volunteer. All such requests must be made in writing and approved by the appointing authority.

11.24 Educational Leave

(a) Leave without pay for educational purposes may be granted an employee for a period equivalent to the period of attendance at the educational institution.

(b) Educational leave with pay may be granted an employee for a maximum of thirty calendar days in one calendar year if the course of instruction to be taken is pertinent to the work of the employee in his Department, provided that a permanent employee may be granted such leave for a maximum of ninety calendar days in one calendar year if the Department requires him to take special training.

(c) Employees granted educational leave without pay may be granted a stipend if there are funds available for that purpose.

11.25 Repealed, effective June 30, 1972

11.26 Military Leave

The provisions of this rule shall apply to members of a Reserve Component of the Armed Forces of the United States who are called to duty for military purposes, and to members of National Guard Units which are called to active duty as a result of a non-local or non-state emergency.

(a) Military Leave with Pay.

1. Provided they give advance notice, employees serving on job appointment, probationary or permanent status, shall be entitled to military leave with pay.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
3. Maximum military leave with pay for military purposes is 15 working days per calendar year.

(b) Use of Annual and Compensatory Leave for Military Purposes.

1. Employees serving on job appointment, probationary or permanent status, who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.

(c) Use of Leave Without Pay for Military Purposes.

Employees serving on job appointment, probationary or permanent status, who have either exhausted annual leave and compensatory time or choose not to use their paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six years. After six years, he/she shall be separated from the classified

service. This rule does not extend the term of temporary appointments which were made for less than six years; if the original term of the appointment was less than six years, the agency may end the appointment as originally scheduled and the employee may be separated.

(d) Rights Upon Return.

Probational and permanent employees and employees serving on job appointments returning to their classified positions under the provisions of this Rule or Rule 23.15, which governs time frame requirements for restoration to state employment, shall return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent for military training or military active duty; however, probational status shall be governed by the provisions of Rule 9.3.

(e) Repeal entire section as it applied only to Persian Gulf Crisis of 1990.

(f) Repeal entire section as it applied only to Persian Gulf Crisis of 1990.

(g) The provisions of this section of the rule apply to employees serving on job appointment, probationary or permanent status, who are called to active duty, and who are on Leave Without Pay by choice or because all annual and/or compensatory leave has been exhausted. The provisions of this subsection (g) shall apply retroactively to September 11, 2001. The provisions of this subsection (g) shall NOT apply to employees on "inactive duty for training" (weekend drills).

1. When Military Leave with Pay as provided in Rule 11.26(a) has been exhausted, an employee whose military base pay is less than his state base pay shall be paid the difference between his military base pay and his state base pay in his regular position. Such payment shall be made on the same frequency and manner as the employee's regular state pay, unless other voluntary arrangements are made. Employees receiving the pay differential shall provide to agency officials any documentation appropriate to ensure the payment amount is calculated correctly. Employees who choose to use their annual leave during their period of military absence shall not be eligible for receipt of the pay differential, unless the leave was used between September 11, 2001, and the date of the adoption of this rule, in which case subparagraph (4) shall apply.
2. Employees shall continue to accrue sick and annual leave for the entire period of service, beginning the date of the service. Leave shall be accrued on the same basis as though the employee had not been activated. Leave earned shall be credited to the employee upon his return from active duty.
3. Employees who are on Leave Without Pay shall receive, each calendar year, the full 15-days of Military Leave with Pay provided in Rule 11.26(a)3. The pay differential allowed in 11.26(g)1 shall be suspended until the 15-day Military Leave with Pay period is exhausted and the employee returns to Leave Without Pay status.
4. If paid leave has been used during any portion of service from September 11, 2001, through the date of adoption of this rule, an employee who chooses to use the pay differential option shall have his leave balance recredited with a leave amount equal to the value of the pay differential the employee would have received had this rule been in effect on September 11, 2001.

(h) A probationary or permanent employee, who was called to active duty for military purposes and who resigned from state service, may, at his request, and within 90 days of his release from active duty, have his resignation rescinded and become eligible for the benefits of subsection (g) of this rule.

11.27 Leave of Absence without Pay

(a) An appointing authority may extend leave of absence without pay to an employee, provided that such leave shall not prolong the period of the employee's appointment.

(b) Abolish effective October 1, 2000.

(c) Repealed effective February 16, 2009.

(d) The appointment of an employee who has not completed his probationary period and who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.

(e) A permanent employee who has been extended leave of absence without pay under the provisions of Subsection (a) or (b), or both, hereof shall be restored to duty in pay status on or before the first working day following the expiration of such leave of absence. If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier date upon reasonable and proper notice from his appointing authority, he shall be considered as having deserted his position and shall be separated in accordance with the provisions of Chapter 12 of these Rules.

(f) An appointing authority on its own initiative or at the request of the employee may curtail a period of leave of absence without pay extended to an employee, provided such curtailment is for the best interest of the State service and reasonable and proper notice thereof is furnished to the employee. Curtailment must not conflict with the provisions of Rule 11.26(b).

(g) In addition to any disciplinary action which may be imposed against an employee for an unapproved absence, such employee may be placed on leave without pay by his appointing authority for the period of unapproved absence.

11.27.1 Leave Prohibited to Assume an Unclassified Position

A probationary employee shall not be granted leave to serve in an unclassified position.

11.28 Holidays

(a) An employee, who is required by his appointing authority to work on his official holiday, shall be entitled to compensatory leave or overtime pay benefits as authorized in Chapter 21 of these Rules.

(b) When a holiday falls on an employee's regular day off, and the appointing authority requires the employee to work on his designated holiday and the actual holiday, the appointing authority shall select only one of the two days as the employee's official holiday for overtime compensation as provided by the Rules contained in Chapter 21. The other day is to be compensated as regular overtime work.

(c) Repealed, effective June 7, 1989.

11.29 Repealed and Re-enacted in Rules 21.4, 21.6, 21.7, 21.10 and 21.11, effective December 31, 2003

11.30 Repealed, effective December 17, 1957

11.31 Forms

The departments shall maintain uniform records on all types of leave on forms prescribed by the Director.

11.32 Repealed, effective December 17, 1957

11.33 Repealed, effective December 17, 1957

11.34 Crisis Leave Pool

Subject to the provisions of Rule 11.5(a), a department may establish a policy to implement and administer a pool of shared annual leave which may be used by employees who cannot work due to a crisis situation and who have insufficient appropriate paid leave to cover the absence needed for the crisis situation. An employee using leave from a crisis leave pool shall receive leave in sufficient quantity to ensure his wage replacement is 75% of the pay he would receive in a regularly scheduled workweek. A department's policy must have the approval of the Civil Service Commission prior to implementation. At minimum, policies must include the following conditions and elements:

1. Classified employees must have attained permanent status to be eligible to donate or use leave from the leave pool.
2. Each Department shall specify the calendar year or the fiscal year as their "crisis leave pool policy year". The department's policy shall establish a cap on the amount of annual

leave which may be donated by an individual employee. No cap shall exceed 240 hours per employee per policy year.

3. The department's policy shall establish a reasonable balance of annual leave that donors are required to retain after the leave donation.
4. The department's policy shall establish a cap on the amount of leave which may be used by an individual employee. The cap shall not exceed 240 hours during one calendar year. The department's policy shall establish and clearly define eligibility criteria and the crisis situations which will be covered.
5. The department's policy shall define a procedure for administering the leave pool.
6. The department's policy shall establish a prohibition against the use of coercion or pressure to donate leave.
7. The department may establish other policy elements and conditions as deemed necessary. All additional elements and conditions shall be in compliance with Civil Service Rules.
8. A department's leave pool may be either: 1) a pool consisting of leave hours donated and used, or 2) a pool consisting of the dollar value of the leave donated and used.

Chapter 12: Discipline; Corrective Actions; Separations

12.1 Authority to Discipline, Remove, and Separate

An appointing authority may discipline, remove, or separate an employee under his or her jurisdiction.

12.2 Separation of Non-Permanent Employees; Cause Required to Discipline or Remove Permanent Employees

(a) An appointing authority may separate a non-permanent employee at any time.

(b) An appointing authority may discipline or remove a permanent employee for cause.

12.3 Discipline; Restrictions

(a) Discipline includes only: suspension without pay, reduction in pay, involuntary demotion and dismissal.

(b) A suspension without pay cannot exceed 176 work hours, except under Rule 12.5 or as ordered or agreed to under Chapter 13 or Chapter 16.

(c) A reduction in pay cannot reduce an employee's pay below minimum wage or below the pay range minimum.

12.4 Emergency Suspensions. [Repealed 7/9/08]

12.5 Suspension Pending Criminal Proceedings

(a) With prior Commission approval, an appointing authority may suspend a permanent employee, without pay, pending criminal proceedings when an indictment or bill of information has been filed against the employee for conduct that, if proved, would be cause for dismissal and the appointing authority cannot obtain sufficient information to initiate dismissal proceedings.

(b) An appointing authority's request for approval of a suspension under this rule must explain why the conduct would be cause for dismissal, why the employee cannot be allowed to work in any capacity, and why sufficient information to initiate dismissal proceedings cannot be obtained. The request must also include documentation that an indictment or bill of information has been filed.

(c) Before approving a suspension under this rule, the Commission must furnish the employee a copy of the appointing authority's request and a reasonable opportunity to respond.

(d) A permanent employee suspended under this rule must be given written notice before the time the suspension begins. This notice must comply with Rule 12.8 to the extent possible.

12.6 Non-disciplinary Removals

(a) An employee may be non-disciplinarily removed under the following circumstances:

1. When, on the date the notice required by Rule 12.7 is mailed, hand delivered, or orally given, the employee is unable to perform the essential functions of his job due to illness or medical disability and has fewer than eight hours of sick leave. An employee removed under this provision shall be paid for all remaining sick leave.
2. When, after the employee has been given written notice that his attendance requires improvement and copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.
3. When, as a result of conduct that was not work related, the employee fails to obtain or loses a license, commission, certificate or other accreditation that is legally required for the job.
4. When the employee holds more than one position in the state service and the multiple employment causes an employing agency to be liable for overtime payments under the Fair Labor Standards Act and, after having been provided the opportunity to do so, the employee has refused to resign from one of the positions.
5. When there is cause for dismissal, but the cause is not the employee's fault.

(b) When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c); 22.4(d); 23.16(a)4; 23.13(b); 11.18(b) and 17.23(e)4 shall not apply.

12.7 Notice of Proposed Action; Employee's Opportunity to Respond

When an appointing authority proposes to discipline or remove a permanent employee, the employee must be given oral or written notice of the proposed action, the factual basis for and a description of the evidence supporting the proposed action, and a reasonable opportunity to respond.

12.8 Written Notice to Employee of Discipline or Removal

When an appointing authority decides to discipline or remove a permanent employee, the employee must be given written notice of the action being taken before the time the action becomes effective. The written notice must:

(a) state what action is being taken and the date and time the action will become effective;

(b) describe in detail the conduct for which the action is being taken including, where pertinent, dates, times, places, and names of persons directly involved in or affected by such conduct (unless their identities are protected by law, in which case, identification may be made as permitted by law);

(c) contain the following notice: "You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office."

12.8.1 Giving Written Notice

Written notice is considered given

(a) when it is hand delivered to the employee or

(b) when it is hand delivered to a person of suitable age and discretion who resides with the employee or

(c) on the 7th calendar day after it was mailed with correct postage to the employee's most recent address furnished in writing or electronically to the agency's human resource office.

12.9 Improvement Letters

(a) An appointing authority may issue letters (such as warnings, counseling, coaching, reprimands, supervisory plans, etc.) to attempt to improve an employee's conduct.

(b) An employee may respond in writing to an improvement letter. The employee's response must be attached to each copy of the letter kept by the agency.

(c) If the same or similar conduct recurs, an improvement letter can be used to support the severity of future discipline, but only if the letter advised the employee that the letter would be used for this purpose and advised the employee of his right to respond.

(d) An improvement letter is not discipline, is only appealable under Rule 13.10(b) or (c), and may not be included in any publicly accessible personnel record until used to support future discipline.

12.10 Suspension Pending Investigation

(a) An appointing authority may orally suspend a permanent employee who is suspected of conduct that, if confirmed, would warrant discipline or removal and the employee's continued presence at work during the investigation and subsequent administrative proceedings would be contrary to the best interests of state service. The employee must be told that he is being suspended with pay and the general nature of the conduct being investigated.

(b) A suspension pending investigation must be with pay and cannot exceed 260 work hours. Enforced compensatory or enforced annual leave cannot be used for this 260-hour period.

(c) [Repealed effective 7/9/08]

(d) A suspension pending investigation is not discipline and is only appealable under Rule 13.10(b) or (c

12.11 Resignations

(a) An employee's oral or written resignation becomes effective on the date and time specified by the employee. An oral resignation must be documented by the person receiving it.

(b) An employee may not withdraw or modify the resignation after the appointing authority accepts it, unless the appointing authority agrees.

(c) When, after receiving notice that dismissal has been proposed, an employee resigns to avoid dismissal, the resignation must be reported as such.

Chapter 13: Civil Service Appeals

Note: Rules 13.1 through 13.9 have been amended and re-enacted as parts of other rules in this chapter; hence, Rule 13.10 is the first rule listed below.

13.1 Amended and re-enacted effective April 1, 1955 as Rule 13.10.

13.2 Amended and re-enacted effective April 1, 1955 as parts of Rules 13.11 and 13.20.

13.3 Amended and re-enacted effective April 1, 1955 as Rule 13.28.

13.4 Amended and re-enacted effective April 1, 1955 as Rule 13.19.

13.5 Amended and re-enacted effective April 1, 1955 as parts of Rules 13.21 and 13.25.

13.6 Amended and re-enacted effective April 1, 1955 as a part of Rule 13.21.

13.7 Amended and re-enacted effective April 1, 1955 as Rule 13.27.

13.8 Amended and re-enacted effective April 1, 1955 as Rule 13.17.

13.9 Amended and re-enacted effective April 1, 1955 as a part of Rule 13.22.

13.10 Appeals to the Commission

Only the following persons have a right of appeal to the Commission:

(a) a state classified employee with permanent status who has been removed or subjected to one of the disciplinary actions listed in Rule 12.2(b).

(b) a state classified employee who has been discriminated against in any employment action or decision because of his political or religious beliefs, sex or race.

(c) a state classified employee who has been adversely affected by a violation of any provision in the Civil Service Article or of any Civil Service Rule other than a rule in Chapter 10.

