

Chapter 2 – State Government Functions

Part J. Public Officials and Public Employees	2J-1
Compensation	2J-1
Employees	2J-1
Elected Officials	2J-2
State Civil Service	2J-2
Composition	2J-2
Classified and Unclassified	2J-3
State Civil Service Commission	2J-3
Appointments	2J-4
Political Activity	2J-4
Administration/Rules	2J-4
Department of State Civil Service	2J-4
Funding	2J-5
Pay Plan	2J-5
State Police Service	2J-5
State Employment: Information; Control; Staffing Levels	2J-6
Personnel Practices	2J-6
Human Resources System	2J-7
Reporting Requirements	2J-8
Table 1: Report of Number of Employees	2J-9
Table 2: Classified and Unclassified Employment by Department (All Employees)	2J-10
Table 3: Classified and Unclassified Employment by Department (Excludes Students and Board and Commission Members)	2J-11
Public Personnel Management	2J-12
Employee Training	2J-12
Employee Performance Appraisal/Pay for Performance	2J-12
Recruiting, Staffing, and Workforce Planning	2J-14
Increased Employee Accountability	2J-14
Retirement	2J-15
Insurance	2J-18
Political Activity in the Classified State Civil Service and State Police Service	2J-19
Table: Prohibited Political Activity Classified State Civil Service and State Police Service	2J-19
Dual Officeholding and Dual Employment	2J-20
Table: Dual Officeholding and Dual Employment Prohibited and Regulated Relationships	2J-23

State and Local Government
in Louisiana: An Overview
2012-2016 Term

CHAPTER 2 — STATE GOVERNMENT FUNCTIONS

Part J. Public Officials and Public Employees

Matters relating to public employees and public officials are of inherent importance to the operations of state and local government. Efforts to control growth of state government inevitably give attention to the number of officials and employees. Civil service issues and personnel management practices are of key importance in assuring an able and productive workforce. Political activity by state employees is a related issue. Benefits of public employees, such as compensation, retirement, and health care benefits, and matters relating to dual officeholding and dual employment are other important issue areas relating to public officials and employees.

Compensation

Compensation and related benefits, such as health care benefits and retirement, paid from state and federal funds to state officials and employees comprise approximately 12% of the total state budget each year. Recruiting, compensating, and retaining highly competent personnel to perform the services provided by the state, while at the same time maintaining state fiscal responsibility, is a difficult but crucial task.

Employees

The state constitution provides that the wages and hours of classified employees are set by the State Civil Service Commission, but are effective only after approval by the governor. (Const. Art. X, §10) Thus, compensation of the employees in the classified service is established in a pay plan approved by the governor which is not subject to legislative approval or veto. (See "Pay Plan" under "State Civil Service Commission" on page 2J-5.) Similar provisions are in place for the State Police Service; however, the state police pay plan is effective only after approval by the governor and subject to appropriation of sufficient funds by the legislature. (Const. Art. X, §48; also see "State Police Service" beginning on page 2J-5.)

With respect to the unclassified service, Title 36 of the Louisiana Revised Statutes of 1950 (the Executive Reorganization Act) generally provides that the salaries of the officers of executive branch departments appointed by the governor are fixed by the governor, but cannot exceed the amount approved by the legislature in session (usually through the appropriations process). (Salaries of department officers in each statewide elected official's department are set by the statewide elected official, subject to the same limitation.) Salaries of other unclassified employees are established by the appointing authorities within their respective agencies and are subject to review by the legislature during the budget review and appropriations processes.

Elected Officials

State law provides for the salaries of the seven statewide elected officials: the governor, the lieutenant governor, the secretary of state, the attorney general, the treasurer, and the commissioners of agriculture and insurance. R.S. 36:10 sets the governor's salary at \$130,000 per annum and the salary of each of the other statewide elected officials at \$115,000 per annum.

R.S. 45:1162 sets the salary of each member of the Public Service Commission at \$45,000 per annum.

The salary for members of the legislature is set by law at \$16,800 per year, and members also receive a \$6,000 per year unvouchered expense allowance which is established by law. (R.S. 24:31.1) Legislators also receive a per diem for each day of a legislative session, for actual attendance at legislative committee meetings during the interim, and for attendance at other approved official meetings. As of October 1, 2011, the per diem rate is \$149.00. (R.S. 24:31– The amount is equal to the rate allowable for per diem deduction under Section 162(h)(1)(B)(ii) of Title 26 of the United States Code for the location of the state capital.)

In 2009, a constitutional amendment was adopted to prohibit any salary increase enacted by law for statewide elected officials, members of the Public Service Commission, and members of the legislature, from being implemented until a subsequent term of office. (Const. Art. IV, §4; Const. Art. III, §4(G); and Const. Art. IV, §21(F))

The salaries of justices and judges are also set by statute. (See page 1B-7 for a brief discussion.)

Other elected officials whose compensation is provided by statute include the clerks of court, district attorneys, assessors, coroners, and sheriffs. Therefore, legislative amendment, enactment, or repeal can change these salaries; however, the constitution prohibits decreasing the compensation of elected officials during the term for which they are elected. (Const. Art. V, §21; Art. VI, §12; and Art. X, §23)

State Civil Service

Composition

The state civil service is established by the constitution. (Const. Art. X, §1) It includes all persons holding offices and positions of trust or employment in the employ of the state, of any instrumentality thereof, and of any joint state/federal, state/parochial, or state/municipal agency, regardless of the funding source for such employment. This provision of the constitution has been the basis for including the employees of a number of local entities in the state civil service, including employees of port commissions, levee boards, and housing authorities. Specifically excluded from the state civil service are members of the state police service, established by constitutional amendment in 1990, and persons holding offices and positions of any parish or municipality or of any municipal board of health.

