



Louisiana
SCS
State Civil Service

BYRON P. DECOTEAU, JR., DIRECTOR

Post Office Box 94111
Baton Rouge, LA 70804-9111

Phone: 225-342-8274

Fax: 225-342-8058

www.civilservice.la.gov

 @LA_SCS

GENERAL CIRCULAR NUMBER 2017-029

DATE: August 8, 2017

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Proposed Changes to Chapters 10, 15 and 17 of the Civil Service Rules

This general circular serves as notice of proposed amendments to Chapter 10, 15, and 17 of the Civil Service Rules (C.S.R). The State Civil Service (SCS) Commission will hold a public hearing regarding these proposals on Wednesday, September 6, 2017 at 9 a.m. These proposals complete the SCS Compensation Redesign Plan that was adopted by the SCS Commission on June 7, 2017 and approved by the Governor on June 26, 2017. With the repeal of C.S.R. 6.14 (Performance Adjustments) effective July 1, 2018, these proposals remove all references to performance adjustments within the rules that were not amended during the initial phase of the Redesign Plan. Furthermore, these proposals establish the disbursement date of market adjustments in conjunction with C.S.R. 6.32.

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

Summary of Proposal

Please refer to the charts that follow for a comparison between the current and proposed rule language.

Proposals to Chapter 10 (Performance Evaluation System) include the removal of language regarding the prohibition of eligibility for a performance adjustment if an evaluating supervisor or second level evaluator fails to comply with proper

administration of the Performance Evaluation System. Language has been proposed to clarify that the evaluating supervisor and the employee shall sign and date the evaluation form to document the evaluation session and to reflect that any employee with an overall evaluation of Needs Improvement/Unsuccessful shall not be granted a market adjustment. Additionally, these proposals remove the right of review for an employee who receives an “Unrated” evaluation. It was determined that a right of review for an “Unrated” evaluation was not necessary since it was a result of a rule violation and ultimately has the effect of a successful evaluation.

Proposals to Chapter 15 (Effecting and Reporting Actions) repeals references to the disbursement date of performance adjustments and establishes the disbursement date of Market Adjustments to July 15th of each year.

Proposals to Chapter 17 (Layoff Avoidance Measures, Layoffs, and Post Layoff) removes layoff avoidance measures associated with performance adjustments.

The proposed effective date of the proposed changes to Chapters 10, 15 and 17 of the Civil Service Rules is July 1, 2018.

Chapter 10: Performance Evaluation System	
Current Rule	Proposed Rule
10.2 Evaluating Supervisor	10.2 Evaluating Supervisor
<p>(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.</p> <p>(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.</p>	<p>(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.</p> <p>(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.</p>
10.3 Second Level Evaluator	10.3 Second Level Evaluator

<p>(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.</p> <p>(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</p>	<p>(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.</p> <p>(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.</p>
<p>10.7 Official Performance Evaluations and Evaluation Sessions</p>	<p>10.7 Official Performance Evaluations and Evaluation Sessions</p>
<p>(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.</p> <p>(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.</p> <p>(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:</p>	<p>(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.</p> <p>(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.</p> <p>(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:</p>

<ol style="list-style-type: none"> 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. <p>(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.</p> <p>(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.</p> <p>(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</p>	<ol style="list-style-type: none"> 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, <u>after which the Evaluating Supervisor and the employee shall sign and date the evaluation form to document the evaluation session,</u> 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. <p>(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.</p> <p>(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.</p>
--	---

<p>assigned an official overall evaluation of "Unrated".</p>	<p>(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."</p>
<p>10.8 Effects of the Needs Improvement/Unsuccessful Evaluation</p>	<p>10.8 Effects of the Needs Improvement/Unsuccessful Evaluation</p>
<p>(a) An evaluation of "Needs Improvement/Unsuccessful" is not a disciplinary action.</p> <p>(b) Any employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall <u>not</u> be:</p> <ol style="list-style-type: none"> 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. <p>(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.</p> <p>(d) Permanent employees shall have a right to request a review in accordance with the provisions of rules 10.11 and 10.12.</p>	<p>(a) An evaluation of "Needs Improvement/Unsuccessful" is not a disciplinary action.</p> <p>(b) Any employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall <u>not</u> be:</p> <ol style="list-style-type: none"> 1. eligible for a performance adjustment, granted a market adjustment, a promotion or permanent status, or 2. detailed to a higher level position unless approved in advance by the Director of Civil Service. <p>(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.</p> <p>(d) Permanent employees shall have a right to request a review in accordance with the provisions of rules 10.11 and 10.12.</p>
<p>10.11 Agency Review</p>	<p>10.11 Agency Review</p>
<p>(a) A permanent employee who receives an overall performance evaluation of "Unrated" or "Needs Improvement/Unsuccessful" may request</p>	<p>(a) A permanent employee who receives an overall performance evaluation of "Unrated" or "Needs Improvement/Unsuccessful" may request</p>

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

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

<p>maintained in the employee’s official personnel file or other secured performance file maintained in Human Resources.</p>	<p>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.</p>
--	--

Chapter 15: Effecting and Reporting Actions

<p align="center">Current Rule</p>	<p align="center">Proposed Rule</p>
<p>15.2.1 Payroll Periods and Timely Issuance of Paychecks Due to Classified Employees</p>	<p>15.2.1 Payroll Periods and Timely Issuance of Paychecks Due to Classified Employees;</p>
<p>(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.</p> <p>(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.</p> <p>(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</p>	<p>(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.</p> <p>(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.</p> <p>(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. <u>All market adjustments shall be disbursed effective July 15th every year.</u></p>

Chapter 17: Layoff Avoidance Measures, Layoffs, and Post Layoff

<p align="center">Current Rule</p>	<p align="center">Proposed Rule</p>
<p>17.6 Performance Adjustments</p>	<p>17.6 Performance Adjustments</p>
<p>When an appointing authority determines that it is necessary not to grant or to</p>	<p>When an appointing authority determines that it is necessary not to grant or to</p>

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."

(d) If an appointing authority has filed a layoff avoidance measure in accordance with this rule in the year of a statewide election, no appointing authority may grant a performance adjustment to any eligible employee between the date of the primary election and the date the statewide elected official takes office.

~~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."~~

~~(d) If an appointing authority has filed a layoff avoidance measure in accordance with this rule in the year of a statewide election, no appointing authority may grant a performance adjustment to any eligible employee between the date of the primary election and the date the statewide elected official takes office.~~

Repealed effective September 6, 2017.

Please distribute this general circular to all classified employees in your agency.

Sincerely,

s/Byron P. Decoteau, Jr.
Director