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Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

Effective July 1, 1978, the Department of Health and Human Resources has adopted policy to be utilized to approve extensions beyond the maximum allowed fifteen days of hospitalization per recipient per year under the Medical Assistance Program.

The policy reads as follows:

Effective for admissions on and after July 1, 1978, the Professional Studies Activities/Length of Stay (PAS/LOS) criteria will be applied to all patient hospital stays as long as the recipient has at least one of his eligible fifteen days remaining.

The Office of Family Services is implementing this procedure for the following reasons:

1. Federal program requirements specify that payment can be made only for medically necessary hospital stays.
2. The Office of Family Services wishes to determine if it is budgetarily feasible to remove the existing fifteen day annual maximum and to pay for each admission for an eligible recipient using the PAS/LOC guidelines.

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination with the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

Effective July 15, 1978, the Department of Health and Human Resources has adopted policy regarding an increase in the maximum dispensing fee for prescriptions.

The policy reads as follows:

Effective July 15, 1978, the dispensing fee allowance for prescriptions under the pharmaceutical services program of the Office of Family Services is increased to a maximum of \$2.80.

The Office of Family Services is implementing this policy for the following reasons:

1. The results of the Federally mandated survey conducted to determine the cost of dispensing a prescription in Louisiana warrants an increase in the dispensing fee for prescriptions paid by the Medical Assistance Program.
2. The required funds have become available by legislative enactment to revise payments to reflect these increased costs.

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rulemaking are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

Effective June 1, 1978, the Department of Health and Human Resources, Office of Family Services, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt the following new rates of payment to Skilled Nursing Facilities (SNF), Intermediate Care Facilities I (ICF I) and Intermediate Care Facilities II (ICF II). The rates are as follows:

New Rates	SNF	ICF-I	ICF-II
Monthly	\$717.23	\$650.92	\$465.98
Daily	\$ 23.58	\$ 21.40	\$ 15.32

These rate increases for Skilled Nursing Facilities and Intermediate Care Facilities I and II services are being implemented based on verification through cost reports of increased actual costs for providing these services and the availability of funds to revise payments to reflect increased costs.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

RULE

Board of Trustees for State Colleges and Universities

Section 8.12 Student Government Association.

A. Statement of Policy.

The Board recognizes the value of the Student Government Associations at the institutions under the jurisdiction of the Board and encourages the establishment of Student Government Associations which are mutually beneficial to the student body and the institutions. A Student Government Association shall operate under a constitution approved by the President of an institution. An institution is authorized to collect Student Government Association fees, approved by the Board, and to maintain them in a separate institution account. Funds may be withdrawn from a Student Government Association account by authorization of a legally constituted body of a Student Government Association with the approval of an institution's chief student personnel officer and/or his or her designated agent.

B. Tuition waiver and salaries for Student Government Association (SGA) Officers.

1. A waiver of tuition (as defined in Section 6.6B of Part VI of this Manual) shall be granted, by the institutions under the jurisdiction of the Board, to the top three elected SGA officers at those institutions, with the exception of Delgado Vocational-Technical Junior College, where the recipients of the tuition waivers shall be the SGA Presidents at the four Delgado College campuses. The waiver of tuition shall remain in effect for the duration of the respective terms of office.

2. A salary may be paid, with student government funds, to the president, vice president, treasurer, and/or secretary; the salary shall be determined by the Student Government Association at each institution.

3. Receipt of this tuition waiver and salary for the SGA officers shall be contingent upon performance of assigned duties and tasks as set out and defined in the respective SGA constitutions.

Bill Junkin, Executive Director
Board of Trustees for State
Colleges and Universities

RULES

Board of Elementary and Secondary Education

Rule 5.03.31a

The Board amended the policy on out-of-state fees for students enrolled in vocational-technical schools to allow appeals in special cases by deleting the phrase "of Louisiana industry" to read as follows:

State operated trade and vocational-technical schools are not to charge this fee to permanent employees who are taking night or extension courses.

* * * *

Rule 3.07.10a

The Board adopted Annual Program Plan for Adult and Community Education for Fiscal Year 1979.

* * * *

Rule 3.05.01

The Board adopted Title I Migrant Education State Plan for Fiscal Year 1979.

The Department of the State Register has elected not to publish these two annual plans in accordance with R.S. 49:954.1C. Copies of the plans may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

* * * *

Rule 3.01.51i

The Board approved for final adoption an amendment to Bulletin 741, *Handbook for School Administrators*, page 32 to allow promotion from one elementary grade to another elementary grade upon removal of deficiencies during summer school.

Summer Schools

The following regulations govern the operation of approved summer schools:

Purpose

1. To enable students to schedule courses which would tend to enrich their experiences.
2. To take new subjects.
3. To enable students who have failed in subjects to remove deficiencies.

Administration

1. A summer school must be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.
2. Summer school must be conducted in an approved school building.
3. A parish with seven or more summer school teachers shall have at least one certified principal.

Application

1. All summer schools must apply to the State Department of Education for approval.
2. An application for approval of summer school offerings must be filed no later than the end of the first week after school is in session.