(d) REPEALED - EFFECTIVE MARCH 1, 2001

(e) REPEALED - EFFECTIVE MARCH 1, 2001

(f) REPEALED - EFFECTIVE MARCH 1, 2001

(g) REPEALED - EFFECTIVE MARCH 1, 2001

(h) REPEALED - EFFECTIVE MARCH 1, 2001

(i) REPEALED - EFFECTIVE MARCH 1, 2001

(j) REPEALED - EFFECTIVE MARCH 1, 2001

(k) REPEALED - EFFECTIVE JULY 1, 1997

(l) REPEALED - EFFECTIVE MARCH 1, 2001

(m) REPEALED - EFFECTIVE MARCH 1, 2001

13.11 Request for Appeal

A notice of appeal must

(a) Be in writing; and

(b) Be signed by the appellant, or on his behalf by an attorney duly licensed to practice law in the Courts of the State of Louisiana, or on his behalf by a senior student of law designated under the provisions of Rule 13.19(b)2; and

(c) Give the name and mailing address of the appellant, and of his attorney or designated senior law student, if any and

(d) Contain a clear and concise statement of the actions complained against and a clear and concise statement of the basis of the appeal. Where discrimination is alleged to be a basis for appeal, specific facts supporting the conclusion of discrimination must be alleged in detail. The specific facts required will vary depending on the nature of the appeal; however, the facts must be alleged in sufficient detail to enable the agency to prepare a defense. A conclusion of discrimination is <u>not</u> sufficient. The types of facts which must be included are:

1. the date, time and place the discriminatory action took place;
2. the name of the person or agency alleged to have taken the discriminatory action;
3. a description of how appellant's action, conduct or performance was the same as that of other persons who were treated differently;
4. the names of other persons treated differently and the dates the different treatment occurred;
5. a description of events, including the dates and circumstances thereof, which led appellant to believe that the adverse decision was based on his religious or political beliefs, sex, race, or any other non-merit factor.

Where a violation of the Article or a Rule is alleged to be a basis for appeal, specific facts supporting the conclusion that a violation has occurred must be alleged in sufficient detail to enable the agency to prepare a defense.

(e) Give the date on which the action appealed from occurred, or that the appellant learned thereof; and

(f) State the date that the appellant received written notice of the action complained against, if written notice was given; and

(g) State the relief the appellant seeks.

13.12 Delay for Making Appeal

(a) No appeal shall be effective unless a written notice complying with the requirements of Rule 13.11 is either (i) received in the office of the Director of the Department of State Civil Service at Baton Rouge, Louisiana, or (ii) is addressed to the Director of the Department of State Civil Service at Baton Rouge, Louisiana, with proper postage affixed, and is dated by the United States Post Office.

1. Within thirty (30) calendar days after the date on which appellant received written notice of the action on which the appeal is based when written notice before or after the action is required by these Rules; or
2. Within thirty (30) calendar days after the date when appellant learned or was aware that the action complained of had occurred when no written notice is required by these Rules or, if required, was given tardily or not at all.

(b) Legal holidays and days on which the office of the Department of State Civil Service is closed shall not serve to extend the delay period specified in Sub-section (a) hereof.

(c) No appeal shall lie against any action following the expiration of three hundred sixty-five (365) calendar days from the date on which it occurred.

(d) No appeal shall be supplemented or amended following the expiration of the delay period stipulated by Sub-section (a) hereof.

(e) Proof of the timeliness of mailing a request for appeal shall be shown only by a legible official United States postmark or by official receipt or certificate from the United State Postal Service made at the time of mailing which indicates the date thereof. In the event that the postmark is absent or illegible, the date that the request is received in the Director's office shall determine whether the appeal was timely filed.

13.13 Appeals Docket

The Director shall cause the date of filing to be noted of each notice of appeal. An appeals docket shall be maintained upon which each appeal shall be docketed in the order filed, be numbered consecutively, and be given an appropriate title. Promptly after docketing the authority or person against whose action the appeal is directed shall be notified of the appeal.

13.14 Summary Disposition of Appeal

(a) At any time after the docketing of an appeal a written request may be filed by any interested party for summary disposition thereof on any of the following grounds:

1. That the Commission lacks jurisdiction of the subject matter, or of the person against whom relief is sought.
2. That the appellant has no legal right to appeal.
3. That the appeal has not been made in the required manner or within the prescribed period of delay.
4. That the appeal has become moot.
5. That an appellant has failed to appear at the time fixed for the hearing of his appeal, without having been granted a continuance.
6. That the written notice expressing the cause for the action complained against is insufficient; or, that the cause as expressed does not constitute legal ground for the disciplinary action.
7. That the disciplinary action was not taken by the proper appointing authority.

(b) Any request for summary disposition when made prior to the date fixed for the hearing of the appeal may be supported by admissions of fact and written argument or brief; provided, that

1. Before filing, the Director shall require proof of service of a copy of each such instrument on the adverse party, together with the date of such service; and
2. The adverse party shall have fifteen (l5) calendar days after such service, or until the date of the hearing, whichever is sooner, to file with the Director an opposition to the request which opposition may be supported by written argument or brief.

(c) If the Commission or a referee denies the request or refers it to the merits, it or he may reconsider same at any time prior to its or his final disposition of the appeal.

(d) The Commission or a referee, on its or his own motion, may at any time summarily dispose of an appeal on any of the grounds listed in Subsection (a) hereof or in accordance with the provisions of Rule 13.19(e).

(e) When the Commission summarily disposes of an appeal, its decision shall be final on the date it files its written decision with the Director disposing of the case. On the same date that the decision is filed with the Director, the Director shall mail a copy of the decision to the parties. When a referee summarily disposes of an appeal his decision shall be final in accordance with the provisions of Rules 13.20 and 13.36.

(f) By filing with the Director a written notice of his intention to do so, an appellant may withdraw or abandon his appeal at any time prior to the hearing thereof by the Commission or a referee if his request is approved by the Director. After an appeal has been heard by the Commission or a referee, it may be withdrawn or abandoned only with approval of the Commission or the referee. The Director shall promptly notify all interested parties of any such withdrawal or abandonment.

13.15 Assigning Appeals for Hearing

The Director shall fix the time and place for the hearing of appeals by the Commission, and, as far as practicable, shall fix them in the order in which docketed, provided that, for good cause shown, the Commission, its Chairman, or the Director may upset any fixing and may either relegate the case for refixing to the foot of the docket or give it a special assignment both as to time and place. If a referee has been appointed to hear an appeal, he shall fix the time and place for hearing the appeal and may upset and refix same.

13.16 Place of Hearing

(a) Subject to the provisions of Subsection (b) hereof all appeals before the Commission shall be heard in a convenient place, accessible to the public, in the City of Baton Rouge, Louisiana, selected by the Director.

(b) If the Commission or the Director deems that the interest of the State or of any agency thereof, or the location of the parties or witnesses, or the ends of justice so require, he may order that hearings before the Commission be held in any other convenient place of public accessibility within the State other than the City of Baton Rouge, Louisiana.

(c) Repealed effective October 15, 1982.

(d) Repealed effective January 1, 1975.

(f) All appeals before a referee shall be heard in a convenient place, accessible to the public, selected by the referee.

13.17 Notice of Hearing of Appeals

(a) For all hearings conducted after July 1, 1982, and subject to the provision of Sub-section (b) hereof, notice of the time and place fixed for the hearing shall be mailed to the appellant and to the authority against whose action the appeal has been taken at least thirty (30) calendar days prior to the date of the hearing.

(b) With the approval of the Commission, the Director, or the appropriate referee, and by consent of all interested parties, said notice and delay may be waived.

13.18 Continuance of Appeal

(a) An appeal fixed for hearing may be continued, without prejudice to the appellant.

1. By the Director, or the appropriate referee in a referred case, upon submission of justifications deemed adequate by the Director or the referee; or

2. By the Commission or its Chairman, for cause deemed sufficient by it; or him; or

   If it is not reached for hearing.

(b) With the approval of the Commission, the Director, or the appropriate referee, an appeal fixed for hearing may be continued by consent of all interested parties. If an appellant requests a continuance the Commission or the referee, may, in its or his discretion, deny him any compensation for that portion of time lost by reason of the continuance if his appeal be finally sustained.

(c) No continuance shall be granted except for compelling cause or to serve the ends of justice.

(d) An appeal fixed for hearing and not reached shall be refixed by preference over any appeal continued for any other reason and any appeal subsequently docketed.

13.19 Procedure for Hearing Appeals

(a) All hearings shall be open to the public.

(b) Legal representation.

1. Except as is provided below, a party may be represented by an attorney licensed to practice law in Louisiana or by a law student who has satisfied the requirements of Rule 20 of the Rules of the Supreme Court of Louisiana.
2. Effective January 1, 1996, no attorney or law student who is a classified state employee may represent another state employee in an appeal. This provision shall not apply to any appeal in which the state classified attorney/law student made an appearance on behalf of an employee before the effective date of this section.
3. When a party is represented by more than one attorney/law student, only one such representative shall be permitted to examine the same witness.

(c) Subject to the provisions of Subsection (r) of this Rule, the burden of proof as to the facts shall be on the appointing authority and the Commission or the referee may, in its or his discretion, require him to open the case.

(d) Where appropriate and not inconsistent with these Rules, the rules of evidence applicable to civil trials in the district courts of the State shall be observed in all hearings before a referee or the Commission.

(e) The Commission or the referee may require the appellant to give his sworn testimony before hearing any other witness on his behalf, and if the Commission or the referee finds from such testimony that he has no just or legal ground to support his appeal, it or he may decline to hear or consider any other evidence and thereupon dismiss the appeal.

(f) If after hearing appellant's testimony the Commission or the referee is of the opinion that he may have just or legal grounds for his appeal, it or he shall permit him to adduce such other evidence, testimonial or otherwise, as may be relevant.

(g) Affidavits and other exparte statements shall not be received in evidence without the consent of all parties, except to refresh memory or to discredit a witness.

(h) Parties and witnesses shall be subject to cross-examination as in civil trials before the courts of the State, and the Commission, each member of the Commission, or referee may examine and cross-examine any witness.

(i) The Commission or the referee may require that the parties stipulate all undisputed facts.

(j) The Commission or the referee may limit corroborative evidence.

(k) Where appropriate and not inconsistent with these Rules, hearings and the taking of testimony shall be conducted according to the accepted practice in civil trials before the district courts of the State.

(l) When a pending case involves substantially the same question of law or fact as presented in a prior case, the Commission or a referee, at the request of any party or on its or his own motion, may admit as evidence any part of the record in such previous case as it or he may deem relevant; provided, that in the application of this Rule no party be deprived of the right to crossexamine any adverse witness.

(m) Subject to the provisions of Subsections (r) and (s), the charges expressed in writing by the appointing authority as cause for demotion, suspension, dismissal, or other action, shall not be accepted as prima facie true. Evidence shall not be received from an appointing authority to supplement or enlarge the charges contained in such written document. The appellant may rebut any proof offered by the appointing authority in support of the charges.

(n) The Commission, or a referee, on request of any party, or on its or his own motion, may order that the witnesses in any hearing be separated so as to preclude any witness, other than the parties and their attorneys, from hearing the testimony of any \other witness. In the application of this Rule only one person, in addition to counsel, shall represent the appointing authority or any department.

(o) The Commission, or a referee, may fix the total time to be allowed for oral argument, according to the circumstances of each case, and may limit oral argument to one or more issues.

Except with special leave of the Commission, or referee, only one attorney shall be permitted to present oral argument for any party.

The Commission or the referee may in any case on its or his own motion invite or allow any member or members of the Louisiana State Bar Association to present oral or written argument on any question of law, provided such oral argument is presented at a hearing when all parties are

present, or represented, or that a copy of all written arguments be served on all parties, or their counsel, if any. Service of such written argument shall be made to appear by the certificate of the writer.

(p) The Commission or a referee may take notice of the provisions of the Article, the Rules, the Classification Plan, and the Pay Plan without the necessity of an offer in evidence.

(q) When during the course of a hearing a ruling by the Commission is to be made, the presiding Commissioner shall rule and his ruling shall constitute that of the Commission; provided, that should a member of the Commission object to such ruling or offer an alternative ruling, the ruling of the Commission shall be determined by majority vote of those members present.

(r) Subject to the provisions of Subsections (m) and (s), when a classified employee alleges that he has been discriminated against because of his political or religious beliefs, sex, or race, the facts expressed in writing by the appointing authority as cause for the demotion, suspension, dismissal, or other action, shall be accepted as prima facie true. Evidence shall not be received from an appointing authority to supplement or enlarge the facts as so expressed. The appointing authority may rebut any proof offered by the appellant employee in contradiction of the facts expressed in writing by the appointing authority. The burden of proof as to the facts shall be on the appellant and the Commission or a referee may, in its or his discretion, require him to open the case.

(s) In combination appeals, where the appellant denies the verity or severity of a portion or all of the charges set forth in writing and where he alleges discrimination with respect to all or a portion of the charges:

1. As to that portion of the facts set forth in writing, the verity or severity of which is denied by the appellant, the burden of proof shall rest upon the appointing authority.
2. As to that portion of the appeal in which the appellant alleges discrimination, the burden of proof shall rest upon the appellant.

(t) Authentic acts delegating appointing authority or certified copies thereof may be offered into evidence without further proof and shall be accepted as prima facia proof of the recitals contained therein.

(u) When a violation of Section 8(A) of the Article or a Rule in Chapter 12 is the basis for appeal, the burden of proof, as to the facts, shall be on the appointing authority. When a violation of any other Section of the Article or any other Rule is the basis for appeal, the burden of proof, as to the facts, shall be on the employee.

13.20 Referees

(a) The Commission may appoint a referee to hear and decide any appeal pending before the Commission.

(b) A referee shall have subpoena power and power to administer oaths as well as the powers granted in this Chapter.

(c) After a referee hears an appeal, he shall prepare a written decision containing his findings of fact and/or conclusions of law which decision shall be filed with the Director. On the same date that the referee's decision is filed with the Director, the Director shall mail a copy of the referee's decision to the parties and shall advise the parties of their right to file an application for review of the referee's decision.

(d) The decision of a referee shall become the final decision of the Commission on the date that the referee's decision is filed with the Director unless an application for review of the referee's decision is filed in accordance with Rule 13.36.

13.21 Subpoena of Witnesses; Production of Documents

(a) The Commission, each member thereof, the Director, the Deputy Director, any referee appointed by the Commission, and any specially designated agent of the Commission shall have the power to order the appearance of witnesses and compel the production of books and papers pertinent to the issues involved in any appeal, provided such witnesses and such books and papers are within the State.

(b) For all hearings conducted after July 1, 1982, no subpoena will be issued unless a written request for the issuance of subpoenas is received in the office of the Director of the Department of State Civil Service no later than fifteen (15) calendar days before the date fixed for the hearing. The request for subpoenas shall contain the names of the witnesses, the street addresses at which the witnesses can be served, and a brief statement of what is intended to be proved by each witness.

(c) In lieu of the issuance and service of formal subpoenas to persons who perform work for the State, the Commission or any person authorized by Sub-section (a) of this Rule may request any appointing authority to order any employee, temporary worker, or contractor under his supervision to attend and testify at any hearing, and upon being so ordered the employee shall appear at the hearing and furnish testimony.