Classified and Unclassified Service

The state civil service includes the unclassified and the classified service. Persons not included in the state unclassified service are in the classified service. The constitution specifically lists those officers and employees who are placed in the state unclassified civil service. The constitution permits the state civil service commission to add additional positions to the unclassified service and to revoke those positions added. (Const. Art. X, §2)

Unclassified employees are civil servants, but they are not covered by the civil service protection and prohibitions of the constitution or by the regulations of the civil service system. Instead they are subject to the authority of the employing agency and procedural and substantive due process protections of the federal and state constitutions. They are also subject to law and, in the executive branch, to executive orders of the governor. Classified employees are covered by the civil service protection and prohibitions of the constitution and by regulations of the State Civil Service Commission.

(See tables in "Employment Statistics" beginning on page 2J-9 for statistics on state employment.)

State Civil Service Commission

The State Civil Service Commission, established by the constitution, has seven members who serve overlapping six-year terms. The governor appoints six members from nominees submitted by the presidents of private colleges and universities in the state, with no more than one appointment from any congressional district. One member is elected by the classified employees of the state. (Const. Art. X, §3)

Officials and Employees in the State Unclassified Civil Service

The constitution places the following officers and employees in the state unclassified civil service:

- (1) Elected officials and persons appointed to fill vacancies in elective offices.
- (2) The heads of each principal executive department appointed by the governor.
- (3) Registrars of voters, commissioners of elections, watchers, and custodians and deputy custodians of voting machines.
- (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 civil service departments.
- (7) Members of the military or naval forces.
- (8) 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 offices of the governor, lieutenant governor, attorney general, and of all offices provided for in Article V of the constitution (judicial branch).
- (10) Railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.
- (11) The director, deputy director, and all employees of the Governor's Office of Homeland Security and Emergency Preparedness.

Source: Const. Art. X, Sec. 2

Appointments

Permanent appointments and promotions in the classified state civil service may be made only upon certification of the applicant or employee under a general system developed by the commission based upon merit, efficiency, fitness, and length of service, as ascertained, as far as practicable, by competitive examination. A classified employee may not be discriminated against because of political or religious beliefs, sex, or race. An employee with permanent status may not be subjected to disciplinary action except for cause. Employees may appeal certain agency actions to the commission. In cases involving disciplinary actions or removals, the burden of proof is on the agency to prove charges against the employee. In cases of discrimination, the burden of proof is on the employee. The commission has exclusive power to hear and decide all removal and disciplinary cases, subject to review by the courts of appeal. The commission may appoint a referee to take testimony, hear, and decide removal and disciplinary cases. (Const. Art. X, §§7, 8, 12)

Political Activity

Members of the State Civil Service Commission and officers and employees in the classified service are prohibited by the constitution from participating in political activity. (Const. Art. X, §9) (Members of the State Police Commission and state police officers in the classified state police service are also prohibited by the constitution from participating in political activity. (Const. Art. X, §47) See also "Political Activity in Classified State Civil Service & State Police Service" on page 2J-19.)

Administration/Rules

The constitution vests the State Civil Service Commission with broad and general rulemaking and subpoena powers for the administration and regulation of the classified service, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; to require employee training and safety programs; and generally to accomplish the objectives and purposes of the merit system of civil service. Commission rules have the force and effect of law. They cannot be changed by the legislature since the authority of the commission to adopt rules is constitutionally granted.

Any rule or determination by the State Civil Service Commission affecting wages and hours of employment has the effect of law and becomes effective only after approval by the governor. A new pay plan becomes effective only with the governor's approval. (Const. Art. X, §10)

Though the constitutional status of the commission's rulemaking authority exempts it from legislative review of administrative rules under the Administrative Procedure Act, civil service rules provide for submission of rules for review by the appropriate legislative committees prior to adoption and also provide for fiscal impact statements for proposed rules.

Department of State Civil Service

The Department of State Civil Service, one of the 20 departments within the executive branch, is headed by the director of civil service who is a classified employee and who serves as the administrative arm of the State Civil Service Commission. The department implements the commission's rules and policies with respect to employment, wages, examinations, job

classifications, appeals, training, and related matters. (Const. Art. X, §6)

More information regarding the Department of State Civil Service, including its rules and job listings, is available on the department's website (www.civilservice.la.gov).

Funding

The constitution requires the legislature to make adequate annual appropriations to the state civil service system to enable it to implement efficiently and effectively the constitutional civil service provisions. The constitution prohibits gubernatorial veto of the annual legislative appropriation to the state civil service system. (Const. Art. X, §13)

Pay Plan

There are six pay schedules for classified state employees: Medical, Protective Services, Technician and Skilled Trades, Scientific and Technical, Social Services, and Administrative.

A merit increase under the current plan is equal to four percent and may be awarded to an employee whose performance rating is at least "Meets Expectations" (as long as the employee has not already achieved the maximum salary of his pay range). The first general increase in 17 years, of \$1,500, for all state employees was approved by the State Civil Service Commission and the governor and awarded by the legislature in 2007.

Due to the state's financial situation in 2009, the State Civil Service Commission voted to suspend merit increases for FY 2010-11 and because of the ongoing financial situation, voted again to suspend merit increases for FY 2011-12. The Governor approved both actions. During these fiscal years, no appointing authority may grant a merit increase to any classified employee nor may any classified employee gain eligibility for a merit increase.