James V. Soileau, Director
Board of Elementary and Secondary Education

RULES

Board of Regents

Amendment to Policy 4.1

In the section of Policy 4.1 entitled "Academic Tenure," the third paragraph will read as follows:

The uniform minimum provisions for tenure adopted by the Board of Regents shall be implemented in all public colleges and universities, including their professional schools, in Louisiana. Any higher education management board may adopt more stringent requirements for awarding tenure than those contained in this policy; however, no management board may adopt less stringent requirements for tenure than those contained herein. The following statements of the Regents define the general provisions of the uniform tenure policy which shall be administered by the respective management boards:

* * * *

Guidelines for Programs for Preparation of Teachers and other Professional School Personnel

All programs existing in the state as of the date of this policy which have achieved approval by their institution's management board and the Board of Regents and which meet certification requirements of the State Board of Elementary and Secondary Education will be maintained subject to the Board of Regents' ongoing academic program review.

All new programs of study and new degree programs in teacher education shall be recommended for approval by the State Department of Education to the State Board of Elementary and Secondary Education only after prior approval of the program by the institution's management board and the Board of Regents. An institution desiring to initiate a program in teacher education may, if it so desires, consult with the Department of Education at any time for review and advice on the acceptability of the program for certification purposes. As adopted by the Board of Regents, this policy applies to public institutions of higher education.

* * * *

Policy on Graduate Courses Offered in Louisiana by Out-of-State Institutions

Courses offered in Louisiana by out-of-state institutions shall be recognized for purposes of teacher certification and salary increments only if the following conditions are met:

1. The out-of-state institution must be registered with the Secretary of State as a bona fide business operating in the State of Louisiana for the purpose of offering teacher education courses or programs and with the Louisiana State Board of Regents as required by Act 225, 1976.
2. Any institution offering a course in Louisiana must have State approval and regional accreditation recognized by the state in which the institution is domiciled for each program from which a course is offered.
3. Course level offerings in the State of Louisiana must bear accreditation at the same level of offering in the state of domicile.
4. Post-baccalaureate courses offered in Louisiana must be applicable to the same advanced degree program at the home campus of the out-of-state institution and must carry comparable graduate credit at the home campus.

Responsibility for written verification of compliance with the above conditions lies with the applying institution prior to the first class meeting of each course.

William Arceneaux
Commissioner of Higher Education

RULES

Office of the Governor Division of Administration

(Editor's Note: The following rules will become effective on July 24, 1978.)

LAC 1-3:1 Definitions

1.0 Definitions of terms: For the purposes of these rules, the following terms shall be defined as indicated:

1.1 Allocation—the assignment of an individual position to an appropriate class on the basis of its duties and responsibilities, and the knowledge, abilities and skills required of incumbents.

1.2 Appointing authority—the Commissioner or other persons delegated by him or her to appoint or remove employees of the Office of the Governor.

1.3 Certify, certification—the act of supplying a section head with a list of applicants from an eligibles register to enable him or her to fill a vacant position on the basis of merit.

1.4 Class—a position or group of positions that involve similar duties and responsibilities, require similar qualifications, are designated by a single title indicative of the kind of work, and for which the same pay range can be applied with equity.

1.5 Classification—a synonym for “allocation.”

1.6 Classified employee, classified position—an employee or position subject to the personnel rules of the Louisiana Civil Service System.

1.7 Class specification—a written statement of the duties and responsibilities characteristic of a class which also includes the knowledge, abilities, and skills required to perform the work of the class and the education and experience normally required to provide the specified knowledge, abilities, and skills.

1.8 Classification plan—the orderly arrangement into classes of all covered positions in the Office of the Governor.

1.9 Covered position—a position in the Office of the Governor included under the authority of these rules by the provisions of LAC 1-3:2.3 and any administrative determinations authorized by that rule.

1.10 Demotion—movement by an employee with permanent or probationary status in class from a permanent position in one class to a permanent position in another class which has a lower maximum salary rate.

1.11 Dismissal—a separation from service for cause.

1.12 Eligible—a person who has demonstrated in the examination process that he or she had the minimum qualifications necessary to learn the duties and responsibilities of the class within a reasonable probationary or trainee period.

1.13 Eligibles register—a ranking of all eligibles for a class according to their current examination grades.

1.14 Employee—a person occupying an allocated position in the Office of the Governor.

1.15 Examination—a test or combination of tests held by the Personnel Director to determine the relative merit of applicants for the positions in the Office of the Governor. These may consist of a written test, oral interview, evaluation of training and experience, performance test, aptitude test, or such other measures of merit as are deemed appropriate by the Personnel Director.

1.16 For cause—as in suspension for cause and dismissal for cause; a sufficient degree of substandard performance or undisciplined or insubordinate behavior on the part of an employee such that the proper functioning of the employee's work unit is impaired.

1.17 Full-time position—a position whose normal workweek is forty hours or more.

1.18 Layoff—a separation from employment made necessary by lack of work or funds, or for other reasons not related to the failure of the employee to perform up to the standards of work for the class.

1.19 Leave earned—time off with pay accumulated according to prescribed formulas.

1.20 Part-time position—a position whose normal workweek is less than forty hours.

1.21 Pay plan—a schedule of salary ranges and steps within ranges established pursuant to these rules.

1.22 Permanent position—a position budgeted with the expectation that it will be staffed for the full budget year.

1.23 Permanent status in class—the status obtained by an employee upon his or her completion of the probationary period for his or her current position.

1.24 Position—a group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part-time services of one employee.

1.25 Position control number—a number assigned by the Personnel Director to a position in order to track all changes in incumbents or class allocations. Every covered position has a unique, unchanging position control number.

1.26 Probationary period—a working test period which must be successfully completed for an employee to obtain permanent status in class.

1.27 Promotion—movement by an employee with permanent or probationary status in class from a permanent position in one class to a permanent position in another class which has a higher maximum salary rate.