(d) For all hearings conducted after July 1, 1982, no subpoena for the production of books, papers, or other items will be issued unless a written request for the issuance of subpoenas is received in the office of the Director of the Department of State Civil Service no later than fifteen (15) calendar days before the date fixed for the hearing. The request for a subpoena for books, papers or other items shall contain a description of the items to be produced in sufficient detail for identification and shall contain the name and street address of the person who is to be required to produce the items and a brief statement of what is intended to be proved by each item.

(e) No subpoena will be issued unless the request therefor complies with this Rule and the person authorized to issue the subpoena is satisfied that the testimony of the witness or the production of the books, papers, or other items is relevant to the issues before the Commission.

(f) Authentic copies of books, papers, photographs, or other items in the custody of any department, board, or agency of the State or any sub-division thereof which have been subpoenaed may be admitted in evidence with the same effect as the originals, but if the original books, papers, photographs, or other items are subpoenaed they must be produced and made available for inspection even though authentic copies may be subsequently introduced.

(g) The Commission, its Chairman, or the Director, or a referee, for cause deemed sufficient, may issue an appropriate order at any time recalling any subpoena, subpoena duces tecum, or request issued under the provisions of this Rule.

(h) The abuse of the privilege to require the attendance of witnesses or the production of books, papers, photographs, or other items shall be deemed a violation of these Rules and shall be dealt with accordingly.

13.22 Dismissal for Non-appearance at Hearing of Appeal

(a) If neither the appointing authority nor his counsel appears at the place and time fixed for a hearing in which a disciplinary action is at issue without having been granted a continuance, the Commission or the referee may order the disciplinary action reversed.

(b) If neither the appellant nor his counsel appears at the place and time fixed for any hearing, without having been granted a continuance, the Commission or the referee may order the appeal dismissed.

(c) If either the appellee or the appellant fails to appear at the place and time fixed for any hearing, but counsel for the absent party is present, the absent party shall be deemed to have waived his appearance and the hearing shall proceed and testimony may be taken in the absence of the party with the same effect as if the party were present.

(d) Nothing in this Rule shall prevent the Commission or a referee from continuing the appeal if it or he learns the reason for the absence of the party and his attorney and determines that the party and his attorney were absent due to circumstances beyond their control.

13.23 Consolidation

When two or more appeals involve similar or related circumstances, the Commission may order a joint hearing of any or all the matters at issue in the appeals, or may order that all such appeals be consolidated.

13.24 Transcripts of Proceedings of Appeals to the Commission

(a) The proceedings of all appeal hearings before the Commission or a referee shall be recorded, but shall be transcribed only upon order of the Commission or the Director and upon payment by the person requesting the transcript of such cost as may be determined by the Director.

(b) Amended and re-enacted, effective October 1, 1979, as Rule 13.20(b).

(c) When an appeal is taken from any final decision of the Commission, it or the Director may require the party appealing to reimburse the Department of Civil Service for the cost of preparing transcripts of proceedings.

(d) Whenever any portion of the Commission's Rules, Classification Plan, or Pay Plan is relied upon in an appeal to the Court of Appeal and is material to the decision of any issue, the portion relied upon shall be copied into the transcript prepared for the Court of Appeal, First Circuit, if not contained in the Commission's written opinion.

13.25 Refusal to Appear; Refusal to Testify; False Testimony

(a) Any officer or employee in the classified service who wilfully refuses or fails to appear before the Commission or its Referee in response to a subpoena or a request under the provisions of Rule 13.21, or having appeared refuses to testify or answer any question pertinent to the matters under consideration or who knowingly gives false testimony or who knowingly solicits, condones, or accepts, without refutation, false, or misleading testimony given by any witness in his/her behalf at a hearing, or who fails to produce any books, papers, photographs, or other items pertinent to the hearing may be found by the Commission or the Referee to be guilty of contempt in accordance with these Rules and, in addition to that which is provided for in these Rules, may be found by the Commission to have forfeited his office or position and may be found by the Commission not to be eligible thereafter for appointment to any position in the classified service for a period not to exceed ten years or be subject to a suspension from his position.

(b) Any person who wilfully fails to appear in response to a subpoena or to an order issued under the provisions of Rule 13.21 hereof, or who wilfully fails to answer any questions or to produce any books, papers, photographs, or other items pertinent to any hearing before the Commission or a Referee, or who knowingly gives false testimony or who knowingly solicits, condones, or accepts, without refutation, false, or misleading testimony given by any witness in his/her behalf at any such hearing may be found guilty of contempt by the Commission or the Referee in accordance with these Rules.

(c) Any officer or employee required to testify shall not be subjected to any disciplinary action by his appointing authority because he so testifies.

13.26 Costs of Appeals

The Commission or the referee may, in its or his discretion, order the costs of any hearing or appeal, or any portion of such costs, including the costs of recording and transcribing testimony, to be paid by or charged to either or both interested parties.

13.27 Witness Fees

(a) The travel expenses of an officer or employee other than the appellant who is required to appear before the Commission or a referee in the hearing of an appeal shall be paid by the department which employees him.

(b) The Commission or the referee may order that any person who is not an officer or employee of a department and who is subpoenaed to testify at a hearing shall be entitled to the same mileage and fees as are allowed witnesses in civil cases by the Nineteenth Judicial Court for the Parish of East Baton Rouge.

(c) Witness fees and travel expenses may be taxed to either party, in the Commission's or the referee's discretion.

(d) The Commission and any person authorized to issue a subpoena may before doing so, require the party requesting a subpoena of one other than an officer or employee of a department to deposit with the Director a sum sufficient to cover the mileage and witness fees pending a determination of costs by the Commission or the referee.

13.28 Commission Action on Appeal

(a) After hearing of an appeal, the Commission shall make a written decision containing its findings of facts and conclusions, which shall be filed with the Director. The decision of the Commission shall be final on the day that it is filed with the Director.

(b) On the same date that the decision is filed with the Director, the Director shall mail to all interested parties a copy of the decision.

(c) If the Commission after any hearing orders a dismissed or suspended employee reinstated, it may reinstate such employee under such conditions as it deems proper and subject to Rule 13.18 may order full pay for lost time.

13.29 Interlocutory Rulings

(a) Formal exceptions to the interlocutory rulings or orders of the Commission, or of a referee, are unnecessary. At the time the ruling is made or the order is communicated, a party shall make known his objection thereto and the grounds therefor, and same shall be noted in the record.

(b) The Commission, or a referee, may at any time prior to a final decision, recall, reverse, or revise any interlocutory ruling or order.

<u>13.30 Repealed, effective March 15, 1966</u>

13.31 Amicable Settlement of Appeals

In any appeal pending before the Commission, the parties thereto may agree to submit a proposed settlement which, if approved by the Commission or a Referee, shall constitute a final disposition of the appeal.

13.32 Recusation of Commissioner or Referee

The grounds for recusation of a Commissioner or a Referee shall be the same as the grounds for the recusation of judges of the courts of the State of Louisiana.

13.33 Interrogatories; Pre-Trial Discovery; Rehearing of Appeal

(a) Interrogatories and pre-trial discovery proceedings shall not be recognized by the Commission or a referee.

(b) No rehearing shall be granted from a final decision of the Commission or from a final decision of a referee. Final decisions of a referee shall be subject to review as is provided in Rule 13.36.

13.34 Finality of Commission Action on Rules and Plans

No appeal to the Commission shall lie from the adoption by the Commission, after public hearing, of a Classification Plan, a Pay Plan, or of any Rule, or of any Amendment to said Plans or Rules.

13.35 Attorneys' Fees

(a) When the Commission or a referee approves a settlement, recision, or modification of an action that has been appealed, or renders a decision, including a decision on application for review, which reverses or modifies an action that has been appealed, the appellee may be ordered to pay attorney's fees in amount not to exceed $1,500.

(b) The Commission or a referee may allow such evidence and argument in support of the request for attorney's fees as is deemed appropriate considering the status of the appeal at the time the request for attorney's fees is filed. No attorney's fees shall be awarded unless a written request is filed before the final disposition of the appeal by the Commission or a referee.

(c) Repealed effective September 11, 1991.

13.36 Application for Review of a Referee's Decision

(a) Any party may file with the Commission an application requesting the Commission to review a decision of a referee on any question of law or fact.

(b) To be effective, an application for review of a referee's decision must:

1. Be in writing; and
2. Be filed in the Commission's office within fifteen (15) calendar days after the date that the referee's decision was filed with the Director; and
3. Contain the name and docket number of the appeal sought to be reviewed; and
4. Specify which factual findings and/or which conclusions of law are believed to be wrong. A general statement that the opinion is wrong or that the evidence does not support the findings will not be considered sufficient; and
5. Specify which pleadings and exhibits offered into evidence are to be submitted to the Commission with the application for review. A transcript of the proceedings before the referee may not be specified as a pleading or exhibit under this rule. If no pleadings or exhibits are specified, only the referee's decision, the request for appeal and the notice of disciplinary or other action will be submitted to the Commission with the application for review; and
6. Contain a certificate that a copy of the application for review has been sent to the opposing party

(c) The provisions of Rule 13.37 are applicable to the filing of an application for review of a referee's decision.

(d) An application for review may be accompanied by written argument.

(e) If the application for review is not timely filed, the decision of the referee shall become the final decision of the Commission as of the date that the referee's decision was filed with the Director.

(f) After consideration of the application for review, along with the pleadings and exhibits specified pursuant to subsection (b)(5) of this Rule, the Commission may:

1. Remand the appeal with instructions to the referee; or
2. Hold new hearings or take additional evidence or both, and render its own decision thereon.
3. Reverse or modify the Referee's decision on an issue of law.
4. Affirm the Referee's decision by denying the application for review.
5. Listen to pertinent portions of the sound recordings of the proceedings conducted before the Referee or read and review the transcript of the proceedings before the Referee, and, thereafter, reverse or modify the Referee's decision on an issue of fact, and/or take any of the actions specified in 1 through 4 above.

(g) If the Commission affirms the Referee's decision by denying the application for review, the order denying such review shall be filed with the Director at which time the decision of the Referee will become the final decision of the Commission. On the same date that the order denying the application for review is filed with the Director, the Director shall mail a copy of the order to all parties.

(h) Any opposition to an application for review must be filed within thirty (30) days after the date that the Referee's decision was filed with the Director. Such opposition may contain argument and may identify pleadings and exhibits offered into evidence before the Referee that should be considered by the Commission in support of the opposition. A transcript of the proceedings before the Referee may not be specified as a pleading or exhibit under this rule. Such opposition shall contain a certificate that a copy was sent to the opposing party.

13.37 Delay for Filing an Application for Review of a Referee's Decision

(a) No application for review of a Referee's decision shall be effective unless a written notice complying with the requirements of Rule 13.36 is received in the office of the Director of the Department of State Civil Service (located at 1201 Capitol Access Road, Baton Rouge, Louisiana) within fifteen (15) calendar days after the date that the Referee's decision was filed with the Director.

Applications for review of a referee's decision may be mailed to the Commission at P.O. Box 94111, Baton Rouge, Louisiana 70804, but to be considered timely, the application must be properly addressed with proper postage affixed and must be postmarked by the United States Postal Service within fifteen (15) calendar days after the date that the Referee's decision was filed with the Director.

(b) Legal holidays and days on which the office of the Department of State Civil Service is closed shall not serve to extend the delay period specified in Subsection (a) hereof.

(c) No application for review of a referee's decision shall be supplemented or amended following the expiration of the delay period stipulated by Subsection (a) hereof.

(d) Proof of the timeliness of mailing an application for review shall be shown only by a legible official United States postmark or by official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof. In the event that the postmark is absent or illegible, the date that the application for review is received in the Director's office shall determine whether the application was timely filed.

13.38 Action Required Following Commission's or Referee's Decision

(a) Following the granting of an appeal of a separation and within fifteen (15) calendar days from the date of the mailing of the decision, the Appellant shall present himself ready for work at the time and place of his employment as it existed prior to the separation, shall be returned by the appointing authority to the regular payroll at that time, and shall, at that time or as soon thereafter as possible, present to his employer satisfactory proof of all wages earned and unemployment compensation received, if any, during the period of Appellant's separation, or, if no wages or unemployment compensation have been so received, Appellant shall present a written and signed statement to that effect to his employer upon his return. Further, within fifteen (15) days following receipt of such information the appointing authority shall deliver to the office

responsible for the actual disbursement of the funds representing the back pay due a request for such disbursement which office shall promptly cause such disbursement, and the appointing authority shall otherwise comply with the orders contained in the decision. Further, within thirty (30) days from receipt by the Appellant of the check representing the back pay due, the Appellant, at his sole option, may repurchase all or part of the annual leave balance held by him at his separation the value of which was paid to him at his separation pursuant to Rule 11.10(a). All of the above shall apply unless otherwise stayed by a court of competent jurisdiction.

(b) Following the granting of the appeal of a suspension, demotion or reduction in pay, and within fifteen (15) calendar days from the date of the mailing of the copy of the decision to all parties or as soon thereafter as possible, the Appellant shall present to his employer satisfactory proof of all wages earned and unemployment compensation received, if any, during the period of suspension, or, if no wages or unemployment compensation have been received, the Appellant shall present to his employer a signed statement to that effect. Within fifteen (15) days from receipt of such proof or written statement, appointing authority shall deliver to the office responsible for the actual disbursement of the funds representing the back pay due a request for such disbursement, which office shall promptly cause such disbursement, and the appointing authority shall otherwise comply with the orders contained in the decision, all unless otherwise stayed by a court of competent jurisdiction.

(c) In the event that a timely application for review of a Referee's decision is filed with the Commission, the Appellant shall be notified immediately by a direct mailing by the appointing authority of the application for review to his last known address, in addition to any mailing of that application to Appellant's counsel of record, if any. In such event, the time limits referred to in (a) and (b), above, shall begin to run from the date of the mailing of the decision of the Commission denying the application for review or the rendering of a decision on the merits of an appeal following consideration of the application for review. In the event of a remand by the Commission following consideration of an application for review, the time limits mentioned in (a) and (b), above, shall not begin to run until the date of the mailing to all parties of the subsequent decision of the Referee.

(d) In the event all or part of decision granting an appeal is stayed by a court of competent jurisdiction, the time limits specified herein shall begin to run upon the date the decision of the judiciary in the case presented to it becomes final.

[There are no rules numbered 13.39 - 13.49]

13.50 Alternative Dispute Resolution; Pilot Program

(a) The Appeals Division is authorized to pilot an Alternative Dispute Resolution Program and to establish its guidelines. The Appeals Division will submit the guidelines to the Commission for its approval.

(b) The purpose of the Alternative Dispute Resolution Program is to encourage the resolution of employment disputes without traditional adversarial hearings.

13.51 Mediation

(a) The Commission or a Referee may direct the attorneys and the parties in an appeal to participate in mediation to attempt to resolve the appeal before a hearing.