State Police Service

A constitutional amendment adopted in 1990 took state police officers out of the state civil service system and created the state police service as a separate personnel system for these state employees. (Const. Art. X, §41 et seq.) The state police also have a separate pay plan.

Constitutional provisions for the state police service are similar to those for the state civil service system. Composition of the State Police Commission is similar to that of the State Civil Service Commission. Like state civil service, the state police service is divided into the classified and the unclassified service. The State Police Commission determines those positions which shall be in the unclassified service, and it may provide that any such position shall become classified. Certifications for appointments and promotions are made by the director. Political activity prohibitions are similar to those for state civil service employees. Unlike state civil service, State Police Commission rules and determinations concerning wages and hours are subject to appropriation of sufficient funds by the legislature. (Const. Art. X, §48(C)) With respect to appeals, the power to decide removal and disciplinary cases is reserved to the commission; however a referee may take testimony only. In 2007, the State Police Commission proposed a new pay plan for state police; funding for the pay plan was included in the General Appropriation Act; and though effective on July 1, 2007, it was formally approved by the governor in August of that year.

More information regarding the state police service and the State Police Commission, including

rules and employment information, is available on the State Police Commission's web site (<http://laspc.dps.louisiana.gov/>).

State Employment: Information; Control; Staffing Levels

Issues relating to the number of state employees have attracted the attention of legislators and governors over the last couple of decades. State government reorganization in the 1970s provided better tools to report and oversee employment levels. In addition, the legislature has taken other steps to provide for such reporting and oversight and various methods have been tried to reduce employment levels.

The General Appropriation Act each year specifies the number of authorized positions for the unit or program. In addition, it may include other general provisions about changes in employment numbers. It also permits the commissioner of administration to increase the number of authorized positions approved for each department, agency, or program if sufficient documentation or other necessary adjustments are presented and the request is deemed valid. He is specifically authorized to increase the number for a department, agency, or program if funds or functions are transferred to the department, agency, or program (provided sufficient documentation is presented and the request is deemed valid). The Act limits the total increase in the number of personnel in state government approved by the commissioner to 350. It also requires Joint Legislative Budget Committee approval of any request for an increase in positions which reflects an annual aggregate increase in excess of 25 employees for any department, agency, or program.

Personnel Practices

In 1982, the State Personnel Practices Act was enacted to provide for personnel information and hiring and compensation controls for executive branch employees. The Act, as such, is no longer on the books, but most of its provisions were incorporated into the revision of laws governing the budget process. The Department of State Civil Service and the division of administration must jointly develop and maintain an automated information system to serve as the official state personnel and position records, with immediate system access for the budget office, state civil service, and the legislative fiscal office. The system is required to include a current record of personnel tables for each budget unit, program, and subprogram. Each budget unit must submit a personnel table annually with its budget request which must include authorized, estimated, and requested positions organized according to

Contents of Personnel Tables for Budget Units

- Number of authorized positions for the prior fiscal year and the number classified and unclassified.
- Number of authorized positions in the initial operating budget and in the existing operating budget for the current fiscal year, and the number classified and unclassified.
- Number of positions estimated for the continuation budget for the next fiscal year and the number classified and unclassified.
- Number of positions requested for the next fiscal year and the number classified and unclassified.
- Actual amount expended for salaries continuing for authorized positions for the prior fiscal year.
- Total amount budgeted for salaries continuing for authorized positions in the initial operating budget and in the existing operating budget for the current fiscal year.
- Estimated amount for salaries continuing for the positions estimated for the continuation budget for the next fiscal year.
- Total amount requested for salaries continuing for requested positions for the next fiscal year.
- All of the above information for positions paid from other charges.

Source: R.S. 39:32

programs or subprograms and other specified contents. (See "Contents of Personnel Tables for Budget Units" list above.) Each budget unit must also submit in its budget request, a listing of authorized positions that have been vacant for twelve months or more.

The number of authorized positions for a budget unit or program is specified annually in the General Appropriation Act. The budget office is required by law to establish in the information system the number of authorized positions for each budget unit, program, or subprogram, in accordance with the Appropriation Act. A budget unit head may adjust the classifications of these positions, subject to certain limitations. Only a personnel transaction which conforms with the authorized positions may be completed; otherwise it may be completed only if the table is changed and necessary approvals are granted. The law requires all personnel transactions to be submitted to the director of state civil service for approval (except unclassified positions within a statewide elected official's department, but civil service must be notified of these transactions). The state civil service director may not approve a personnel transaction for a position paid from the salaries continuing category that is not in the approved personnel table. Civil service may reclassify any position when given sufficient documentation, if sufficient funds are available in the salaries continuing category. The division of administration must update the personnel tables to reflect actions during the fiscal year.

The commissioner of administration is required by law to monitor all personnel transactions affecting authorized positions. If he finds that they are adversely affecting mission performance or the balance of the salaries continuing category, he must notify the budget unit head and the legislative fiscal office and require that all modifications to the personnel table be individually approved by the budget office. If he disapproves a transaction, the commissioner must inform the budget unit head of the reason. The reason may be only a finding that a reclassification is not warranted, that insufficient funds have been appropriated for personnel in the budget category, or that the action was not consistent with agency program goals. However, funds or positions may be transferred as otherwise provided by law.