1.28 Reallocation—action by the Personnel Director assigning a position to a new class because of changes in its duties and responsibilities.

1.29 Resignation—a separation from employment at the request of the employee which is not used to avoid the effect of a disciplinary order by a section head or the Personnel Committee, and which is not a retirement.

1.30 Retirement—a separation from employment at the request of the employee, after which the employee is qualified to receive retirement benefits from one or more of the official State retirement systems.

1.31 Section—a principal organizational unit within the Office of the Governor; includes agencies, authorities, or commissions established either by legislation or executive order.

1.32 Separation from service—any separation from employment; includes layoff, dismissal, resignation, retirement or death.

1.33 Sick leave—time off with pay granted an employee who is suffering with disability which prevents the performance of the employee's duties and responsibilities; or who requires medical, dental or optical consultation or treatment.

1.34 Student—a person enrolled in an accredited high school, college, or university in the State, or a person enrolled in a State-operated vocational technical school, in a sufficient number of courses and classes in such institution to be classified as 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 461(b) of the Higher Education Act of 1965, as amended. A bona fide student shall not lose status as such because of vacations during the academic year or because of failure to attend summer school.

1.35 Suspension—enforced leave without pay for cause.

1.36 Temporary intersectional assignment—the movement of an employee between sections to temporarily perform the

duties and responsibilities of a vacant position for which he or she is qualified.

1.37 Temporary position—a position budgeted with the expectation that it will be staffed for less than the full budget year.

1.38 Trainee—an original appointee who is unable to fully perform the duties and responsibilities of the class because of the highly complex nature of the work. The employee requires a longer, more intensive introductory period than the ordinary probationary period is designed to provide.

1.39 Transfer—movement by an employee between positions in the same class.

1.40 Vacancy—a position in the Office of the Governor established but not occupied.

LAC 1-3:2 General Provisions

2.1 Title: These rules shall be known as the Personnel Rules of the Office of the Governor.

2.2 Purpose: These rules are designed to serve as the basis for a comprehensive human resources management system, based on merit principles and to aid in the efficient management of all sections within the Office of the Governor.

2.3 Scope of rules: These rules apply to the following positions in the Office of the Governor and their incumbents.

A. All positions in the Division of Administration except the Commissioner of Administration.

B. All positions in the following sections: Contractual Review, Facility Planning and Control, and the State Register.

The Commissioner of Administration may exempt from the coverage of these rules forty policy-making and confidential positions in the sections named in A and B above.

2.4 Amendment of rules: Amendments to these rules may be proposed to the Personnel Committee by any administrator, supervisor, or employee of the Office of the Governor, or by any member of the Personnel Committee. Amendments shall be effective when approved and promulgated by the Personnel Committee.

LAC 1-3:3 Organization for Personnel Administration

3.1 The Commissioner of Administration: The Commissioner of Administration shall:

3.1.1 In his capacity as appointing authority, approve all appointments, promotions, demotions, transfers, separations from service, or pay changes in accordance with these rules.

3.1.2 Appoint a Personnel Director to whom authority for the administration of the human resources management system shall be delegated.

3.2 The Personnel Director: The Personnel Director shall be responsible to the Commissioner for the administration and technical direction of the human resources management system. As secretary to the Personnel Committee he or she shall be responsible for the execution of any decisions or orders of the Committee. The Personnel Director shall:

3.2.1 Formulate and prescribe such procedures and forms as he or she may deem necessary, appropriate, or desirable to carry out the principles, policies, and rules of the human resources management system.

3.2.2 Develop, administer, and maintain the classification plan.

3.2.3 Recommend to the Personnel Committee amendments to the pay plan as necessary to maintain its competitiveness with other employers, considering both fringe benefits and immediate compensation.

3.2.4 Administer the pay plan.

3.2.5 Establish and maintain a roster of all employees in the Office of the Governor and other elements of a personnel information system.

3.2.6 Administer procedures, standards and guides for the systematic evaluation of the performance of all personnel covered by these rules.

3.2.7 Develop and administer a program of employee communications and relations.

3.2.8 Develop and administer such recruiting and examination programs as may be necessary to obtain an adequate supply of qualified employees to meet operating needs and requirements of the Office of the Governor.

3.2.9 Develop in cooperation with section heads and the Commissioner, training, educational, and safety programs for employees of the Office of the Governor covered by these rules.

3.2.10 Prepare and submit to the Commissioner budget requests covering the estimated costs of administering the human resources management system.

3.2.11 Attend all meetings of the Personnel Committee and act as its secretary and keep minutes of its proceedings.

3.2.12 Prepare an annual report to be presented to the Personnel Committee setting forth a statistical summary of the classification, allocation, pay survey, and employee relations activities of the Personnel Office.

3.3 The Personnel Committee: The Personnel Committee shall be comprised of seven members.

3.3.1 Three members shall be persons from the private sector and/or colleges and universities with professional skills in personnel management, law, or labor-management relations and shall be appointed by the Governor for staggered three year terms.

3.3.2 Two members shall be administrators or supervisors within the Office of the Governor and shall be appointed by the Commissioner.

3.3.3 Two members shall be permanent, full-time employees of the Office of the Governor, but not section heads or their principal assistants, and shall be elected by fellow employees.

3.3.4 The term for administrators, supervisors and employees of the Office of the Governor serving on the committee shall be one year.