(b) A member of the Commission, a Referee, or anyone appointed by the Commission or by the Chief Referee may conduct the mediation. The person who conducts the mediation must meet the Mediator qualifications established by the Appeals Division.

(c) The Mediator's role is to facilitate communication among the parties at the mediation. The Mediator will not later influence, participate in, or make any decision on any issue in the appeal. The Mediator will not issue any orders or sanctions pertaining to the mediation or the appeal.

(d) Before the mediation, the attorneys must confer with their clients about the clients' goals and expectations from settlement. The attorneys and every person whose authority is necessary for settlement must appear at the mediation (or, at the discretion of the Mediator, be available by telephone), on time and prepared to negotiate.

(e) The Commission, the Chief Referee, or the Referee presiding over the appeal may order the attorneys and/or the parties to bring to (or exchange before) the mediation a witness and exhibit list, relevant documents and/or exhibits, a proposed settlement offer, and anything else that will aid in resolving the appeal.

(f) The mediation will not be open to the public and will be confidential as established in the guidelines.

(g) If anyone fails to comply with an order pertaining to the mediation, the Commission or the Referee presiding over the appeal may order appropriate sanctions. Those sanctions may include punishing for contempt, dismissing the appeal or portions of it, reversing the action appealed or portions of it, and assessing costs and attorney's fees against the noncomplying person.

Chapter 14: Prohibited Activities

14.1 Prohibited Activities

(a) No person shall be appointed or promoted to, or demoted, or dismissed from any position in the Classified Service, or in any way favored or discriminated against with respect to employment in the Classified Service, because of his or her political or religious opinions or affiliations, race, sex, or membership or non-membership in any private organization.

(b) No employee in the Classified Service and no member of the Commission shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political party, faction, or candidate, or solicit or take any part in soliciting any such assessment, subscription or contribution of any employee in the Classified Service.

(c) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in a position in the classified service, except as services may be provided pursuant to a temporary staffing services contract with the State as approved by the Director pursuant to these rules.

(d) No appointing authority, agent, or deputy thereof, or supervisor of any employee, shall directly or indirectly demote, suspend, discharge, or otherwise discipline any person in the Classified Service for purpose of influencing his vote, support, or other political activity in any election or primary election; and no appointing authority, agent or deputy thereof, or other person, shall use his official authority or influence, by threats, promises, or other means, directly or indirectly, to punish or coerce the political action of any employee in the Classified Service.

(e) No employee in the classified service and no member of the Commission shall

1. Participate or engage in political activity.
2. Be a candidate for nomination or election to public office, except to seek election as the Classified State employee serving on the State Civil Service Commission.
3. Be a member of any national, state, or local committee of a political party or faction.
4. Take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.
5. Take active part in an effort to recall from office an elected public official, or seek, solicit or attempt to coerce any person including any employee in the classified service and any member of the Commission into participating in any such effort or signing a recall petition except that nothing contained herein shall prevent an employee in the classified service or member of the Commission from signing a recall petition.

(f) No person elected to public office shall, while serving in such elective office, be appointed to or hold any position in the Classified Service.

(g) The support of issues involving bonded indebtedness, tax referenda, or Constitutional amendments shall not constitute prohibited activity within the meaning of this Rule.

(h) No person shall be appointed to or employed in a position in the Classified Service under any class title which has not been approved by the Director as appropriate to the duties to be performed.

(i) No employee shall receive any compensation except as authorized by or pursuant to the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director.

(j) No person shall make any false statement, certificate, mark, rating, form or report with regard to any application, test, certification, personnel transaction, appointment or employment made under any provision of the Article, the Rules, or a regulation of the Department of Civil Service, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the Article, Rules and regulations.

(k) No applicant for examination, eligible on any register, appointing authority or his agent, or State employee, shall directly or indirectly persuade, induce or coerce or attempt to persuade, induce or coerce any prospective applicant or eligible to withhold filing application or to withdraw from competition or eligibility for positions in the Classified Service for the purpose of either improving or injuring the prospects for appointment of any such applicant or eligible. The penalty for violation of this sub-section by applicants or eligibles shall be cancellation by the Director of any or all applications or eligibilities. The Commission, after investigation and hearing, may also impose such penalties as may be provided by the Article against any person in violation thereof.

(l) Discrimination as defined in Rule 1.14.1 is prohibited.

(m) It shall be the duty of every classified employee to assist the Commission and the Department of State Civil Service in effectively carrying out the provisions of the Article and Rules, and to assist the State Police Commission in effectively carrying out the provisions of Article X, Part IV, and the Rules of the State Police Commission, and to answer truthfully, whether under oath or otherwise, all proper questions put to him by authorized representatives of the Department or the Commission, or of the State Police Commission.

(n) No action shall be taken or authorized to be taken by any person without approval of the Commission or the Director when such approval is required by either the State Constitution or Civil Service Rule.

(o) No person shall fail to comply with any order or directive of the Commission unless such order or directive is otherwise stayed by a Court of proper jurisdiction or unless within the time limits provided by applicable rule or law.

(p) Except with the prior approval of the Commission, no person shall be placed in any classified position in a department in which he/she is, or within the past two years was, a statutory appointing authority.

(q) No person shall fail to comply with any order or directive issued by the Director pursuant to the authority granted by the rules.

(r) No person shall fail to comply with any agency policy or procedure when the rules require either the Director or the Commission to specifically approve such policy or procedure, and where such approval has been obtained.

(s) No person shall fail to comply with any delegation agreement.

14.1.1 Repealed effective January 1, 1975

14.2 Repealed effective January 1, 1963

14.3 Amended and re-enacted effective March 15, 1966 as parts of Rules 16.3 and 16.19

14.4 Amended and re-enacted effective March 15, 1966 as parts of Rules 16.1, 16.10, and16.19

Chapter 15: Effecting and Reporting Actions

15.1 Effecting and Recording Actions

(a) Appointing Authorities shall take actions in accordance with the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director.

(b) The Director shall prescribe the records which appointing authorities must maintain to provide adequate documentation of personnel and position actions, payroll and attendance, applicant flow and such other information as may be specified. The Director shall prescribe the retention schedule for such records.

(c) Each appointing authority shall establish adequate internal controls to prevent fraud and to ensure that actions are effected in compliance with the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director.

15.2 Certification of Payroll and Attendance

The appointing authority or his agent designated for this purpose shall certify on each payroll or subsidiary documents the fact of the actual rendering of service in the position, the actual number of hours of attendance on duty, and the number of hours of absence from duty. Each employee shall certify also the fact of the actual rendering of service, the number of hours of attendance on duty and the number of hours of absence from duty.

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

(a) An appointing authority, the Commissioner of Administration on behalf of the Uniform Payroll System, or the head of any other payroll system responsible for issuing paychecks to classified employees, shall establish weekly, biweekly, semi-monthly or monthly payroll periods. Use of any other pay cycles must be approved by the Director.

(b) Paychecks due to classified employees shall be issued no later than seven calendar days following the end of the applicable payroll period unless approval is obtained from the Director under conditions established by him.

(c) After an employee has attained eligibility for and the appointing authority has granted a performance adjustment, it shall be disbursed effective October 1st of the calendar year that the performance adjustment was granted.

15.3 Reporting and Certifying Actions

(a) The Director shall inform the appointing authorities which actions and status changes must be reported to the Department of Civil Service. These actions and status changes must be reported no later than 30 days after their effective date.

(b) The appointing authority or his designated agent shall certify for each action effected under his authority that the action complies with the requirements of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director. Certification by the appointing authority shall constitute authorization for payment of compensation to an employee at the rate specified as long as the employee remains in a pay status. The appointing authority shall notify the employee subject to such actions.

15.4 Required Director's Approval of Actions

The Director may require an appointing authority to obtain his approval of certain actions before they may be effected.

15.5 Leave Records

Each appointing authority shall install and maintain a leave record showing, for each employee who holds a position in the Classified Service, (1) annual leave earned, used and unused, (2) sick leave earned, used and unused, and (3) any special leave with or without pay. Such record shall be documentary evidence to support and justify the certification of authorized leave of absence with pay.

15.6 Review of Records

The Director or his/her designee may examine departmental records to determine whether there is a violation of any provision of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, or the policies and procedures issued by the Director. The appointing authority shall provide copies or originals of any such records upon the Director's request and within the time specified by the Director.

15.7 Actions on Violation of the Rules

If the Director finds that any action has been effected in violation of the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, or the policies and procedures issued by the Director, he may take any corrective action he deems appropriate or may direct the appointing authority to take such corrective action. Corrective actions may include, but are not limited to, the rescinding of any actions and associated compensation, or restitution to the employee.

15.8 Official Roster

The Director shall establish and maintain a roster of all Classified employees of all departments in which there shall be set forth as to each employee, the class title or the position held; the salary or pay; any change in class title, pay or status, and any other necessary data.

15.9 Records of the Department of Civil Service

(a) The Department of Civil Service shall be the official depository of the records of the Department and the Commission.

(b) Subject to the provisions of Sub-section (c) hereof, all records so deposited shall be public records and their inspection, availability and regulation shall be subject and governed by the statutory provisions governing public records and documents.

(c) The following records shall be held confidential:

1. Investigation correspondence and data related to the moral character and reputation of applicants for employment or employees in the Classified service.
2. Examination materials, questions, data and examination papers and records relating in any way to competitive examinations and other tests constructed, maintained, or conducted by the Department of Civil Service.
3. Files, statements, reports, correspondence and other data in connection with and related to investigations of violations of the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, or the policies and procedures issued by the Director, when such inquiries are conducted by the Commission or the Director, except as permitted under Rule 16.3 (c).
4. Files, statements, reports, correspondence and other data collected in the course of salary surveys which identify private corporations with the actual salary rates and practices of that organization; or that reveal organizational characteristics that would make the corporation easily identifiable.
5. The contents of any decision or proposed decision of the Commission or a Referee until the date such decision is rendered.
6. Repealed, effective August 5, 1992.

15.10 Modification of Personnel Actions

A personnel action which is the subject of an appeal may only be rescinded or modified with the approval of or on order of the Commission or a Referee. Otherwise:

(a) Before the effective date of a personnel action, an appointing authority may rescind or modify the action or any written notice thereof.

(b) After the effective date of a personnel action, an appointing authority may only rescind or modify the action with the approval of the Director.

(c) Repealed, effective August 5, 1992.

15.11 Forms and Procedures

The Director may prescribe such personnel forms and procedures as may be necessary or desirable to carry out the provisions of the Article and Rules.

Chapter 16: Investigations

16.1 Purpose of Chapter; Penalties; Orders

(a) To enable the Commission to enforce the provisions of the Civil Service Article and the Civil Service Rules, the Commission may investigate conduct asserted to be in violation thereof.

(b) When, after a public investigative hearing, a state classified employee is found to have violated the Civil Service Article or a Civil Service Rule, the Commission may order him suspended, demoted, discharged or otherwise disciplined or fined for contempt in accordance with Rules 2.11 -2.13.

(c) When, after a public investigative hearing, the conduct of any person is found to have violated the Civil Service Article or a Civil Service Rule, the Commission may issue such orders as it deems appropriate.

16.2 Requests for Investigation

(a) Any person who suspects that there has been a violation of the Civil Service Article or a Civil Service Rule may file a request for investigation with the Director.

(b) A request for investigation must be in writing and may not be combined with any other matter filed with the Director. It should: be clearly identified as a request for investigation; provide the name, mailing address and daytime telephone number of the person filing the request; and describe the conduct to be investigated in as much detail as is available to the person filing the request.

(c) A request for investigation shall not be a public record.

16.3 Investigations by the Director

(a) The Director may, on his own initiative, investigate any suspected violation of the Civil Service Article or a Civil Service Rule and shall conduct such investigations as ordered by the Commission.

(b) Upon receipt of a request for investigation, the Director or his designee shall conduct such investigation as he deems warranted based on the information contained in the request for investigation.

(c) Following an investigation, the Director may issue a letter of admonishment, take corrective action, order an appointing authority to take corrective action, impose special reporting requirements on an appointing authority, revoke authority previously granted by the Director, require an appointing authority to obtain prior approval of personnel actions, file formal charges

under Rule 16.4, report the facts disclosed in the investigation to the legislative auditor, attorney general, district attorney, or other officers, and/or take or order any other action deemed appropriate.

(d) Corrective action may include, but is not limited to, rescinding an action and associated compensation, and the effecting of back-pay to an employee.

(e) Corrective action which reduces an employee's pay, lowers an employee's pay grade, results in loss of permanent status, or nullifies an appointment, shall not become effective until the employee has been given notice of the reasons for the action, and a reasonable opportunity to respond.

16.4 Formal Charges

(a) Any person who asserts that there has been a violation of the Civil Service Article or a Civil Service Rule may file formal charges with the Commission.

(b) Formal charges should be clearly identified as such, may not be combined with any other matter filed with the Director or the Commission and must:

1. be in writing;
2. contain the name, mailing address, and daytime telephone number of the person filing the charges (hereafter, the complainant) and of his attorney, if any;
3. contain the name and mailing address of each person who is charged with committing a violation (hereafter, a respondent);
4. identify which provision of the Civil Service Article and/or which Civil Service Rule was violated;
5. describe, in sufficient detail to enable the respondent to prepare a defense, the conduct that violated the Civil Service Article and/or a Civil Service Rule;
6. describe, in detail, the facts which led the complainant to conclude that a violation occurred;
7. state what action the complainant wants the Commission to take as a result of the investigation; and
8. describe what evidence the complainant has to prove the charges.

(c) When formal charges are filed by someone other than the Director, the Director shall be given an opportunity to join as a complainant.

(d) Formal charges shall not be a public record.

16.5 Commission Action on Formal Charges

(a) Each filing which purports to be formal charges shall be considered by the Commission in executive session. Thereafter, in its sole discretion, the Commission may take such action as it deems appropriate, including any of the following:

1. decline to investigate the matter and order the charges dismissed;
2. order the Director to conduct an investigation and to submit a report thereon;
3. offer the complainant an opportunity to provide additional information; and/or
4. order a public investigative hearing on some or all of the charges.

(b) Written notice of the Commission's action shall be given to the complainant.

16.6 Docketing of Public Investigations

After the Commission orders a public investigative hearing, the charges to be investigated shall be docketed and the case shall become a public record. Copies of the charges to be investigated and the Commission's order shall be mailed to each complainant, each respondent and each respondent's appointing authority, if any.

16.7 Parties; Notice to Parties

(a) The parties to a public investigation are the complainant(s) and the respondent(s). Upon his written request, a respondent's appointing authority may be made a party.

(b) Whenever this Chapter requires notice to the parties, notice shall be given to all counsel of record and to all unrepresented parties. Notice to counsel of record shall constitute notice to the party he represents.

16.8 Consolidation of Public Investigations

Two or more public investigations involving common issues of law or fact or two or more public investigations involving the same parties may be consolidated for hearing.

16.9 Notice of Hearings

Written notice of the time and place for a public investigative hearing shall be mailed to the parties at least 30 calendar days before the date of the hearing. With the consent of the parties, this notice and delay may be waived.