The division of administration is required to develop and implement a central automated payroll system for all budget units or programs, designated to issue payroll checks only to employees who occupy positions approved by civil service, and to monitor all transactions which result in the payment of salaries or wages. It must report on transactions not in conformance with the appropriation acts. The Department of State Civil Service is required to report by department and budget unit detailing the variances by position and incumbent between the actual payroll and the approved personnel table. (See R.S. 39:83-86)

Human Resources System

The Integrated Statewide Information Systems for Human Resources (ISIS HR) system was implemented in October of 2001. The original scope of the ISIS Human Resources project was to encompass the human resources functions for Louisiana state government: organizational management (positions), personnel, and payroll. ISIS HR, now referred to as LaGov HCM, includes all employees and positions (classified and unclassified) in the executive branch of government excluding payroll for postsecondary education, most boards and commissions, and quasi-state agencies (levee boards, housing authorities, ports). The purpose for the development and implementation of the LaGov HCM is to have a statewide integrated human resources system that is user-friendly and which supports single entry of data for agencies on payroll. The system maintains data that is real-time and accurate and can be easily accessed for ad hoc reporting, budget projections, and other analysis.

With only one system for those agencies paid through LaGov HCM, much of the duplication of effort that existed in previous systems has been eliminated. LaGov HCM provides these agencies effective and efficient processing and management of their human resource information including features such as employment history, retroactive pay processing, a transfer process whereby personnel records follow the employee from agency to agency, and personnel budget projections.

One of the objectives of the LaGov HCM system was to develop an electronic interface so that executive branch entities such as the LSU System and LSU Health Sciences Center, which run their own personnel and payroll systems, could submit transactions electronically, avoiding the situation where data had to be entered twice. However, the effort required by both LaGov HCM and these postsecondary education entities to sustain the interface was both labor intensive and costly. Therefore, this method of electronic interface was discontinued, and the Department of State Civil Service developed an alternative solution which merges data from the LaGov HCM system with data from the LSU system into one state personnel file. This complete state personnel file resides at the Department of State Civil Service.

The implementation of the LaGov HCM system has also facilitated the Department of State Civil Service's transition from preapproval of personnel actions to post-audit. With the elimination of the preapproval process and the inherent delays associated with preapproval, the timeliness and accuracy of data has been improved. By empowering agencies, State Civil Service has redirected staff resources to human resources consulting and technical assistance roles. State civil service uses data in the LaGov HCM system to identify agency data entry and compliance issues and initiates contact to assist agencies with corrective actions to bring them into compliance and to encourage the use of best practices.

Reporting Requirements

Pursuant to recommendations of the House Committee on Governmental Reorganization, in 1987 the legislature made changes in statutory requirements for Department of State Civil Service reports of state employment statistics. Since state civil service includes certain employees of ports, levee boards, and other local entities, civil service reports include these local employees in employee totals. In addition, there has been confusion as to what constitutes an "employee," since many do not realize that the civil service designation "unclassified employee" includes such categories as members of boards and commissions, faculty of postsecondary education institutions, and student employees. The legislature required the state civil service department to structure reports of state employment so as to clarify their meaning and to better represent actual numbers of state employees. The requirements provide that total state employees be reported by full-time equivalent positions, both classified and unclassified, and that a breakdown be provided to give numbers of education employees, student employees, board members, and other employees. (R.S. 42:289-291) As a result, the Department of State Civil Service now records and reports employment by both the old method (See Tables 1 and 2 on pages 2J-9 and 2J-10) and the new method (See Table 3 on page 2J-11).

Employment Statistics. Classified employment experienced an overall decline in the 2000s, including a noticeable drop after the 2005 hurricanes. However, during the same period there was overall growth in the number of unclassified employees. Beginning in 2009, the number of classified has declined to the level of classified employment in the 1970s. The number of unclassified employees has begun to decline as well. Table 1 provides the number of classified and the number of unclassified state employees as reflected in civil service records from 1972 to the present. As noted above, the figures in Table 1 include some local employees and all

persons in the state classified and unclassified service (including board and commission members, higher education faculty, and student employees). The totals are not converted to full-time equivalents. Most unclassified employees are in higher education institutions (24,619 on Sept. 30, 2011, and 1,261 in Health Care Services on the same date).

A further breakdown of state classified and unclassified employees arranged according to employing department is presented in Table 2. The figures include the state executive branch departments, the governor's and lieutenant governor's offices, as well as all employees of the departments and all agencies and facilities within each department. Note that the Department of Education includes faculty and other employees of postsecondary education institutions and vo-tech schools, and Health Care Services as well as employees of the State Department of Education. Members of boards and commissions, higher education faculty, and student employees are included as unclassified employees. Figures are not based on full-time equivalents (FTE).

Table 3 provides September 30, 2011, Department of State Civil Service figures for classified and unclassified employees, by department, excluding board and commission members and student employees. Both total employees and full-time equivalent (FTE) employees are listed. Employees of each department and all agencies in the department are included.