3.3.5 Four members of the committee shall constitute a quorum for any purpose.

3.4 Delegation of duties: To enhance the efficiency and effectiveness of the administration of the human resources management system, the Commissioner and the Personnel Director may, at their discretion, delegate to subordinate employees any of their duties as set forth in these rules.

LAC 1-3:4 The Classification Plan

4.1 Purpose of the classification plan: The classification plan shall provide a complete inventory of all positions in the Office of the Governor covered by these rules and accurate specifications for each class of employment. The plan shall standardize titles, each of which will be indicative of a definite range of duties and responsibilities and will have the same meaning throughout the Office of the Governor.

4.2 Composition of the classification plan: The classification plan shall consist of:

4.2.1 A grouping into classes of similar positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be compensated equitably within the same range of pay under similar working conditions;

4.2.2 Class titles, descriptive of the work of the class, which will identify each class;

4.2.3 Written specifications for each class of positions, containing a description of the nature of work of each class of positions; illustrative examples of work performed in the class;

incumbent qualifications expressed as knowledge, abilities, and skills necessary for performance of the work; and a statement of the type of experience and training generally providing this knowledge, ability and skill;

4.2.4 A position control file showing for each covered position its position control number, the class to which it is allocated and the name of the current incumbent.

4.3 Use of the classification plan: The classification plan shall be used:

4.3.1 In preparing public announcements of examinations and in other recruitment and selection processes;

4.3.2 As a guide in preparing competitive examinations that will measure the knowledge, abilities, and skills required to perform the work of the class;

4.3.3 In determining lines of promotion and developing career counselling and training programs for employees;

4.3.4 In determining salaries to be paid for various classes of work;

4.3.5 As a guide in determining the performance requirements of a position for purposes of appraising the performance of the position incumbent;

4.3.6 In providing uniform job terminology understandable to all State officials, executives, administrators, employees and the general public.

4.4 Interpretation of class specifications: Specifications are to be interpreted in their entirety and in their relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are descriptive and explanatory of the kind of work performed and they neither include all duties which may be performed nor restrict duties which may be assigned to incumbents.

4.5 Class title: Class titles, or designated code symbols, shall be used in all personnel, accounting, budget, appropriation, and financial records. No person shall be appointed to or employed in a position covered by these rules under a title not included in the classification plan. Specific working titles may be used in the course of departmental routine to indicate authority, status in the organization, or administrative rank.

4.6 Administrative authority of section heads: The assignment of duties and responsibilities to positions shall be wholly the responsibility of the section heads, and their subordinate supervisory personnel. The classification plan shall in no way operate or be construed to operate as a limitation on the duties and responsibilities assigned to any position.

4.7 Maintenance of the classification plan: The Personnel Director is charged with the responsibility for the proper and continued maintenance of the classification plan so that it will reflect the duties being performed by each employee in the Office of the Governor and the class to which each position is allocated.

Development of new class specifications, revisions of existing class specifications, and reallocation of positions within the classification plan shall be made as follows:

4.7.1 The Personnel Director shall conduct such reviews of proposed or existing positions as he deems necessary to insure their proper allocation in the classification plan.

4.7.2 In carrying out his responsibility to maintain the classification plan the Personnel Director may at any time require to be prepared a formal description of the duties and responsibilities of any position covered by the rules.

4.7.3 The Personnel Director may establish new classes, modify or abolish existing classes, allocate new positions, and reallocate or abolish existing positions as necessary to maintain the classification plan.

4.8 Reporting of organizational or job changes: Changes in section organizations or programs, or in the duties and responsibilities of individual positions shall be reported as follows:

4.8.1 When anticipated changes in programs or organization could significantly affect the assignment of duties and responsibilities to positions in a section, the section head shall confer with the Personnel Director within a reasonable time prior to the organization or program changes to formulate methods for efficiently allocating and filling the affected positions.

4.8.2 Whenever permanent, substantial changes in the duties and responsibilities assigned a position occur, the section head shall within thirty days notify the Personnel Director on the prescribed forms, which will include a written job description, setting forth the actual duties and responsibilities assigned to the position.

4.8.3 When a section head realigns supervisor-subordinate relationships in his or her section, he or she shall notify the Personnel Director of the changes within thirty days.

4.8.4 Any employee may request in writing a classification review of his or her own position at any time, providing the position has not been reviewed within the previous three months. The section head shall forward the request to the Personnel Director within twenty days.

4.8.5 Upon receipt of a position review request, the Personnel Director shall promptly investigate the duties and responsibilities of the identified position, determine its proper classification, and reallocate the position to its proper class if it is improperly classified.

4.9 Reallocation of filled positions: When a filled position is reallocated, the Personnel Director shall determine whether the incumbent is to remain in the position after reallocation or be appointed to another position in the previous class, or in any other class for which the incumbent is qualified.

The Personnel Director shall consult with the employee and the section head in making the determination. The Personnel Director may require the incumbent to pass the examination for the new class as evidence of his or her qualifications.

If the Personnel Director determines that the incumbent is to be transferred to another position and no position is available in a class for which the incumbent is qualified, the incumbent shall be laid off.

LAC 1-3:5 The Pay Plan

5.1 Composition of the pay plan: The pay plan shall set forth the schedule of pay ranges for all classes in the classification plan. Pay ranges shall consist of minimum and maximum rates of pay with such intermediate steps as are necessary for the merit system.

5.2 Development and maintenance of pay ranges: Pay ranges shall be related directly to classes in the classification plan and shall be determined with due regard for:

A. Prevailing compensation for similar work in other governmental units and private establishments in the region, considering both pay rates and fringe benefit programs.