16.10 Continuance of Hearings

A public investigative hearing may be continued by the Commission on its own motion or by the Commission, its Chairman or the Director:

(a) for good cause shown; or

(b) by consent of all parties; or

(c) if it is not reached for hearing.

16.11 Summary Disposition

(a) The Commission, on its own motion or on motion of a party, may summarily dispose of a public investigation under Rule 16.14(b) or Rule 16.15(a) or on any of the following grounds:

1. that the conduct to be investigated, even if proved, would not constitute a violation of the Civil Service Article or a Civil Service Rule;
2. that the conduct to be investigated has not been described in sufficient detail to enable the respondent to prepare a defense;
3. that the facts asserted to support the conclusion that a violation occurred, even if proved, do not support that conclusion;
4. that the matter under investigation has become moot;
5. that the complainant has already been afforded an opportunity to prove the same charges in an appeal hearing or in another public investigative hearing;
6. that the complainant has failed to bear his burden of proof.

(b) A party may move for summary disposition orally at the public investigative hearing or in writing any time before the Commission renders its final decision in the case.

(c) When the Commission summarily disposes of a public investigation, it shall render a decision in accordance with Rule 16.16.

16.12 Withdrawal of Charges

(a) With the approval of the Commission, the charges to be investigated may be withdrawn upon the complainant's written request filed before the date of the public investigative hearing or upon the complainant's oral request made at the hearing.

(b) With the approval of the Commission, the parties may settle a public investigation and the settlement shall constitute a final disposition of the investigation.

16.13 Amendment of Charges

(a) The charges to be investigated may be amended or supplemented by the Commission on its own motion or, with the approval of the Commission, on written motion of the complainant.

(b) The respondent shall be notified of any amended or supplemental charges to be investigated and shall be given a reasonable opportunity to prepare his defense against the additional charges.

16.14 Procedure for Hearings

(a) The burden of proof, as to the facts, shall be on the complainant.

(b) The Commission may require the complainant to give his sworn testimony before hearing any other witness and if the Commission finds from such testimony that there is no just or legal ground to support the charges, it may decline to hear or consider any other evidence and dismiss the investigation.

(c) If the investigation is not dismissed under subsection (b), the Commission shall allow the complainant to present such evidence as is relevant to the charges.

(d) The charges against a respondent shall not be accepted as prima facie true. Evidence shall not be received from the complainant to supplement or enlarge the charges except as approved under Rule 16.13. The respondent may rebut any proof offered by the complainant in support of the charges.

(e) Except insofar as they refer to referees, the provisions of Civil Service Rule 13.19(a), (b), (d), (g), (h), (i), (j), (k), (l), (n), (o), (p) and (q) are hereby made applicable to public investigative hearings.

16.15 Failure of Parties to Appear at Hearing

(a) If the complainant, without having been granted a continuance, is neither present nor represented at the place and time fixed for a public investigative hearing, the Commission may order the investigation dismissed.

(b) If a respondent or a respondent's appointing authority, without having been granted a continuance, is neither present nor represented at the place and time fixed for a public investigative hearing, he may be deemed to have waived his appearance and testimony may be taken in his absence with the same effect as if he were present.

16.15.1 Attorney's Fees

When a complainant does not bear his burden of proving the charge(s) and the Commission finds there is no reasonable basis for the complaint, the Commission may order him to pay reasonable attorney's fees in an amount not to exceed $1,500 per respondent.

16.16 Decisions

After concluding a public investigative hearing, the Commission shall render a written decision. The Commission's decision shall be final on the day that is rendered and on that date, the Director shall mail a copy of the decision to the parties.

16.17 Certain Rules Governing Appeal Hearings Adopted by Reference

Except insofar as they refer to referees, the provisions of the following rules are hereby made applicable to public investigative hearings:

(a) Rule 13.16 - "Place of Hearing."

(b) Rule 13.21 - "Subpoena of Witnesses; Production of Documents."

(c) Rule 13.24 - "Transcripts of Proceedings of Appeals to the Commission."

(d) Rule 13.25 - "Refusal to Appear; Refusal to Testify; False Testimony."

(e) Rule 13.26 - "Costs of Appeals."

(f) Rule 13.27 - "Witness Fees."

(g) Rule 13.29 - "Interlocutory Rulings."

(h) Rule 13.32 - "Recusation of Commissioner or Referee."

(i) Rule 13.33 - "Interrogatories; Pre-Trial Discovery; Rehearing of Appeal."

16.18 Repealed effective July 1, 2013.

Chapter 17: Layoff Avoidance Measures, Layoffs and Post Layoff

SECTION 1—GENERAL

17.1 Uniform Application

These rules shall apply uniformly to all employees in the affected organizational unit, as defined by Rule 1.21.1.

17.2 Plan Submittal and Approval

A written plan for a layoff avoidance measure shall be submitted to the Director for approval in accordance with these rules prior to the effective date of implementation of the plan. A written plan for a layoff shall be submitted to the Director at least sixteen (16) calendar days prior to the effective date of the layoff. The appointing authority shall certify that the agency does not have sufficient funds to continue current operations without implementation of a layoff or layoff avoidance measure. The Director may:

(a) approve the plan;

(b) disapprove the plan; or

(c) refer the plan directly to the Commission for consideration at its next regularly-scheduled meeting.

17.3 Exceptions

For rational business reasons, the appointing authority may request exceptions to these rules. Justification for exceptions must be in writing as a part of the layoff or layoff avoidance plan.

(a) The Director or the Commission may approve exceptions to Layoff Avoidance Measures.

(b) The Commission may approve exceptions to the Layoff Rules for rational business reasons. The Director may grant interim approval to exceptions to the Layoff Rules subject to ratification by the Commission at its next regularly-scheduled meeting.

17.4 Appeals

Permanent employees who are negatively impacted by the application of these rules may have the right to file an appeal to the Civil Service Commission in accordance with Chapter 13.

SECTION 2—LAYOFF AVOIDANCE MEASURES

17.5 Required Notice to Employees

(a) The appointing authority shall, as soon as it is determined that a layoff avoidance measure is necessary, make a reasonable attempt to notify all employees who could be affected.

(b) Once a layoff avoidance plan is approved by the Director or Commission, it shall be made generally available to the employees who are affected.

17.6 Performance Adjustments

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

(a) The request shall include the reasons for this action, the names and jobs of those employees to be excluded, if any,and reasons for their exclusion, the proposed effective dates and periods of time involved, the organizational unit, and the geographic area(s) affected.

(b) The duration of this measure shall not exceed one period of 12 consecutive months.

(c) Employees whose 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 evaluation of "needs improvement/unsuccessful."

17.7 Reduction in Work Hours

When an appointing authority determines it is necessary to reduce the work hours of employees in order to avoid or reduce layoffs, his request is subject to the following:

(a) The request shall include the reasons for the reduction, the names and job titles of any employees to be excluded and reasons for the exclusion, the number of work hours reduced for each employee, the proposed effective dates and periods of time involved, the organizational unit, and the geographic area(s) affected.

(b) Such reductions shall not exceed one period of 12 consecutive months.

(c) The number of work hours reduced for an employee shall not exceed 16 hours per biweekly payroll period.

(d) If an employee is required to work hours in excess of his assigned reduced schedule, s/he shall be granted compensatory time at the straight rate for the difference in hours between the previous schedule and the reduced schedule. Any additional overtime hours worked by non-exempt employees shall be compensated in accordance with the Fair Labor Standards Act and Chapter 21 of these rules. Any additional overtime hours worked by exempt employees may be compensated in accordance with Rule 21.9.

(e) Employees who are on a reduced work schedule shall earn and be granted leave in accordance with Chapter 11 of these rules.

17.8 Furlough Without Pay

When an appointing authority determines that it is necessary to furlough employees without pay to avoid or reduce layoffs, his request is subject to the following:

(a) The request shall include the reasons for the furlough, the names and jobs of those employees to be excluded, if any, and reasons for their exclusion, the total work hours or days for each employee, the dates and period of time involved, the organizational unit, and the geographic area(s) affected. The appointing authority shall also specify if employees will be recalled from furlough at the same time. If employees will be recalled at different times, the recall schedule must be specified and justified.

(b) An employee shall not be furloughed for more than a total of 240 work hours in any consecutive 12-month period without approval of the Commission.

(c) With the approval of the Commission, an employee may be furloughed up to a total of 450 work hours in a consecutive 12-month period.

(d) When the Commission or Director determines that extraordinary circumstances exist, they may approve an extension of furlough beyond 450 hours. If any employees are recalled during this extended furlough period, the employee with the most state service for a given job title shall be recalled first, unless the position requires specific licensure or certification, or an exception has been granted under Rule 17.3.

17.9 Retirement Incentive

To avoid or reduce layoffs, an appointing authority may request authority to offer employees who are eligible for regular retirement, an incentive to retire in the form of a one-time, lump-sum payment. The request shall be subject to the following:

(a) No employee may receive a payment that exceeds 50% of the savings realized by the agency in the fiscal year as a result of that employee's retirement; and

(b) No such payment shall be made prior to the effective date of the employee's separation.

17.10 Required Annual Leave During Closures

This measure does not require submission of a plan or prior approval of the Director or Commission. A department or agency may require employees to use up to a maximum of ten days of annual leave per calendar year, when the efficiency of operations dictate a temporary closure. Employees who have less than 240 hours of annual leave may be required to take annual leave under this provision. Employees who have exhausted all annual leave shall be placed on leave without pay, for no more than ten days per calendar year.

SECTION 3—LAYOFFS

17.11 Layoff of Probational Employees Only

(a) Layoffs that involve only probational employees do not require the approval of the Director; however, the appointing authority shall provide written notice of such layoffs to the Director prior to the effective date.

(b) Affected probational employees shall be given notice of their layoff prior to the effective date of the layoff.

17.12 Layoffs Involving Permanent Employees

This rule applies to layoffs of permanent employees.

(a) As soon as it is determined that a layoff will be necessary, the appointing authority shall make a reasonable attempt to notify all employees who may be affected that a layoff plan may be submitted to the Director. This shall be considered the general notice of impending layoff and shall be separate from the individual notification process required in Rule 17.12(c).

(b) A written plan shall be submitted to the Director for consideration at least sixteen (16) calendar days prior to the effective date of the layoff.

(c) Employees who may be relocated or laid off shall be notified as follows:

1. The appointing authority shall provide in writing to each employee an individual notice of impending layoff action and a copy of the proposed plan which the agency submitted to the Director.

2. Each employee shall have the right to comment in writing to the Director regarding the proposed layoff plan. The comment period shall end five (5) calendar days after the last employee has received the individual notice of impending layoff action. Neither the Director nor the Commission shall approve any layoff plan before the comment period expires.
3. During the comment period, the Director may require the appointing authority to make changes to the layoff plan. If any changes to the plan are made by the Director, the appointing authority shall provide a copy of the revised layoff plan to each employee. The Director or the Commission shall have the discretion to mandate another comment period, during which employees shall have the right to comment in writing according to subsection (c)(2) of this rule. Neither the Director nor the Commission shall approve any revised layoff plan before the comment period expires.

(d) Upon Director or Commission approval of the layoff plan, the appointing authority shall provide in writing to each employee to be relocated or laid off a final notice of layoff action and a copy of the Director's approval letter.

(e) The effective date of the layoff shall not occur before six (6) calendar days following the day that the last employee has been given final notification of the layoff or relocation action.

(f) The individual notice of impending layoff action and the final notice of layoff action shall be provided to the affected employees in accordance with the provisions of Rule 12.8.1.

(g) The Director may establish handbook procedures related to the notification process in the layoff rules.

17.13 Effect of Allocation Changes on Layoff

A layoff shall not be affected by any changes in allocations for affected positions after the layoff plan is received at Civil Service, regardless of the effective date of the allocation.

17.14 Requirements for the Written Layoff Plan

The layoff plan shall include, but not necessarily be limited to, the following items:

1. Affected organizational unit
2. Reasons why the layoff is being proposed
3. Any budgetary measures which may have been taken to avoid a layoff
4. Proposed effective date of the layoff
5. Definition of commuting area used for this layoff (refer to Rule 1.9.01)
6. How pay on relocation to lower jobs will be set, if applicable. (refer to Rule 6.8.2)
7. For the abolished positions, list:
    a. parishes where the positions are domiciled;

   b. affected job titles;
   c. career field for each affected job title; and
   d. number of positions for each affected job title.
8. Repealed effective July 1, 2014.
9. List the Parish, Career Field, Name, Job Title, and Adjusted Service Date for employees who are expected to be laid off.
10. List the Parish, Career Field, Name, Job Title, and Adjusted Service Date for employees who will be moved to vacancies created as a result of the layoff, and the job title planned to be offered to each employee.
11. Exemptions made, if any, under Rule 17.15(e) and reasons for these exemptions.
12. Exceptions requested, if any, under Rule 17.3 and reasons for these exceptions.
13. Name, job title, beginning and end date of appointment, authorizing rule number and pay of all unclassified and classified temporary, non-permanent appointees in the affected organizational unit, and how these positions will be affected in the layoff.
14. Contracts either currently in effect or anticipated that may be causative of or related to the layoff.

17.15 Determining the Employees Who Will Be Laid Off or Relocated

(a) Based on the budget and organizational priorities, the appointing authority will determine which positions are to be abolished.

(b) Employees who received a "needs improvement/unsuccessful" on their last official Performance Evaluation System evaluation shall be laid off first. For purposes of layoff determination, the last official evaluation shall refer to an evaluation received no fewer than 60 days prior to the effective date of the layoff.

(c) A number of employees within the career fields, organizational unit and commuting area of positions to be abolished, and sufficient to fulfill budgetary and organizational requirements, shall be laid off on the basis of the least years of service as determined by adjusted service date.

(d) Employees in positions targeted for abolishment shall move into vacant positions in accordance with Rule 17.18.

(e) The agency may exempt from layoff a number of employees, the total of which shall not exceed 20% of the total number of employees laid off and relocated. These exemptions must be made for rational business reasons and may include employees who have exceptional performance, or who possess particular qualifications or competencies needed to effectively fulfill the requirements of the position. Exemptions and their reasons shall be stated in the layoff plan.

(f) Employees with veteran's preference as referred to in Rule 22.7 and whose performance ratings and length of service are at least equal to those of other affected employees shall be given preference.

17.16 Repealed effective April 2, 2014, and replaced with Civil Service Rule 6.8.2

17.17 Domicile for Relocation Purposes

(a) The domicile for movement for an employee shall be the parish in which he reports to work.

(b) Employees whose official domicile is “statewide” shall, for the purpose of relocation offers, be considered domiciled in the parish in which they officially reside.

(c) Employees who live and work outside of Louisiana shall, for the purpose of relocation offers, be considered domiciled in the parish in which they have an official residence. If they have none, their domicile shall be at their department’s central headquarters.