TABLE 1
REPORT ON NUMBERS OF EMPLOYEES
JUNE 30, 1972 - SEPTEMBER 30, 2011

Period Ending	Classified Employees	Unclassified Employees
June 30, 1972	48,161	11,080
June 30, 1973	50,283	12,130
June 30, 1974	52,068	13,039
June 30, 1975	57,809	13,839
June 30, 1976	57,879	14,662
June 30, 1977	57,710	15,264
June 30, 1978	59,236	15,604
June 30, 1979	62,392	16,576
June 30, 1980	64,230	17,830
June 30, 1981	68,393	18,737
June 30, 1982	69,581	20,281
June 30, 1983	68,294	19,733
June 30, 1984	67,940	19,960
June 30, 1985	69,415	20,574
June 30, 1986	65,068	23,357
June 30, 1987	60,926	23,807
June 30, 1988	59,177	23,722
June 30, 1989	56,788	24,298
June 30, 1990	57,868	25,794
June 30, 1991	61,808	26,948
June 30, 1992 ¹	63,047	28,618
June 30, 1993 ¹	64,252	29,763
June 30, 1994 ¹	65,804	30,956
June 30, 1995 ¹	67,232	31,872
June 30, 1996 ¹	67,648	31,860
June 30, 1997 ¹	67,065	32,483
June 30, 1998 ¹	67,346	33,967
June 30, 1999 ¹	68,039	34,312
June 30, 2000 ¹	67,267	35,194
Dec. 31, 2001 ²	66,900	31,998
June 30, 2002	66,521	33,432
June 30, 2003	66,930	35,292
Sept. 30, 2003	66,702	35,208
Sept. 30, 2004	65,836	36,105
Sept. 30, 2005	65,424	36,417
Sept. 30, 2006	58,471	35,062
Sept. 30, 2007	61,292	37,876
Sept. 30, 2008	60,717	38,592
Sept. 30, 2009	61,069	38,369
Sept. 30, 2010	57,648	37,723
Sept. 30, 2011	54,181	34,879

SOURCE: Department of State Civil Service

¹ These figures (classified) also include members of the State Police Service (a separate civil service system). The total number of commissioned state police officers for the dates indicated were provided by the Dept. of Public Safety and Corrections.

²This is the first reporting period that includes records from the ISIS HR system, now LaGov HCM. Beginning with this period, the members of the State Police Service are included in the source document totals.

TABLE 2
CLASSIFIED AND UNCLASSIFIED EMPLOYMENT BY DEPARTMENT

All Employees

(See "Employment Statistics" on page 2J-8 for explanation of employees included)

Department	Sept. 30, 2008		Sept. 30, 2009		Sept. 30, 2010		Sept. 30, 2011	
	Classified	Unclassified	Classified	Unclassified	Classified	Unclassified	Classified	Unclassified
Office of the Governor	1,749	1,914	1,773	2,037	1,780	2,059	1,784	2,019
Veterans Affairs	733	78	769	71	792	72	801	88
Economic Development	81	45	78	61	74	59	70	52
Culture, Recreation & Tourism	684	548	670	524	641	482	593	500
Transportation & Development	4,651	131	4,639	113	4,454	77	4,443	72
Public Safety & Corrections	10,322	623	9,691	418	9,358	412	8,721	443
Health & Hospitals	11,999	1,441	11,812	1,292	10,657	1,183	9,057	1,074
Children & Family Services ⁽¹⁾	5,143	40	4,923	99	4,320	213	3,925	180
Natural Resources	474	63	480	66	357	35	367	38
Revenue	865	148	834	114	729	79	762	76
Environmental Quality	893	45	875	44	786	25	747	28
Workforce Commission ⁽²⁾	900	116	907	134	1,262	104	1,118	133
Wildlife & Fisheries	790	67	806	76	807	115	868	77
Civil Service	161	70	174	90	179	79	208	82
Education ⁽³⁾	19,322	31,636	19,005	30,884	18,137	30,337	17,474	27,738
Public Service Commission	74	25	73	19	76	19	80	20
Agriculture & Forestry	737	324	639	250	588	206	542	189
Justice	0	558	0	546	0	520	0	520
Insurance	244	77	226	44	236	43	234	39
Lieutenant Governor	6	28	4	27	4	16	4	16
State	407	487	410	494	383	474	374	383
Treasury	482	127	486	128	482	128	471	124
Total	60,717	38,591	59,274	37,531	56,102	36,737	52,643	33,891

Source: Department of State Civil Service

⁽¹⁾ Formerly the Department of Social Services

⁽²⁾ Formerly the Department of Labor

⁽³⁾ Totals include postsecondary education employees and Health Care Services employees.

TABLE 3
CLASSIFIED AND UNCLASSIFIED EMPLOYMENT BY DEPARTMENT⁽¹⁾
 Excludes Students and Board and Commission Members

Department	Sept. 30, 2011 - Total Employees		September 30, 2011 - Full-Time Equivalent (FTE)	
	Classified	Unclassified	Classified	Unclassified
Office of the Governor	1,784	1,700	1,781.27	1,577.38
Veterans Affairs	801	79	801.00	9.00
Economic Development	70	42	69.50	42.00
Culture, Recreation & Tourism	593	493	592.63	395.96
Transportation & Development	4,443	28	4,438.50	27.00
Public Safety and Corrections	8,721	395	8,721.00	157.50
Health & Hospitals	9,057	837	9,041.34	239.14
Children & Family Services ⁽²⁾	3,925	165	3,925.00	75.00
Natural Resources	367	11	367.00	8.00
Revenue	762	64	762.00	10.00
Environmental Quality	747	17	746.75	9.00
Workforce Commission ⁽³⁾	1,118	85	1,107.18	20.32
Wildlife & Fisheries	868	31	867.00	13.00
Civil Service	208	54	208.00	4.60
Education ⁽⁴⁾	17,474	27,022	17,329.60	21,839.99
Public Service Commission	80	13	80.00	13.00
Agriculture	542	127	541.00	104.50
Justice	0	491	0.00	488.95
Insurance	234	27	234.00	27.00
Lieutenant Governor	4	15	4.00	9.00
State	374	380	373.00	170.60
Treasury	471	64	471.00	33
Total	52,643	32,140	52,460.77	25,273.94

⁽¹⁾ Includes all executive branch departments and offices of governor and lieutenant governor. Includes employees of the respective department and of agencies and facilities in the department. See "Employment Statistics" on page 21-8 for further explanation of employees included in table.