B. The ranges of pay for other classes in the Office of the Governor considering the difficulty of their work and their degrees of responsibility.

C. The availability of qualified employees in particular occupational categories.

D. Any other relevant economic considerations.

The Personnel Director shall annually gather data on the prevailing compensation programs for such benchmark classes in the Office of the Governor as he or she deems necessary to measure the adequacy of the pay plan as a whole. On the basis of information developed from this investigation the Personnel Director shall submit his or her findings and recommendations for pay plan amendments to the Personnel Committee.

5.3 Effect of amendments to pay plan: On the effective date of any amendment to the pay plan, employee salaries will be adjusted so that every employee occupies the same numerical step in the

pay range for his or her class as the employee occupied in the previous pay range for the class.

5.4 Appointment rate: The minimum rate established for a class shall be paid upon appointment except that an appointment above or below the minimum rate may be authorized if the section head submits reasons in writing to the Personnel Director. Both the Personnel Director and the Commissioner must approve appointments above the minimum rate.

Appointments to student positions may be made at any rate allowed under the provisions of LAC 1-3:6.14 and of any policies established by the Commissioner.

Appointments above the minimum rate may be made to any pay rate within the class range; such appointments shall be granted only on the basis of the exceptional qualifications of the appointee. No emergency or temporary appointment shall be made at a pay rate higher than the minimum. Appointments below the minimum rates may be made only on a trainee basis. Trainees shall be appointed at a salary rate not greater than eighty percent of the step-one rate for their class.

5.5 Merit increases: Merit increases within a class range may be granted to employees with permanent status in class or to employees with probationary status following a transfer or promotion to a step higher than the minimum for the class pay range. Merit increases shall not be granted to other probationary employees, or to temporary, emergency, student, or trainee employees.

Such increases shall not be automatic but shall be granted only upon the recommendations of the section heads. The Personnel Director and the Personnel Committee shall review and make recommendations to the Commissioner for the implementation or modification of each section's proposed increases.

An employee may appeal the decision of the Commissioner to the Personnel Committee which shall have final authority to determine the amount of each employee's merit increase.

No employee shall receive more than a 7¼ percent increase within a class in any fiscal year period. For purposes of this provision both the annual merit increase and the automatic, end-of-probation increase provided for in LAC 1-3:5.7.2 shall be considered merit increases.

5.6 Pay rates on transfer, promotion, demotion, temporary intersectional assignment or reallocation of a filled position: If an employee is transferred, promoted, demoted, temporarily assigned to duty in another section, or if his or her position is reallocated, the employee's pay in the new position shall be determined as follows:

5.6.1 A transfer entails no pay action.

5.6.2 In the promotion, the employee's pay shall be increased to the step amount in the new class nearest to the amount which is 7½ percent above the employee's pay in his or her former class, provided that the amount used to determine the employee's step in his or her new pay range may exceed the maximum pay rate of the former class but shall not exceed the maximum pay range of the new class.

5.6.3 In a demotion, upon formal recommendation by the section head to the Personnel Director, the employee's pay shall be fixed on any step within the range for the new class which is lower than his or her last rate of pay.

5.6.4 In a temporary intersectional assignment the employee shall be entitled to the same salary and benefits as he or she would be entitled to in his or her regular position.

5.6.5 In a reallocation of a filled position when the incumbent remains in the position, his or her pay shall be determined according to the rules governing promotion, demotion, or original appointment, whichever is applicable.

5.6.6 Any pay adjustment made pursuant to this rule shall take effect only after approval by the Commissioner.

5.7 Pay rates on completion of trainee or probationary periods: The satisfactory completion of a trainee or probationary period shall have the following effect:

5.7.1 An employee who has successfully completed a trainee period shall be moved to step one in the class pay range.

5.7.2 If the probationary period was served in connection with a transfer or promotional appointment which assigned the incumbent to a minimum pay step, or in connection with an original appointment to any pay step, the employee shall receive a pay increase of five percent from the assigned step.

5.7.3 At the successful completion of any other probationary period than that provided for in LAC 1-3:5.7.2, the employee shall not receive a pay increase.

5.8 Pay rates for part-time employees: Employees in part-time positions shall be paid proportionately to full-time employees in their class.

5.9 Travel and other official expenditures: The prescribed rates of pay do not include allowances for official travel or other expenditures incurred conducting State business, or allowances made to employees for the official use of privately owned automobiles. Employees will be reimbursed for such expenditures in accordance with applicable State travel regulations.

5.10 Total remuneration: The prescribed rates of pay include payment for all work performed even though work may be performed in more than one section. Subsistence or maintenance allowances received in lieu of cash shall be considered as part of the total salary. Whenever subsistence is allowed in lieu of cash, a schedule of such charges together with a statement of the policy and rule to be followed in making the charges shall be established by the Commissioner.

5.11 Overtime: Overtime work is to be held to a minimum consistent with the needs and budgetary constraints of the Office of the Governor, and it is the responsibility of each section head to explore all possible alternatives before a decision is made to work employees on an overtime basis.

5.11.1 All overtime work must be authorized by the section head.

5.11.2 Additional pay for overtime work shall not be considered as a part of the employee's base pay.

5.12 Consideration for overtime hours worked:

5.12.1 Section heads shall receive no additional compensation for hours worked in excess of the work week for their positions established by the Commissioner.

5.12.2 Subject to the provisions of LAC 1-3:5.11.3, an employee serving in a class with a minimum rate of pay of \$971 per month or more shall earn one hour of compensatory time for each hour he or she is required to work in any day in excess of eight.