(d) Agencies may request a different domicile assignment in situations not addressed in the rule through the exception procedure in Rule 17.3.

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 evaluation is “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 evaluation of “unrated” or "not evaluated" shall be considered as having an evaluation of “successful” for that evaluation period.

(d) Employees in positions that are targeted for abolishment shall move into vacant positions or positions that become vacant as the result of the layoff within the affected organizational unit.

(e) An employee shall not have the right to move:

1. into a job with a higher pay range
2. into a job for which he does not meet the Civil Service qualification requirements
3. outside of his organizational unit (as defined in Rule 1.21.1 and the approved Layoff Plan) except under the provisions of part (k) of this section
4. outside of his career field (as defined in Rule 1.5.2), unless the career field has been expanded in the Layoff Plan or under the provisions of part (f) or part (k) of this section
5. outside of his commuting area (defined in rule 1.9.01) except under the provisions of part (k) of this section.

(f) The Director of Civil Service may, on his own initiative, expand career fields.

(g) Employees who move into another position shall retain permanent status.

(h) If the position offered is in a Career Progression Group, it shall be offered at the highest level for which the employee meets the Civil Service qualification requirements, as long as it is not higher than his current job.

(i) Vacancies to be created as the result of the layoff of the least senior employees shall be offered first to employees who occupy targeted positions based on skills, experience, performance, seniority and the needs of the agency as determined by the appointing authority. These needs shall be determined based on documented, rational business reasons.

(j) If the employee declines an offer within his organizational unit, career field, and commuting area, he shall be laid off and shall not be eligible for the Department Preferred Reemployment List.

(k) The appointing authority may offer vacant positions outside of the organizational unit, career field or commuting area to an affected employee after the requirements of 17.18(a)-(j) have been met. If the employee declines such an offer, he shall be laid off and shall remain eligible for the Department Preferred Reemployment List.

(l) The agency may end job and /or classified WAE appointments of employees who occupy temporary positions and may use the position(s) to rehire, without a break in service, a permanent employee who was laid off. The rehired employee may be rehired in job or classified WAE appointment status and shall be placed on the Department Preferred Reemployment List for permanent appointments.

17.19 Responsibilities of Employees Affected in a Layoff

The responsibilities of employees affected in a layoff are listed below. This rule applies to active employees and includes employees who are on leave for any reason, on detail to special duty and on temporary interdepartmental assignment.

(a) The employee shall read or otherwise make himself aware of agency-distributed information concerning the layoff.

(b) The employee shall supply all information required by the agency to determine adjusted state service date in the format and by the deadline set by the agency. Failure to do so will result in the employee's adjusted service date being set at the date of their most recent hire.

(c) If the employee is absent from work, he shall provide to the personnel specified by his agency, correct and current information as required by the agency on how he may be reached at all times.

(d) The employee shall respond to a relocation offer in a manner determined by the agency. Failure to do so shall be considered a declination of the offer.

(e) For purposes of meeting the job qualifications of the relocation offer, an employee must have a grade from Civil Service only in the instance of an employee moving from a sub-professional level job to a professional level job. The employee must have the grade before the effective date of the layoff to be eligible for that position. The grade need not be active; it may be expired; however, it must be a grade for the test currently in use and must be verifiable.

(f) Once an employee accepts or declines a relocation offer, the decision is final.

17.20 Freeze on Appointments to Layoff–Affected Jobs

(a) Beginning the date the Director approves the layoff plan, no appointments shall be made in the affected department to job titles abolished in the layoff or to equivalent or lower jobs in those career fields and commuting areas except that jobs offers made prior to this approval date may be honored. The freeze on appointments shall end upon the establishment of the Department Preferred Reemployment List.

(b) Exceptions to the freeze that do not require the Director's approval include:

1. reinstatement of an employee as the result of an appeal decision;
2. internal demotion;
3. restoration of a former employee returning from military duty in accordance with Rule 23.15; and
4. classified WAE appointments, details to special duty, and use of temporary staffing service employees.
5. Other exceptions to the freeze may be approved in accordance with Rule 17.3.

17.21 Special Provisions for Veterans in Layoffs

A veteran who has been restored to duty under the provisions of Rule 23.15 and who thereafter is affected by a layoff shall be granted prior service credit for the period of time served as a member of the armed forces of the United States on which the restoration was based.

SECTION 4—POST LAYOFF

17.22 Reporting Requirement Following Layoff

The appointing authority shall report all personnel actions taken relative to the layoff to the Director within 15 calendar days from the effective date of the layoff. The report shall include information for each affected employee as required in the HR Handbook.

17.23 Department Preferred Reemployment List

(a) The Department Preferred Reemployment List created under this rule is a list of names of permanent employees who have been laid off or moved to a vacancy created as the result of a layoff. Employees on such a list shall be given preferential hiring rights for their department or agency, subject to the exceptions stated in this rule or approved as part of the Layoff Plan under Rule 17.3

(b) Only employees who have relocation rights according to Rule 17.18, and who have been laid off or moved to a vacancy created as the result of a layoff shall be eligible for this list. Eligibility shall be limited to:

1. the agency or department where the layoff occurred;
2. the employee's parish of domicile at the time of layoff and any other parishes he may list for availability; and
3. the same job title the employee held at the time of the layoff and equivalent or lower-level jobs for which the employee qualifies in his career field. An employee who is moved as the result of a layoff shall be eligible only for jobs down to, but not including, those in the pay range to which he moved.

(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 evaluation at the time of layoff was "needs improvement/unsuccessful";
4. non-permanent employees; and/or
5. those who have retired from state service.

(d) Employees shall be ranked in the order of length of state service they had at the time of the layoff. When a vacancy occurs, the eligible employee with the most state service shall be given the first offer. Those tied shall be considered as having the same ranking. Ties shall be decided by the appointing authority using any non-discriminatory method he chooses.

(e) An employee's name will be removed for the applicable list(s) when:

1. He is offered reemployment from the Department Preferred Reemployment List to a permanent position. His name shall then be removed for that job as well as for all other equivalent or lower jobs, but shall remain on the list for higher jobs for which he is eligible.
2. He declines or fails to respond to an offer. He shall then be removed for that job, equivalent jobs, and all lower jobs.
3. He attains permanent classified status in any position in any department. His name shall then be removed from all such lists for equivalent and lower jobs.

4. He is dismissed or resigns to avoid dismissal after the layoff action. Exceptions may be made for employees who are reinstated.
5. The Director determines that he is not qualified, is not available, or upon investigation, he is found to be not suitable for appointment to the position.
6. His name has been on the list for two years from the effective date of the layoff.

(f) If the job held by the employee prior to the layoff undergoes a change in the minimum qualification requirements or title or pay range (including one that is changed upward) after the layoff, 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 layoff, unless the lacking qualification is one required by law or under a recognized accreditation program.

17.24 Exceptions to Hiring from the List

If there is a Department Preferred Reemployment List, the employee who is first on the list shall be hired first, subject to exceptions approved under Rule 17.3 and/or when the position is filled by:

1. reinstatement
2. internal demotion; or
3. restoration of an employee returning from military service under Rule 23.15.

17.25 Temporary Appointments From the List

New classified WAE or job appointments shall be offered to the first person on the list. If the person accepts or declines such a temporary appointment, his name shall remain on the list for permanent appointments.

17.26 Movement of Employees Following Layoff

For rational business reasons, after a layoff, an appointing authority may move an employee from one position to another position for which he qualifies in the same pay grade as long as such movement does not circumvent the Department Preferred Reemployment List.

Chapter 18: Transition Rules

18.1 Transition to New Performance Evaluation System

The Director shall establish and publish procedures to effect an orderly transition to the performance evaluation system established in Chapter 10 of these rules.

18.2 Performance Adjustments during transition to Performance Evaluation System

An employee who has a "Satisfactory" or equivalent rating effective July 1, 2012 shall become eligible for and may be granted a performance adjustment, provided that the appointing authority has determined his performance merits such an adjustment.

18.3 Repealed effective December 14, 2011

18.4 Repealed effective December 14, 2011

Chapter 19: Transition to New Pay Structure

19.1 Purpose and Scope

These rules are interim rules for the purpose of effecting transition from the old Wage Grade (WG) and Grade Scale (GS) pay structure to a new pay structure. This Chapter temporarily supercedes all other rules that are now in conflict.

19.2 Rates in the Pay Plan

(a) The pay range for each job shall consist of an interim minimum, minimum and maximum.

(b) Employees may be paid at rates below the interim minimum under provisions of Subsection 19.7 of this Rule.

(c) The interim minimum is a reduced minimum rate established 9.5% below the appropriate minimum for purposes of implementation only.

19.3 Pay Upon Movement of Jobs to New Structure Grades

(a) If the employee's individual pay rate falls within the range of the new grade, his pay will not change.

(b) Subject to the provisions of Rule 19.3(e), if the employee's individual pay rate falls above the new range maximum, his pay shall be red circled. Individual pay rates that fall above the maximum established for the grade become Red Circle Rates and remain in effect until the range catches up with the rates. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments.

(c) If the employee's individual pay rate falls below the interim minimum for the new range, his pay shall be established in accordance with either 1, 2 or 3 below.

1. In accordance with Section 19.7 of these Rules; or
2. Shall be immediately adjusted to the interim minimum.
3. Shall be immediately adjusted to the minimum.

(d) In the event that funding is available, the provisions of Rule 19.2 will be suspended in favor of establishing the recommended range minimum in lieu of interim minimums and provisions of Rule 19.3(c) shall apply.

The Commission shall stipulate which option is to be applied. Whichever option is selected will be applied uniformly to all affected employees.

(e) If the employee's individual pay rate falls above the new range maximum as a direct result of the implementation of the new pay plan and not as a result of the existence of a prior Red Circle Rate, his pay shall be red circled until the range catches up with the rate. An individual whose salary rate is red circled shall not be eligible for any other further adjustment to his base pay.

Special pay for hazardous duty, shift differential, etc. may be granted to individuals where appropriate and in accordance with these Rules regardless of red circle status.

(f) An appointing authority may request that the Director grant an exception to Rule 19.3(e).

19.4 Hiring Rate

(a) Pay upon employment shall be at the established interim minimum under the following constraints:

1. If the appointing authority has employees in the same job title of the position being filled whose rate of pay is below the interim minimum, those employees' pay must be adjusted to the interim minimum as of the date of the appointment.
2. No appointments will be approved unless the official forms affecting the pay adjustment action have been submitted.

(b) All special entrance rates in effect are cancelled with the implementation of the new structure.

1. In order to reestablish special entrance rates above the interim minimum, the agency must make their requests under established procedures.
2. Upon approval of a special entrance rate, provisions of Rule 6.5(b) shall apply.

19.5 Pay on Promotion, Grade Assignment Change

When an employee is promoted to a position in a higher grade or his position is reallocated to a job in a higher grade, he shall receive the amount to which he is entitled under Rule 6.7 and 6.8 or the new range interim minimum, whichever is greater.

19.6 Merit Increases

The merit increase of 4% shall not be affected by these transition rules.

19.7 Schedule for Individual Pay Rate Adjustment to Interim Minimum

Beginning with the effective date of the new pay structure, no employee's pay rate will change, but for a period of one year each will receive any merit steps for which they are eligible and granted by their appointing authority and any adjustments due them under Chapter 17. At the end of that

year, all employees whose rate of pay is still below the interim minimum shall be brought to the interim minimum.

19.8 Schedule for Adjustment of the Range Minimums

(a) No later than two years after the effective date of the new pay plan, the interim minimum will be replaced by the range minimums that restore the uniform 50% range spread.

(b) All employees whose rate of pay fall below that new minimum shall have their pay established in accordance with Section 19.3(c) and 19.4 as applied to the new range minimum rather than the interim minimum.

19.9 Pay Upon Grade Assignment Changes

(a) Re-evaluation or Re-titling.

During the first year transition to the new pay structure, when the Director assigns jobs to a different range based upon a re-evaluation and/or restructuring or re-titling of those jobs, the pay range change will be made effective. The effective date of the new structure and an incumbent's pay will be determined by following the Chapter 19 Transition Rules.

(b) Market Adjustment.

When the Director authorizes the use of a market grade, the individual pay rate of employees occupying jobs which are affected shall not change except that, if the employee's pay is below the market grade minimum, the employee's pay shall be adjusted to the minimum. Rates above the new market grade maximum are subject to Rule 6.15.

(c) Change in Duties.

During the first year transition to the new pay structure, when the Director assigns a job to a different range based on a change of duties and re-evaluation of that job, the employee's pay shall be set in accordance with Rule 6.7. The change in duties must have taken place subsequent to the effective date of the new structure.

19.10 Transition Problem Resolution

In order to resolve problems which arise as a result of transition to the new pay system, the Director shall have authority to waive existing rules and approve personnel actions when he determines such approval to be in the best interest of the State Service. The Director shall report all actions taken under this Rule to the Commission.

19.11 Individual Pay Adjustments

(a) When an appointing authority determines that the relationship of individual pay rates resulting from the implementation of the January 1, 1987 Pay Plan adversely affects the efficiency of a work unit(s), the Director may grant a request for an individual pay adjustment. Each request must include certfication that funds are available to implement the request, the proposed amount of adjustment, a detailed explanation of the methodology used to determine the appropriate adjustment and explicit reasons why an individual pay adjustment is necessary to correct the existing management problem. The Director shall include a listing of all approved adjustments in his monthly report to the Commission.

(b) The Director's decision shall be final and shall only be appealable to the Commission pursuant to Rule 13.10(i).

19.12 Equalization Adjustment Authority

In order to correct problems associated with the implementation of the new pay system, the Commission may order implementation of special pay adjustments.

Chapter 20: Pilot of Transaction Approval Changes

20.1 The Director may authorize an appointing authority to effect certain personnel actions without obtaining approval of the Director. Every personnel action must comply with Civil Service Rules and the uniform classification and pay plan adopted by the Commission. No employee shall gain any entitlement or property right to any position or pay found to have been awarded to him or her in violation of these Rules.

Chapter 21: Overtime and Overtime Compensation

21.1 Authority to Require Performance Of Overtime

An employee in the classified service may be required by his appointing authority to work overtime.

21.2 Determination of exempt / non-exempt status of positions

Agencies shall determine the exempt or non-exempt status of all positions, in accordance with the Fair Labor Standards Act (FLSA).

21.3 Authority for compensation

(a) All non-exempt employees shall be compensated for overtime in accordance with the FLSA for overtime conditions that are covered by the FLSA, and shall be compensated in accordance with Civil Service rules for State Overtime, which is defined in Rule 21.7.

(b) All exempt employees shall be compensated in accordance with Civil Service rules for State Overtime, which is defined in Rule 21.7.

21.4 Methods of compensation for overtime

(a) Overtime compensation may be granted in the form of cash payment or compensatory leave earned; cash shall be paid when required under the FLSA or by these rules.

(b) Employees who are employed on an intermittent schedule shall not earn compensatory leave, but shall be paid cash.