⁽²⁾ Formerly the Department of Social Services

⁽³⁾ Formerly the Department of Labor

⁽⁴⁾ Totals include postsecondary education employees and Health Care Services employees.

Source: Department of State Civil Service

Public Personnel Management

The term personnel management refers to programs and procedures intended to improve the quality and productivity of the work force and to make effective use of personnel dollars. (Other terms used for personnel management include Human Resource Management and Human Capital Management.) Personnel management issues and initiatives over a number of years have included such matters as employee training, employee performance appraisal and pay for performance, workforce planning, and proposals to create an executive career service.

Employee Training

As a result of legislative action in 1979, the Comprehensive Public Training Program (CPTP) was created to provide generally applicable skills training for all state employees and supervisory and managerial skills training for current supervisory employees. In 2010, pursuant to Act No. 825, the legislature moved the CPTP program from the division of administration to the Department of State Civil Service. The program continues to institute, develop, conduct, maintain, and provide for continuing programs of in-service training and education designed to improve the supervisory, managerial, and other generally applicable skills and expertise of officials and employees of all state agencies, including supervisory, administrative and managerial personnel as well as nonsupervisory employees. State employees attend these courses as part of their work day as requested or required by their agencies.

The Civil Service Commission implemented the Minimum Supervisory Training program in 2002 for certain supervisory, managerial, and administrative jobs in the classified service who supervise classified employees. This training includes classes on topics including supervisory skills, performance planning and review, civil service rules, and discipline.

The budget for CPTP is established through the Executive Budget development process and currently is about \$1.119 million. The program is funded (through interagency transfers (IATs)) by assessments charged to state agencies having classified state employees. The assessments are based on a percentage of the total annual gross salary budget for classified employees.

In FY 2010-2011, 17,680 employees participated in CPTP classes either in a traditional classroom setting or through computer-based training technologies.

More information about the Comprehensive Public Training Program is available on the Dept. of State Civil Service's website (www.civilservice.la.gov/Training/CPTP/CPTP.asp).

Pursuant to Act No. 377 of 2009, the Department of State Civil Service and the division of administration were required to develop and institute an educational program designed to improve the supervisory and managerial skills of certain specified unclassified employees in the areas of hiring and terminating state employees and conducting effective performance reviews. This training was developed by the Department of State Civil Service and is available in both web-based and instructor-led formats.

Employee Performance Appraisal/Pay for Performance

Employee performance and pay along with giving agencies more flexibility was the subject of many legislative resolutions during the 2008-2012 term. A few of these include:

- House Concurrent Resolution No. 6 of the 2009 Regular Session of the Legislature requests the Department of State Civil Service to change layoff rules to allow agencies to retain employees based on factors other than seniority, to revise the classification system to limit the number of pay bands and reduce the number of job classifications to provide for more agency flexibility, to revise the compensation system for classified employees, and to provide that merit increases of classified managers and supervisors be contingent upon meaningful Performance Planning and Review of the employees under their direction and supervision.
- House Resolution No. 8 of the 2010 Regular Session of the Legislature requests all executive branch agencies, including the Board of Regents, to submit reports to the Department of State Civil Service relative to methods used for and certain information about pay increases for unclassified employees, including staff and faculty of postsecondary education institutions.
- House Concurrent Resolution No. 61 of the 2010 Regular Session of the Legislature requests the Department of State Civil Service to adopt an executive service program to provide appointing authorities greater flexibility in building policy implementation teams and to provide recognition to skilled managers who excel in assisting an agency in meeting its goals.
- House Concurrent Resolution No. 77 of the 2010 Regular Session of the Legislature which includes requests to the Department of State Civil Service to annually report turnover rates and costs to the Joint Legislative Committee on Budget and to encourage, in conjunction with the implementation of a new annual pay increase system, a system of reward and recognition policies to reward outstanding performance.

The issue of performance appraisal for state employees and the related issue of pay for performance have been addressed by state civil service over the last several years. In 1997, civil service implemented a five-tier performance appraisal system for all classified state employees. The system is continuously monitored to assure that classified state employees are rated by their supervisors, and the number of classified employees rated is no less than 95% each year. A comprehensive review of the system was completed in 2007, and enhancements were made available to agencies wishing to use them.

Employees receiving ratings less than "Meets Expectations" may not be given merit increases. Agency managers may exempt employees with outstanding performance ratings from layoffs.

The Department of State Civil Service is proposing a change to the rating system during FY 2011-2012 to establish a three-tier rating system that aligns performance to agency mission and provides for variable pay or pay for performance. In the proposed system, employees receiving ratings of "Unsuccessful" cannot receive pay for performance and agency managers will be able to exempt employees with exceptional performance ratings from layoffs.

Various approaches to pay for performance are available to agency managers so that they can customize compensation options to fit their unique needs. The state civil service rule on Gainsharing and Exceptional Performance allows employees who save money or increase efficiency to receive a monetary reward of up to 20% of annual base salary. Other specific pay tools for agency managers include Employee Rewards and Recognition, Optional Pay Adjustments, and dual career ladders. Rewards for innovations and special projects can be up to 10% of annual base pay. Optional Pay Adjustments allow payment for additional duties for

which an employee is not otherwise compensated of up to 10% of annual base salary. Dual career ladders enable managers to compensate extremely valuable scientific or technical employees who have no subordinates without creating unnecessary layers of management. In FY 2010-2011, approximately 1,117 classified employees were authorized additional pay using one of these options.