5.12.3 An employee serving in a class with a minimum pay rate of less than \$971 per month shall be compensated for each hour he or she is required to work in any week in excess of forty either:

A. By receiving overtime pay at the rate of one-and-one-half times the hourly equivalent of his or her regular pay rate for each overtime hour; or

B. By receiving compensatory time credit at the rate of one hour of compensatory time for each overtime hour.

Each section head shall determine whether employees in his or her section to which this subsection applies will be compensated for overtime hours by receiving overtime pay or compensatory time credit.

The section head may, at any time, change the method of overtime compensation in accordance with the provisions of this subsection.

5.13 Compensatory Time:

5.13.1 Any employee may take one hour of leave with pay for every hour of compensatory time earned, provided that:

A. The employee's section head must approve any use of earned compensatory time as leave with pay.

B. The employee's section head may at any time require the employee to take all or part of his or her earned compensatory time as leave with pay.

C. Employees shall be required by their section heads to use earned compensatory time before taking annual leave or being placed on leave without pay.

5.13.2 An employee serving in a class with a minimum pay rate of less than \$971 per month shall be paid for each hour of accrued, unused compensatory time at the expiration of six months following the end of the quarter year in which it was earned. The employee shall be paid at the rate of one and one half times the hourly equivalent of his or her regular pay rate for each hour of payable compensatory time.

5.13.3 No employee serving in a class with a minimum pay rate of \$971 or more per month shall be eligible to receive any payment for earned compensatory time.

5.13.4 Upon termination an employee's accrued, unused compensatory time shall be cancelled, and shall not be recredited to the employee upon his or her subsequent appointment to any position in the Office of the Governor.

5.13.5 Compensatory time may be accumulated without limitation.

LAC 1-3:6 Recruitment and Selection

6.1 Recruitment information: Notice of all vacancies and examination sessions shall be directed to current employees and to such other labor market sources as the Personnel Director determines will be most likely to provide qualified applicants and to allow all citizens the opportunity to exercise their maximum skill and talent in the service of the Office of the Governor.

Information in all recruitment notices shall be based on the current specifications for the vacant position's class and shall include title and salary range; the nature of the work to be performed; the experience and training required; the time, place, and manner of taking applications; the last date for receiving applications and any other information the Personnel Director may require.

6.2 Selection by competitive examination: All appointments shall be made according to merit. Insofar as practicable every applicant shall be rated by an examination process appropriate for his or her class prepared at the direction of the Personnel Director.

Examinations may be assembled or unassembled and may include written, oral, physical or performance tests, ratings of training and experience, or any combination of these. They may rate such factors as education, experience, demonstrated performance, aptitude, knowledge, character, physical fitness or any other qualifications which the Personnel Director determines to be valid indicators of performance in the class.

An applicant who takes an examination shall not be admitted to another examination for the same class until at least four weeks have elapsed from the date of the previous examination. No applicant shall be admitted to examination for the same class more than three times in any twelve-month period.

An applicant's official grade shall be the one obtained on his or her most recent examination.

Each applicant shall be given written notice of his or her final examination rating or of his or her failure to attain a place on the class register.

6.3 Report of section recruitment efforts: Whenever section administrators or other employees are engaged in the recruitment process, the section head shall provide that applications received from candidates are sent to the Personnel Director for review.

All applications, or other documents submitted to the Personnel Director shall be marked with the position control number(s) of the position(s) being recruited for.

No offers of employment shall be made until the Personnel Director has determined the eligibility of the applicants.

6.4 Eligibles registers and their uses: The Personnel Director shall assure that eligibles registers for the various classes are sufficient to meet section operating requirements. The registers shall contain a ranking of those persons who have qualified by the examination process for classes in the Office of the Governor.

All original or temporary appointments to full-time or part-time positions and all promotional appointments shall be made from competitive lists of eligibles certified from the appropriate eligibles register except that the Personnel Director may designate such classes as unskilled labor, custodial workers, and similar classes as noncompetitive classes and the examination and certification process shall not be required for appointments to these classes.

A demotion may be made from a noncompetitive certificate of an employee who has passed the examination for the lower class.

6.5 Duration of Eligibles Registers: The Personnel Director shall determine the period during which eligibles registers shall remain in effect, but this period shall not exceed one year.

When the Personnel Director deems it necessary, a new eligibles register may be combined with an existing register by placing the names of eligibles from both registers on a combined register.

6.6 Removal from eligibles registers: The Personnel Director may remove from an eligibles register the name of any applicant if it is determined that he or she: intentionally made a false statement on the application or during any employment interviews; perpetrated or permitted any fraud in the examination or selection processes; has declared that he or she is no longer available for appointment; or on three separate occasions has failed to respond to inquiries of availability.

6.7 Certification of eligibles: The Personnel Director shall certify eligibles from appropriate registers in the order of their rating in the examination process, giving consideration to the type of appointment and the location of the place of employment.

6.8 Use of certified eligibles lists: When the Personnel Director certifies a list of eligibles for filling a vacant position, the section head shall:

6.8.1 Select for appointment one of the eligibles ranking no lower than fifth among those on the list who declare themselves available for appointment; or reject the certified list by determining that none of the top five available eligibles are suitable for the vacant position. In this case the section head shall submit to the Personnel Director a written explanation for their rejection.

6.8.2 Submit to the Personnel Director written evidence of the availability or unavailability of each certified eligible.