21.5 Basis for the calculation of hourly rate of pay for overtime

(a) The hourly rate of pay for State Overtime earned at the hour-for-hour rate shall be calculated using the employee's base pay plus base supplement.

(b) The hourly rate of pay for State Overtime earned at the time and one-half rate may be calculated in accordance with the FLSA or in accordance with subsection (a) of this rule.

(c) The hourly rate of pay for all FLSA overtime shall be calculated in accordance with the FLSA.

21.6 Compensatory Leave – Crediting and Usage

(a) Compensatory leave credited to an employee may be used by the employee, with the approval of the appointing authority.

(b) An employee who has been credited with compensatory leave may be required, by the appointing authority, to take all or part of such leave at any time.

(c) An agency may pay the balance of an employee's compensatory time at any time. The rate of pay shall be calculated in accordance with Rule 21.5. Payment is required under circumstances defined in Rule 21.10, 21.11 and 21.12.

21.7 Definition of State Overtime

When an employee is not eligible for overtime under the provisions of the FLSA, State Overtime shall be granted as follows:

(a) For purposes of calculating hours worked for STATE OVERTIME, a day off from work due to paid leave taken or a holiday observed is considered to be a day worked.

(b) STATE OVERTIME is work performed by an employee at the direction of the appointing authority or his designee:

1. In excess of the employee's regularly scheduled workday.
2. In excess of the employee's regularly scheduled work period.
3. On a holiday, including designated holidays
4. During official closures

21.8 Compensation Rate – Non-Exempt Employees

(a) All FLSA overtime shall be compensated at the time and one-half rate.

(b) State Overtime shall be compensated at the straight (hour for hour) rate, unless an exception has been granted by the Commission, or unless the time and one-half rate is allowed under subsection (c) and (d) of this rule.

(c) State Overtime performed during official closures due to emergency situations may be compensated at the time and one-half rate.

(d) State Overtime performed on a holiday may be compensated at the time and one-half rate.

21.9 Compensation Rate – Exempt Employees

The appointing authority shall compensate exempt employees in accordance with one of the following options:

(a) No overtime compensation

(b) Compensation at the straight (hour for hour) rate

(c) Overtime performed during official closures due to emergency situations may be compensated at the time and one-half rate.

(d) Compensation at the time and one-half rate may be granted to exempt employees upon Commission approval.

21.10 Caps and Required Payment for Overtime Earned at the Time and One-half Rate

(a) Employees who accrue compensatory leave at the time and one-half rate shall accumulate no more of such compensatory leave than allowed under the Fair Labor Standards Act.

(b) Once the maximum balance of compensatory leave earned at the time and one-half rate is reached, any additional overtime work in excess of the employee's established FLSA work period must be paid to a non-exempt employee in cash at the time and one-half rate.

21.11 Caps, Required Payment, and Cancellation of Overtime Earned at the Hour-for-Hour Rate

(a) Compensatory leave earned hour for hour may be accrued in excess of 360 hours, but not more than a total of 360 such hours shall be carried forward from one fiscal year to the next. However, an appointing authority may request an exception to this subsection to maintain essential services necessary to preserve the life, health, or welfare of the public. This exception may ask that up to a total of 540 such hours be carried forward to the next fiscal year. Such a request is subject to approval by the Commission.

(b) For non-exempt employees whose hour-for-hour compensatory leave balance exceeds the cap required or granted by exception under subsection (a) of this rule, payment shall be made within 90 days after the beginning of the fiscal year for the excess compensatory leave. If payment is made, the employee's hourly rate of pay shall be calculated in accordance with Rule 21.5(a).

(c) For exempt employees whose hour-for-hour compensatory leave balance exceeds the cap required or granted by exception under subsection (a) of this rule, payment <u>may</u> be made within 90 days after the beginning of the fiscal year for the excess compensatory leave. If payment is

made, the employee's hourly rate of pay shall be calculated in accordance with Rule 21.5(a). Any excess leave not paid, shall be cancelled.

21.12 Payment or Cancellation of Compensatory Leave upon Separation or Transfer

(a) Time and One-half Compensatory Leave

Upon separation or transfer from a department, all compensatory leave earned at the time and one-half rate and credited to an employee shall be paid according to the method of calculation of hourly rate contained in the Fair Labor Standards Act, including those payments made under this rule to exempt employees.

(b) Hour-for-Hour Compensatory Leave

1. All unused compensatory leave earned hour for hour by exempt employees may be paid upon separation or transfer from the department in which he earned it at the final regular rate received by the employee, calculated in accordance with 21.5(a).
2. All unused compensatory leave earned hour for hour by exempt employees, if not paid to the employee upon separation or transfer, shall be cancelled upon separation or transfer from the department in which he earned it. Such leave shall not be recredited to him upon his reemployment in that or any other department.
3. Upon separation or transfer, unused compensatory leave earned hour for hour by non-exempt employees shall be paid in accordance with the following schedule, at the final regular rate received by the employee, calculated in accordance with 21.5(a). All additional such unused leave may be paid or cancelled and shall not be recredited to him upon his reemployment in that or any other department.

   360 hours must be paid after January 1, 2003

   450 hours must be paid after January 1, 2004

   All hours must be paid after January 1, 2005

21.13 Exceptions to the Overtime Rules

The Commission may grant exceptions to these rules.

Chapter 22: Requirements for Filling Job Vacancies

22.1 Methods of Filling Vacancies

Vacancies in the classified service may be filled by probational appointment, job appointment, classified WAE appointment, promotion, demotion, reassignment, position change, transfer, noncompetitive reemployment of a former employee, appointment from a Department Preferred Reemployment list, temporary inter-departmental assignment, or detail to special duty.

22.2 Filling Vacancies Prior to the Election for a Statewide Elected Office

An appointing authority shall obtain the Director's approval before making a permanent appointment to any job at or above MS-520, AS-620, SS-419, PS-115, WS-218, or TS-315 between the date of any election for a statewide elected office and the date the elected official takes office. The Director may exempt jobs from this requirement.

22.3 Public Announcement of Job Vacancies.

(a) All vacancies for jobs in the classified service that are filled by probational appointment, job appointment or promotion shall be posted on the Internet in accordance with the Director's policies and procedures except as provided in Rule 22.3(b).

(b) A vacancy may be filled without public announcement in the circumstances listed below:

1. Appointment from a Department Preferred Reemployment list.
2. Classified WAE appointment.
3. Noncompetitive appointment of a client of a State Vocational Rehabilitation Services Program or a State Blind Services Program under provisions of Rule 22.8(a).
4. Noncompetitive reemployment of a former employee based on prior state service under provisions of Rule 23.13(a).
5. Detail to special duty.
6. Demotion of a permanent classified employee.
7. Reassignment, position change or lateral transfer of a permanent classified employee.
8. Out-of-state vacancies filled in accordance with Rule 22.8(b).
9. Temporary Inter-Departmental Assignment.
10. When non-classified employees are declared to be in the State Classified Service or are acquired by a State Agency in accordance with Rule 24.2.
11. Noncompetitive promotion of a permanent classified employee to a position to which he or she would have noncompetitive reemployment eligibility under Rule 23.13 if he or she were to resign.

12. Appointment to Nurse Technician for applicants hired as a Registered Nurse 1 or a Registered Nurse 1-Student Health that are required to re-take the State Board of Nursing Examination.
13. Probational or job appointment of an applicant who has attained a 3.5 GPA or higher for a baccalaureate degree and meets all other requirements of Rule 22.8(c) for exemption from testing.

(c) In the case of vacancies to be filled by promotion, appointing authorities may limit application to permanent classified employees of a promotional zone approved by the Director.

22.4 Rejecting Applicants for Employment

The Director or an appointing authority may reject an applicant if the applicant:

(a) Cannot be legally employed.

(b) Does not meet the Minimum Qualifications of the job.

(c) Has been convicted of a felony.

(d) While serving with permanent status, was dismissed from state service or resigned to avoid dismissal.

(e) Has submitted false information during the application or examination process or otherwise attempted to fraudulently secure eligibility for appointment for either self or others.

Applicants rejected shall be notified of the action taken.

22.5 Minimum Qualifications; Flexible Qualifications

(a) The Director shall establish Minimum Qualifications which shall be included in the job specification for each classified job. Appointees must meet the Minimum Qualifications for the job unless exempted under provisions of Rules 22.5(e), 23.12, 23.13(a) or 5.8. The Director may order the separation of any non-permanent employee who does not meet the Minimum Qualifications.

(b) Repealed – Effective December 11, 2013.

(c) The determination as to whether an applicant meets Minimum Qualifications may be done by the Department of State Civil Service or by an appointing authority under delegated authority as determined by the Director. Decisions made by the appointing authority may be reviewed by the Director and his decisions will be final.

(d) When an applicant is notified that he or she does not meet Minimum Qualifications, the applicant may request that the Director review the decision.The request must be in writing and be

postmarked or received no later than 30 days from the date on the disqualification notice. The Director's decision shall complete the review process by the Department of Civil Service.

(e) Whenever previously established Minimum Qualifications are changed and an incumbent in the affected job class does not meet the new requirements, the incumbent shall be allowed to

1. remain in the position occupied on the effective date of the change provided there are no legal barriers.
2. qualify for higher level jobs in the normal career path of the job occupied, by acquiring the difference between the minimum qualifications of that job and the higher level jobs, as of the effective date of the change, provided there are no legal barriers.

22.6 Examinations

(a) An examination is any formal assessment or combination of assessments used to evaluate an applicant's qualifications and job-related competencies. Examinations include but are not limited to tests, experience and training evaluations, minimum qualifications, resume evaluations, structured oral examinations, and job interviews. The Director may conduct examinations as deemed appropriate and shall establish eligibility requirements, examination schedules, application procedures and policies regarding retesting, expiration of test scores and cancelling test scores for Director-administered examinations.

(b) The Director may authorize an appointing authority to conduct examinations and may establish policies for agency-administered examinations. Such examinations shall be job-related and designed to assess applicants based on merit, efficiency, fitness and length of service.

(c) A test is a type of examination administered by a proctor to a group of applicants at a test center, consisting of written or electronic responses to questions.

(d) Test takers shall be notified of their test scores by the Director or agency appointing authority as appropriate.

(e) A test score is subject to review by the Director or appointing authority as appropriate upon written request postmarked or received within 30 calendar days following the date on the test result notice. A test score error shall be corrected, but shall not necessarily invalidate any appointment.

22.7 Veterans Preference; Proof of Eligibility

(a) For original appointments, veterans' preferences of five or ten points shall be added to the final examination score of each eligible applicant who meets the minimum qualifications and has attained at least the minimum test scores required and at least the minimum rating required for eligibility in accordance with Section 10 (A) (2) of Article X and applicable statutes.

(b) An applicant claiming eligibility for veterans' preference points shall provide proof of eligibility in the manner the Director prescribes.

22.8 Exemptions from Testing Requirements

(a) An appointing authority may fill a vacancy by probational appointment, job appointment or promotion of a State Vocational Rehabilitation Services or Blind Services program client without the appointee's attainment of any test scores normally required, provided the appointee meets the Minimum Qualifications of the job, and that the appointing authority documents that the appointee is a bona fide client of a State Vocational Rehabilitation Services or State Blind Services Program, is disabled to such an extent as to prohibit participation in the usual required tests, and is able to perform the duties of the position without hazard to self or others.

(b) The Director may exempt from testing requirements applicants for out-of-state vacancies filled by probational appointment, job appointment or promotion.

(c) An applicant who meets the Minimum Qualifications and has obtained a baccalaureate degree from an accredited college or university with an overall grade-point average (GPA) of 3.5 or higher, as verified by official transcript, may be appointed by probational appointment or job appointment without taking any Director administered test normally required provided that the job to which he is appointed is a professional level job for which possession of the baccalaureate degree alone is sufficient to meet the Minimum Qualifications or a professional level job at the experienced or advanced level requiring up to, but not more than three years of professional level experience beyond the degree.

(d) An appointing authority may fill a vacancy by probational appointment or job appointment of a veteran of the armed forces who has been honorably discharged from active duty within the previous twelve months without the appointee's attainment of any Civil Service test scores normally required, provided the appointee meets the Minimum Qualifications of the job. The veteran must have been honorably discharged and have served at least 90 days of active service for purposes other than training. An appointing authority may make an offer to an active member of the armed forces but the effective date of the appointment cannot be prior to the discharge date.

22.9 Certificates of Eligibles

(a) For each vacancy which requires public announcement to fill, the Director shall create or authorize an appointing authority to create a certificate containing names of applicants who

1. Meet the Minimum Qualifications.
2. Have attained any test scores required by Civil Service.
3. Have applied during the open period of the announcement.
4. Have met any other eligibility requirements established by the Director, by Civil Service rules or by law.

5. Have met any other job-related selective certification requirements requested by the appointing authority, approved by the Director and stated in the public vacancy announcement.
6. For promotions, are in the promotional zone approved by the Director and stated in the announcement.
7. Have indicated they are available to work in the parish of the vacancy.

(b) When the applicant is eligible for veteran's preference points, these shall be noted on the certificate.

(c) The Director shall establish policies and procedures the appointing authority must follow when creating certificates including record keeping requirements.

(d) The appointing authority shall determine the effective date of the appointment from the certificate, but in no case shall the effective date be prior to the day following the closing date of the announcement or prior to the time the employee began work.

(e) An appointing authority is not obligated to fill an announced vacancy.

(f) The Director may impose more restrictive certification rules such as restricting hiring or promotion to particular score ranges in circumstances where he deems it to be in the best interests of the state.

22.10 Repealed and re-enacted in Rule 25.2, effective September 2, 2015.

22.11 Withdrawal of Authority

The Director may withdraw from an appointing authority any authority the Director authorized under this chapter.

Chapter 23: Appointments

23.1 Appointments

Appointments shall be made under a general system based on merit, efficiency, fitness and length of service as ascertained by examination which, so far as practical, shall be competitive.

23.2 Appointment from a Certificate of Eligibles

Probational appointments, job appointments and promotions shall be made from certificates of eligibles created in accordance with Rule 22.9 except as provided elsewhere in these rules.

23.3 Probational Appointment

(a) Probational appointments may be made without the use of a certificate:

1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).
2. For out-of-state vacancies under Rule 22.8(b).
3. Repealed – Effective December 11, 2013.
4. By reemploying a former employee under Rule 23.13.
5. Of applicants who have attained a 3.5 GPA or higher for a baccalaureate degree and meet all other requirements of Rule 22.8(c) for exemption from testing.

(b) When a vacancy is filled by probational appointment, such appointment shall be for a probationary period in accordance with Chapter 9 of these Rules.

23.4 Promotion

(a) Promotions may be made without the use of a certificate:

1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).
2. For out-of-state vacancies under Rule 22.8 (b).
3. Of permanent classified employees to positions to which they would have reemployment eligibility under Rule 23.13 if they were to resign.