Recruiting, Staffing, and Workforce Planning

In February 2009, civil service implemented "LA Careers," a one-stop job posting center where both classified and unclassified job opportunities for all jobs in state government can be posted in one online employment system. Moving to an online application system has reduced time-to-hire from several weeks to as little as six days. The state has also realized some cost savings by moving to accepting applications online instead of exclusively on paper. In FY 2010-2011, approximately 487,000 applications were received in response to jobs posted in the LA Careers system. Of those received, 99% were received online. In addition, the online system has enhanced transparency and accountability and improved public access to state job opportunities.

Civil Service continues to provide enhanced assessment tools to help state agencies select the best qualified candidates. Examples of these include:

- In-basket exercise to assess management skills for supervisors.
- Video assessment of face-to-face customer service skills, used for driver's license officers.
- Bio-data (behavioral) assessment for administrative support staff.
- S.C.O.R.E. (Score Candidates on Relevant Experience) procedures to provide hiring managers with a list of ranked candidates based upon candidates' experience and/or education.

Since February 2002, testing of applicants for state employment has been offered on a walk-in basis at all six testing centers throughout the state. For more information about testing, including exam schedules and testing locations, please visit the Department of State Civil Service's web site (www.civilservice.la.gov).

Because approximately 40% of the classified officials and administrators and 23% of the professionals in Louisiana state government are eligible to retire within the next five years, state civil service conducts an annual workforce planning survey and produces an annual statewide workforce plan to assist agencies with workforce and succession planning. The statewide workforce plan includes a toolkit for agencies to use as a resource in workforce and succession planning. Each year, state civil service also provides a workforce profile to each agency showing how its staffing levels may change over the next five years due to potential retirements. The statewide workforce plan, toolkit, and workforce profiles are available on the civil service web site.

Increased Employee Accountability

The state civil service Commission extended the probationary period for classified employees from 12 to 24 months. This change gives agencies more time to make a thorough evaluation of a new employee prior to the employee gaining a property right to his position through the attainment of permanent status. Additionally, the mandatory supervisory training programs

enhance the ability of supervisors to utilize tools such as the performance planning and review system and the disciplinary process to hold employees accountable for their performance.

During FY 2010-2011, 247 employee appeals were filed with the State Civil Service Commission. Of these appeals, 94% were offered hearings or were disposed of within 90 days of receipt and 97% of appeal decisions were rendered within 60 days of being heard.

Retirement

More than 20 retirement or pension systems, funds, or plans exist for the benefit of public employees in the state of Louisiana. The constitution vests the legislature with certain powers and duties regarding 13 of these retirement systems. Two of the 13 are strictly for employees of the state, two are for employees of the public educational system, and nine are statewide in scope, serving employees of political subdivisions of the state.

The systems for state employees and for public school employees are the Louisiana State Employees' Retirement System, the State Police Pension and Retirement System, the Teachers' Retirement System of Louisiana, and the Louisiana School Employees' Retirement System. These systems, commonly referred to as the "state systems", are statutorily defined as state agencies and are under the jurisdiction of the Department of the Treasury. The nine systems for employees of political subdivisions, called "statewide systems", are for various categories of public employees such as municipal employees, parish employees, district attorneys, and clerks of court. The other systems for which the legislature has less responsibility are purely local in nature, such as for employees of a particular municipality.

Each system is governed by a board of trustees with the authority to transact the business of the system, to invest system funds, and to hold all cash and securities of the system in trust. The trustees have a fiduciary duty to act in the best interest of the system, to the exclusion of all other concerns, in transacting the business of their system.

State and Statewide Systems

Membership eligibility is generally determined directly by the type of employment. This is indicated by the names of the major state and statewide systems.

- (1) State Employees' Retirement System
- (2) State Police Pension and Retirement System
- (3) School Employees' Retirement System
- (4) Teachers' Retirement System
- (5) Assessors' Retirement Fund
- (6) Clerks' of Court Retirement and Relief Fund
- (7) District Attorneys' Retirement System
- (8) Firefighters' Retirement System
- (9) Municipal Employees' Retirement System
- (10) Municipal Police Employees' Retirement System
- (11) Parochial Employees' Retirement System
- (12) Registrars of Voters Employees' Retirement System
- (13) Sheriffs' Pension and Relief Fund

The constitution requires that any benefit changes for the state and statewide systems occur through legislative enactment; however, any such benefit change having an actuarial cost must be approved by 2/3 of each house of the legislature. Furthermore, for the state systems, no benefit changes having an actuarial cost may be approved by the legislature unless a funding source is identified which is sufficient to pay for such benefit changes within 10 years.

Legislation either provides directly as to a particular system or specifies limits applicable to several systems and generally provides for membership eligibility, employee and employer contributions, retirement eligibility, and benefits.

Louisiana's public retirement systems are primarily funded from 3 sources: (1) contributions; (2) local taxes or assessments; and (3) investments. Under most plans both the employee and the employer contribute a percentage of salary to the system. In some systems the employer contributions are supplemented by dedicated local taxes or assessments. Additionally, the employer contributions to the Sheriffs' Pension and Relief Fund, the Firefighters' Retirement System, and the Municipal Police Employees' Retirement System are further supplemented by a .7% assessment of the insurance premium taxes assessed against insurers operating in Louisiana, and \$1.5 million of such assessment goes to the State Police Pension and Retirement System.