6.9 Multiple certifications of eligibles lists: When a section head rejects a certified list of eligibles he or she may request the certification of another list of eligibles from the appropriate class register.

The Personnel Director shall certify another eligibles list to the section head unless the section head has failed to provide the required explanation for the rejection of the previous list.

The repeated certification of eligibles to fill a vacant position shall continue until either the section head validly selects an available eligible from a certified list; or the appropriate register is exhausted.

6.10 Methods of filling vacancies: All vacant positions, except specifically designated student positions, shall be filled by original appointment, promotional appointment, trainee appointment, temporary appointment, emergency appointment, transfer, or demotion. The Personnel Director shall determine the method of filling any vacancy giving due consideration to the recommendation of the affected section head.

6.11 Original and promotional appointment: Both new applicants to the Office of the Governor and current employees

shall be required to successfully complete the same examination process to be declared eligible for original or promotional appointment to a class. Both new applicants and current employees who successfully complete the examination process shall be placed on the same eligibles register for the class.

Section heads shall make original or promotional appointments, subject to the approval of the Commissioner, from the appropriate list of eligibles certified by the Personnel Director.

Section heads shall document their reasons for selecting or rejecting available eligibles from the certified list according to procedures established by the Personnel Director.

6.12 Temporary appointment: Insofar as it is practicable, all appointments to vacant positions shall be permanent. Whenever a section head determines that a position should be filled for a limited period, he or she shall describe in writing to the Personnel Director the circumstances which require the temporary appointment.

Temporary appointments shall be made from lists of qualified applicants certified to the section head by the Personnel Director. No temporary appointment shall exceed six months in duration.

Temporary appointments require the approval of the Commissioner.

6.13 Trainee appointment: When the duties and responsibilities of a position require it, the Personnel Director may authorize a section head to appoint an applicant to a position as a trainee.

When the section head determines that the employee is able to function in the position on a full performance basis he or she shall notify the Personnel Director. The employee shall attain permanent status in class upon the Personnel Director's approval of the end of the trainee period.

The minimum duration of a trainee period shall be one year from the date of the trainee appointment.

6.14 Student appointment: A student may be appointed to a specifically designated student position without regard to the selection provisions of these rules. No employee shall be eligible to earn permanent status in class while an incumbent of a student position. No incumbent of a student position shall be compensated at a pay rate higher than the minimum rate prescribed for the class of work he or she is performing.

The Personnel Director shall provide for the establishment and classification of specifically designated student positions.

6.15 Emergency appointment: A section head shall be permitted to make an emergency appointment when a position vacancy caused by unforeseen circumstances or conditions beyond his or her control threatens the proper functioning of the Office of the Governor and the efficient rendering of public services.

A section head may make an emergency appointment without having formally established a position for the appointee. After making such appointment, the section head shall immediately report to the Personnel Director the duties and responsibilities of the appointee and the expected duration of the need for the appointee's services. After receiving notification of such an appointment the Personnel Director shall take such steps as he or she deems necessary to maintain the integrity of the classification plan, and the rule for limitation of emergency appointments.

An emergency appointment may be made without regard to the selection provisions of these rules but in no case shall such appointments continue longer than thirty work days and in no case shall a position be filled by emergency appointment for more than thirty in any ninety work days.

The section head shall immediately report any emergency appointment to the Personnel Director for approval.

6.16 Temporary Intersectional assignment: Pursuant to an agreement between section heads for the utilization of an employee with special knowledge or qualifications, and with the prior approval of the Personnel Director, an employee may be assigned to

a position for which he or she is qualified in another section for a period not to exceed sixty-five work days. Such arrangement may be continued beyond sixty-five work days upon presentation of sufficient justification in writing to the Personnel Director, but in no case shall a position be filled by such an assignment for more than one hundred thirty work days in any twelve-month period.

6.17 Transfer: A transfer is a movement by an employee between positions in the same class. No examination shall be required of a transferring employee.

Transfers between sections must be approved by the employee and either by both section heads or by the section head proposing to accept the employee into his or her section and the Personnel Director.

Transfers require the approval of the Commissioner.

6.18 Demotion: An employee may be demoted voluntarily, or for cause upon the recommendation of the section head and approval of the Commissioner. A written statement of the reason for the demotion for cause shall be submitted to the Personnel Director and the employee affected prior to the effective date of the action. An employee may be demoted only to a class for which he or she has passed the examination.

6.19 Probationary periods: Every employee shall serve a probationary period when he or she is originally or promotionally appointed, transferred, or demoted except that an employee demoted to the same position in the same class from which he or she was promoted shall not serve a second probationary period in that position.

The employee who serves a trainee period after appointment to a position shall not be required to serve a probationary period for that position.

6.20 Uses of the Probationary Period: The probationary period shall be regarded as the working test portion of an examination process. The probationary period shall begin on the effective date of an employee's appointment, transfer or demotion and shall continue for a period of six months. At the request of the section head the Personnel Director may extend an employee's probationary period one work day for every work day during the probationary period the employee was unable to work due to personal illness or injury.

A section head may dismiss or demote a probationary employee whose performance does not meet the required work standards at any time during the employee's probationary period. If however an employee who has been promoted is found during his or her probationary period not to meet the required work standards of the new class, he or she shall be transferred to a position in his or her former class if there is one vacant.

LAC 1-3:7 General Personnel Policies

7.1 Hours of Work: The normal workweek for a full-time position in the Office of the Governor shall be not less than forty hours as established by the Commissioner. When the work of a position is needed on less than a full-time basis the Commissioner may establish a part-time workweek for that position.