(b) Promotions shall only be made of employees serving with permanent status in the classified service.

(c) No employee who has a current official overall Performance evaluation of "Needs Improvement/unsuccessful" shall be promoted.

23.5 Job Appointment

(a) A job appointment is a temporary appointment of an employee to fill a position in the classified service for a limited period of time. An appointing authority may use a job appointment to fill a position for a period not to exceed four 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 appointing authority may terminate a job appointment at any time. This rule is subject to Rules 17.20(b)4 and 17.25 concerning layoff related actions.

(b) Job appointments may be made without the use of a certificate:

1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).
2. For out-of-state vacancies under Rule 22.8(b).
3. Repealed – Effective December 11, 2013.
4. By reemploying a former employee under Rule 23.13.
5. Of applicants who have attained a 3.5 GPA or higher for a baccalaureate degree and meet all other requirements of Rule 22.8(c) for exemption from testing.

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

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

23.6 Classified WAE Appointment

(a) A classified WAE appointment is a temporary appointment of an employee to fill a position in the classified service for a limited period of time and hours in order to address filling the position in a regular manner, or to address an emergency or work overload situation. An appointing authority may use a classified WAE appointment to fill a position when the hours worked do not exceed 1245 hours during a twelve (12) month period. For rational business reasons, an appointing authority may request to exceed 1245 hours during the twelve month period. The Commission may approve such requests or delegate approval authority to the Director. The appointing authority may terminate the classified WAE appointment at any time.

(b) The Director may issue policy standards for the use of classified WAE appointments.

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

(d) Classified WAE appointees must meet the minimum qualifications for the job.

(e) This rule is subject to Rules 17.20(b)4 and 17.25 concerning layoff related actions.

23.7 Temporary Staffing Services Employee

(a) When work is required to be performed on a temporary basis and the work is essential to the efficiency of the agency, a temporary staffing services employee may be used, provided:

1. Approval has been received from the appointing authority; and
2. The employee shall be used only for the following: a) to replace an employee on leave, b) to fill a vacancy pending filling the position in a regular manner, or c) to address an emergency or work overload situation of short duration.
3. The employment of any one individual in this category shall not exceed 680 work hours in a twelve-month period.
4. The appointing authority shall maintain a tracking document of usage of individuals in this category which is certified by the appointing authority to prevent violation of this rule. Such document shall be readily available for Civil Service audit as requested.

(b) Individual temporary staffing services employees may be used for any length of time up to 680 work hours in a twelve-month period; however, the Director or appointing authority may limit the duration of or cancel the use of a temporary staffing services employee at any time.

(c) An extension over 680 work hours in a twelve-month period for an individual temporary staffing services employee shall not be allowed. If the appointing authority determines that a situation exists that requires the use of temporary staffing services employees beyond the 680 work hour limit within a twelve-month period, other replacement individuals may be solicited from the temporary staffing services firm(s) on state contract.

(d) The Director may withdraw an agency's authority to make use of temporary staffing services employees. Willful abuse or misuse of temporary staffing services may subject offenders to financial liabilities as provided in Rule 2.9.

23.8 Transfer of Individual Employees

An 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 Minimum Qualifications of the job to which he is transferring and has met Civil Service requirements for public announcement of vacancies, testing and competition.

23.9 Temporary Inter-Departmental Assignment

(a) Upon agreement between departments, a permanent employee may be assigned to a classified position in another department for a period not to exceed one year, provided the employee meets the Minimum Qualifications of the job to which he is being assigned.

(b) An employee so assigned shall continue to be an employee of the department from which he is assigned and shall have a right to return to his position at the conclusion of the assignment.

(c) Either participating department may end the inter-departmental assignment of an employee at any time. The Director may end such assignment if he determines that it violates the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plan, or the policies and procedures issued by the Director.

(d) Notwithstanding any other provisions of these Rules, a temporary inter-departmental assignment may not be continued beyond one year without the Director's approval.

23.10 Reassignment and Position Change

(a) An appointing authority may reassign any probationary or permanent employee to a position with a different job title that has the same maximum rate of pay, provided the employee meets the Minimum Qualifications of the job to which he is being assigned and has met Civil Service requirements for testing and competition.

(b) An appointing authority may position change any probationary or permanent employee to a different position number with the same job title.

23.11 Change in Duty Station

An appointing authority may change the duty station of a permanent employee from one geographical area to another. An appointing authority may change the duty station of a probationary employee from one geographical area to another in accordance with guidelines specified by the Director to ensure observance of appropriate competition requirements.

23.12 Detail to Special Duty

(a) An appointing authority may assign an employee to a different position in the same department for up to one month without changing the employee's classification or pay. After one month, the appointing authority shall detail or otherwise place the employee in the position in accordance with Civil Service Rules or return the employee to his or her regular position. Upon detail, pay shall be fixed in accordance with Civil Service Rule 6.11.

(b) No detail shall exceed one year without the Director's prior approval. Written justification for all details for more than one month shall be kept by the agency. Justification shall be submitted with all details requiring the Director's approval. This rule is subject to Rules 17.20(b) 4 and 17.25 concerning layoff related details.

(c) The Director may issue policy standards for use of details to special duty.

(d) An appointing authority may end a detail at any time.

(e) The Director may, at any time, cancel a detail to special duty and/or withdraw an agency's authority to detail employees for longer than one month.

23.13 Noncompetitive Reemployment Based on Prior State Service

(a) A former permanent employee may, within ten years from separation, be reemployed in any job for which he or she meets the Minimum Qualifications and which has the same or lower maximum salary as the current maximum for the job in which he had permanent status. Further, if the job in which an employee or former employee held permanent status undergoes a change in title, other than an upward reallocation of the position after the employee separated from it, or undergoes a change in Minimum Qualification provided there are no legal barriers, he shall not lose his reemployment eligibility for such position or lower position in the same job series. In this case eligibility remains, even if the maximum pay has moved upward. Further, he shall be eligible to be reemployed in any other job at the same or lower current maximum pay as the job to which his position changed in title, provided he meets the minimum qualification requirements.

(b) No former employee shall acquire eligibility for noncompetitive reemployment through service in a position from which he was dismissed or resigned to avoid dismissal or demoted for cause.

(c) No former employee shall possess eligibility for noncompetitive reemployment in the position of Director of the State Department of Civil Service.

(d) The former employee may be required to provide proof or evidence of his or her prior employment before being eligible for reemployment under this rule.

23.14 Demotion

A permanent or probationary employee may be demoted for cause, or at his or her own request to any position for which he or she possesses the Minimum Qualifications established for the job.

23.15 Restoration of Duty Upon Return from Military Service

Any employee, who subsequent to June 24, 1948, has left or leaves a classified position in which he was or is serving with probationary or permanent status, for active duty in the armed forces of the

United States for not more than six years of voluntary service or an indefinite period of involuntary service and who upon separation from the armed forces by honorable discharge or under honorable conditions makes application for reemployment within ninety days thereof or within ninety days after he or she is released from hospitalization continuing after discharge for a period of not more than one year shall:

(a) If still qualified to perform the duties of such position, be restored by his or her department to such position or to a position of like seniority, status, and pay; or

(b) If not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform duties of any other position in the department where he or she formerly worked, be restored to such other position the duties of which he or she is qualified to perform as will provide him or her like seniority, status and pay or the nearest approximation thereof consistent with the circumstances in his or her case.

23.16 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 the applicant/employee:

1. Cannot be legally employed.
2. Does not meet the Minimum Qualifications established for the job.
3. Has been convicted of a felony.
4. While serving with permanent status, was dismissed from state service or resigned to avoid dismissal.
5. Has submitted false information during the application or examination process or otherwise attempted to fraudulently secure eligibility for appointment for either self or others.

(b) An applicant whose employment eligibility has been cancelled under this Rule shall be notified by the Director

(c) Having cancelled the employment eligibility of an employee in accordance under this Rule, the Director shall notify the employee and the appointing authority, and the appointing authority shall terminate his or her employment.

23.17 Withdrawal of Authority

The Director may withdraw from an appointing authority any authority the Director authorized under this chapter.

Chapter 24: Transfer of Governmental Functions and Acquisitions

24.1 Transfer of Governmental Functions

When any or all of the functions of a state department are transferred to another state department, or when one state department is replaced by one or more other state departments, all positions and incumbents assigned the functions transferred or replaced shall be transferred to the receiving department. The allocation and individual pay rate of employees who transfer shall not change. Following this transfer, if the receiving department determines that any or all of the aforementioned positions should require an allocation change or abolishment, affected employees may be subject to layoff in accordance with Chapter 17 of these rules.

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

(a) When a nongovernmental private organization or position, which is not subject to Article X is acquired by a State department as a result of a legislative act, constitutional amendment, judicial decree, or an executive order, or a government organization or position, which has been created by an executive order of the Governor, legislation, constitutional amendment, or a local authority, is declared to be in the State classified service by judicial decree or by order of the Commission or Director, an employee encumbering an affected position shall be appointed in the State classified service under this Rule if:

1. His/her position is retained by the State agency, and the appointing authority of the agency certifies in writing to the Director that the retention is necessary for the continued efficient functioning of the acquiring agency, and such position falls within the State classified service;
2. He/she is eligible for employment in the classified service;
3. He/she is either employed in the position or is an employee of the acquired organization and has at least one year of continuous service as of the effective date of the transfer of the position or of the acquired agency to the State classified service provided that such effective date shall be the same effective date of the legislation, constitutional amendment, judicial decree, or commission order that initiated the action to classify the position, and in the absence of these directives, as of the date of the Director's order;
4. He/she possesses the minimum requirements established for the class to which his/her position has been allocated, on the date of the notification to the agency of the original allocation of his/her position for probationary appointment;
5. He/she attains a passing score on the appropriate test, within 180 days of the date of notification of the original allocation of his/her position for probationary appointment. After notifying the Commission, the Director may waive the passing of a written test provided:

    a. Either an appropriate test is not available or a review of the hiring and personnel practices of the entity indicates testing would be impractical and/or unnecessary; or
    b. A review of the person's application and personnel record reveals that he/she has successfully performed the duties of the same position for two years; or
    c. The appointing authority certifies that his/her performance has been satisfactory.
6. Subject to Rule 17.3 and 17.15(e), when an agency acquires employees under this Rule and a layoff results, it shall neither exempt the acquired employees from a layoff, nor shall the acquisition of these employees prevent the appointment of classified employees from a Department Preferred Reemployment List.

(b) An employee who enters the State classified service in accordance with this Rule and who is employed as a classified employee of a governmental jurisdiction subject to a civil service article, statute or ordinance shall be appointed to the State classified service with the same appointment status attained in the former service and such employee shall be exempt from the requirements in 24.2(a)3, (a)4 and (a)5. All other employees who enter the State classified service in accordance with this Rule shall be probationally appointed.

(c) An employee who enters the state classified service in accordance with this Rule, and who is employed with an organization that is being acquired in its entirety for the first time in the classified service, may be exempted from the requirements in (a)3, (a)4, and (a)5 by order of the Director, provided the employee occupies the same position with the acquired organization.

1. The Director may order such exemptions only after a review of the hiring and personnel practices of the organization that is being acquired.
2. When using this provision the Director shall notify the Commission of his/her intention to apply it and, after using it, shall file a written report explaining the reasons therefore.
3. The Director may still require certain employees to meet the requirements of (a)4 and (a)5.
4. An employee acquired under this provision, except for those acquired under subsection (c) 3 above, will be considered to possess the minimum qualifications of the job in which acquired.

(d) An employee who enters the State classified service in accordance with this Rule shall have his/her pay established in accordance with Rule 6.17.

(e) An employee who enters the State classified service in accordance with this Rule shall have his/her leave credits determined as follows:

1. An employee who is employed as a classified employee of a governmental jurisdiction subject to a civil service article, statute or ordinance shall have his/her annual and sick leave credits assumed by the acquiring agency; provided that only the amount of leave earned minus the amount taken, during the first year of the appointment authorized by the Director or Commission, may be paid upon separation in that year, except for separations caused by a layoff, medical disability, death or retirement. Upon entering the

State classified service, he/she shall earn and be credited with leave benefits as provided elsewhere in these Rules.

2. An employee of the state, so long as an official system of leave earning and use was maintained by the employer, shall have his/her leave credits determined as provided by Rule 11.19(d).
3. Any other employee who enters the State classified service in accordance with this Rule shall be credited for unused annual and sick leave, not to exceed 240 hours of each, which had been earned by and credited to the employee on the date of his/her appointment to the State classified service so long as an official system of leave earning and use was maintained by the former employer; provided that only the amount of leave earned minus the amount taken by the employee, during the first year of the appointment authorized by the Director or Commission, may be paid upon separation in that year, except for separations caused by a layoff, medical disability, death or retirement.

(f) Compensatory time shall not be credited above what is legally required under FLSA to the employee.

(g) An employee who enters the State classified service in accordance with this Rule shall have his/her eligibility for 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. 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.

(h) This Rule shall not apply to any employee who is illegally hired in either the State unclassified or State classified service as determined by the Commission after investigation by public hearing, or who is hired in the State unclassified service under the provisions of Rule 4.1(d)1, or who is voluntarily seeking employment in the State classified service.

(i) Upon request of an appointing authority, and/or when in its judgment sufficient and compelling reasons to do so have been presented, the Commission may apply the provisions of this Rule to situations not addressed herein.

(j) The Director may order an employee, who is subject to being brought into the State classified service under this Rule, to be placed on a special provisional appointment as provided by this subsection and such appointment shall:

1. be provided to allow the completion of the process necessary to determine if the employee may remain in the classified service and what requirements of this rule, and others if applicable, will have to be met; and
2. expire either upon probational appointment of the employee, or two years from the date the appointment was made, or upon cancellation by the Director.

Chapter 25: Training and Workforce Development

25.1 Provision of Training

The Department of State Civil Service shall institute, develop, conduct, maintain and otherwise provide for continuing programs of in-service training and education through the Comprehensive Public Training Program (CPTP). This training is designed to improve the supervisory, managerial, and other generally applicable skills and expertise of classified state employees.

(a) Training content shall be instituted, developed and provided through the use of statewide benchmarking tools including needs assessments, program evaluations, competency modeling, or other industry-acceptable methods.

(b) All training information, including course schedules, course material, performance support material and electronic training as well as individual training records will be maintained in accordance with the Director's policies and procedures.

(c) The in-service training and educational programs may be made available to other public officials and employees and to other participants, provided such participation does not have the effect of denying access to the program to any classified state employee.

(d) The establishment of training through these rules does not preclude an agency from developing or implementing agency specific training for its individual needs.

25.2 Mandatory Training

(a) The Director shall establish mandatory training for employees who occupy or are appointed to designated supervisory, managerial, or administrative jobs.

(b) Each department shall advise employees who occupy these jobs of the training requirements.

(c) Employees who fail to meet the required training within the specified period of time may be disciplined or removed in accordance with Chapter 12 of the Civil Service Rules.