7.2 Holidays: The following holidays with pay will be observed by all employees in all covered positions:

- A. New Year's Day.
- B. Mardi Gras Day.
- C. Good Friday.
- D. Independence Day.
- E. Labor Day.
- F. Veteran's Day.
- G. Thanksgiving Day.
- H. Christmas Day.

I. Inauguration Day once in every four years in the City of Baton Rouge.

J. General Election Day every two years.

K. Any other day declared a State holiday by the Governor.

7.3 Holiday work: Employees required to work during paid holidays shall earn overtime or compensatory time as provided in LAC 1-3:5.11-5.13.

7.4 Employees eligible for annual and sick leave: Permanent, probationary, trainee, and temporary status employees shall earn annual and sick leave. Emergency and student status employees shall not earn annual and sick leave. Daily attendance and leave records must be maintained for employees eligible to accrue annual and sick leave.

7.5 Earning of annual and sick leave: The earning of annual and sick leave shall be based on the full-time equivalent years of State service excluding service in a student position. Annual and sick leave shall be creditable at the end of each regular pay period in accordance with the following general schedule:

7.5.1 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.

7.5.2 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.

7.5.3 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.

7.5.4 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.

7.5.5 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.

7.6 Limitation of earning of leave: No employee shall be credited with annual or sick leave for any overtime hours, or for any hour of leave without pay. Employees shall earn annual and sick leave during periods of leave with pay except that when an employee separates from service without returning to active duty after a period of leave with pay the annual and sick leave earned during that last period of leave with pay shall be void and shall not be credited to the employee's accumulated annual and sick leave.

7.7 Carrying annual and sick leave forward: Accrued unused annual and sick leave credited to an employee shall be carried forward to succeeding calendar years without limitation.

7.8 Transfer of annual and sick leave: If an employee changes without a break in service from a position in the Office of the Governor to the classified service, or from the classified service to a position in the Office of the Governor or is promoted, transferred, or demoted to a new position within the Office of the Governor, his or her annual and sick leave shall be forwarded to the section or agency accepting him or her as an employee and shall be credited to him or her.

7.9 Use of annual leave: Annual leave must be applied for by the employee and may be used only when approved by the section head. Annual leave shall not be charged for nonwork days. The minimum charge to annual leave records shall not be less than one half hour.

A section head may require an employee in his section to take annual leave whenever he feels it is best for the employee or the department, provided the employee shall not be required to reduce his or her accrued annual leave below the equivalent of fifteen working days.

Upon an employee's separation from service, the value of annual leave then to his or her credit, up to a maximum of three hundred hours, shall be paid to him or her in a lump sum, disregarding any final fractions of an hour. The payment shall be computed as follows:

A. When an employee is paid on an hourly basis, multiply his or her regular hourly rate at the time of termination by the

number of hours of accrued annual leave, not to exceed three hundred hours.

B. When an employee is paid on other than an hourly basis, determine his or her hourly rate of converting his salary at the time of termination in accordance with the provisions in the uniform payroll system for conversion to a working hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave, not to exceed three hundred hours.

Should an employee of the Office of the Governor become an officer of the State, or assume a position appointed by the Governor, or transfer to another branch of government, he shall be paid for unused accumulated annual leave only upon final termination of his services to the State of Louisiana.

7.10 Use of sick leave: Sick leave with pay may be taken for illness or injury which prevents performance of an employee's usual duties, or for medical, dental, or optical consultation or treatment. Sick leave shall not be charged for nonwork days. The minimum charge for sick leave shall be one-half hour.

The Commissioner may at his or her discretion advance sick leave to an employee qualified to earn sick leave who has exhausted all of his or her annual and sick leave and has not recuperated sufficiently to return to active duty. The total amount advanced to any employee for any single illness or injury shall not exceed twenty-two working days.

The value of any advanced sick leave which has not been repaid at the time of the employee's separation from service shall be deducted from his or her last paycheck and/or paid in cash to the employee's section unless the separation is to move into a classified position, then the advanced sick leave shall be forwarded to the department or agency accepting him or her as an employee.

Upon separation caused by disability, death, or retirement, all advanced sick leave shall be cancelled.

In no instance shall an employee be paid for any accumulated sick leave left to the employee's credit at the time of separation from service in the Office of the Governor.

7.11 Reinstatement of leave:

7.11.1 When an employee who has previously been paid for accumulated annual leave according to LAC 1-3:7.9 or the Civil Service Rules is employed in the Office of the Governor, he or she shall pay the employing section the amount received less an amount equal to the product of the number of working hours between the last day worked and the day of his or her return to employment multiplied by the hourly pay rate used to calculate the payment he or she received for accumulated annual leave. The employee shall be given annual leave credit by the employing section for the number of hours for which he or she has made reimbursement.

7.11.2 All annual leave to an employee's credit at the time of separation from service for which he or she was not paid shall again be credited to the employee upon his or her subsequent appointment to a position in the Office of the Governor, provided that such appointment occurs within five years of the date of separation.

7.11.3 All sick leave to an employee's credit at separation shall again be credited to him or her upon his or her subsequent appointment to a position in the Office of the Governor, provided that such appointment occurs within five years of the date of separation.

7.12 Other leave with pay: An employee may be given time off by his or her section head without loss of pay, annual leave, sick leave or compensatory leave when, on a regular working day, he or she is:

A. Performing required jury duty.

B. Summoned to appear as a witness before a court, grand jury, or other public body or commission.