Retirement eligibility is theoretically keyed to the employee's productive life relative to the work performed. Many systems provide for retirement after 10 years of service at age 60, 25 years of service at age 55, or 30 years of service at any age. However, in some systems this multitude of options has been eliminated for new hires, and retirement is allowed only upon attaining the age of 60. The number of retirees seeking reemployment performing the same or similar duties in positions covered by the same system from which they draw benefits has raised an actuarial concern that the standards for retirement eligibility are not keeping pace with the increasing longevity and productivity of today's workforce.

The vast majority of Louisiana's public retirement systems are known as "defined benefit" (DB) plans as opposed to "defined contribution" (DC) plans. DB plans provide a lifelong retirement benefit to a retiree and/or his beneficiary based on the retiree's years of service and level of compensation. During an employee's working lifetime, employer and employee contributions will typically be made to the retirement system, which funds will be held in trust and invested by the system in order to fund an employee's future benefit. The longer a person is employed, the greater his monthly benefit will be upon retirement. Benefits are usually determined by multiplying a percentage, called an accrual rate, (normally 2.5% to 3.33%) of the highest average compensation for a certain period of employment (normally 36 or 60 successive months) times the number of years of service credit.

DC plans, unlike DB plans, pay a benefit without regard to years of service or level of compensation. During his working lifetime, the employee and possibly his employer make contributions to the employee's retirement account. Those monies are invested, typically by the employee, and the benefit at retirement depends on the account balance at the time of retirement. For the most part, DC plans are not offered to public employees; however, there are a few exceptions. For instance, the Teachers' Retirement System of Louisiana has an optional DC plan for higher ed. employees.

Of special interest among the benefits Louisiana retirement systems afford their members is the Deferred Retirement Option Plan or "DROP". In lieu of terminating employment and accepting a retirement allowance, a member who has reached retirement eligibility may elect to participate in DROP. Upon entry into DROP, the member begins "receiving" retirement benefits while continuing to receive his salary; however, the retirement benefit payments are not made to the member. Instead, they are paid into a designated account for the period during which the member participates in the plan, up to a maximum of three years. After the member separates from employment, the member enters actual retirement, and the funds in his DROP account are paid to him in a lump sum or in a lifetime annuity.

The DROP was created by actuaries as a cost-neutral benefit. Even though a benefit is paid into a member's DROP account while the member is working, his average compensation and his service credit will be frozen. So long as the provisions of the DROP mechanism remain as they are, the systems maintain their actuarial integrity while providing a benefit. However, nearly any change in the plan provisions of DROP, particularly extending the participation period, would come with an actuarial cost.

Providing retirement benefits coupled with paying cost-of-living increases to retirees is a considerable expense of state and local government. The legislature has been extremely interested in the funding of these benefits and the corresponding effect on the unfunded accrued liabilities (UAL) of the systems. This unfunded accrued liability is the difference between the amount of assets necessary to pay the value of all benefits already earned if such benefits were all payable today and the amount of assets the system possesses which are available to pay these benefits.

The solvency of state retirement systems is of critical importance since the state guarantees the retirement benefits of its public school employees and officials and employees of the state. Since 1975, all legislation affecting a retirement system must have an actuarial note attached explaining the long-range financial and actuarial effect of the measure. The financial state of the state *and* statewide retirement systems is also critically important since decreases in a retirement system's funding level results in increases in the employer contributions that state and local governments must remit to the systems.

The total unfunded accrued liabilities of the 13 state and statewide systems had reached \$3.1 billion as of June 30, 1986. In response to this problem, a constitutional amendment was approved by the state's voters in November 1987, that required the actuarial soundness of the systems to be attained and maintained. The constitution now requires that the unfunded accrued liability which existed on June 30, 1988, be eliminated over a forty-year period ending in the year 2029. This particular piece of the UAL is known alternately as the "1988 UAL" or the "Initial UAL (IUAL)". It is not the only UAL since more UAL has accrued subsequent to 1988.

As of June 30, 2010, the total unfunded accrued liability of the 13 state and statewide systems equaled \$19.8 billion, of which \$18.2 billion is attributed to the four state systems.

The present amortization schedule provides for total payment of the IUAL by the year 2029. UAL accruing after 1988 is subject to a different amortization schedule and is typically required to be paid off either 15 years or 30 years from the year in which the liability is created, depending on the system. The constitution requires the legislature to establish for each state or statewide retirement system the particular method of actuarial valuation to be employed for purposes of attaining and maintaining the actuarial soundness of each system. The legislature is required to maintain the actuarial soundness of the state and statewide retirement systems and to determine and set all required contribution rates for members and employers of those systems. For the four state systems, the state is responsible for providing an amount necessary to fund the employer contributions to those systems.

The funding level of each of Louisiana's public retirement systems is highly dependent on each system's investment performance. Systems must invest assets in order to provide sufficient funding to pay for future benefits. Investment gains and losses, from an accounting standpoint, are averaged over a period of 3 to 5 years depending on the system, a method referred to as "smoothing". The benchmark that must be achieved by each system from year to year, and over the long term is known as the Actuarially Assumed Rate of Return (AARR). When a system's

yearly return on investments is lower than the AARR, UAL is created and employer contributions will increase. The AARR for the 13 state and statewide retirement systems ranges from 7.5% to 8.25%.

The market crash of 2008 and 2009 along with several systems' involvement in alternative investments which have proven to be illiquid have led to increased scrutiny of the investment decisions made by the boards of trustees of the state and statewide retirement systems. The steady increases in employer contribution rates following the market crash for the state and local governments has led to an increased awareness of retirement system funding for those employers and the general public.

Related to the topic of investment earnings is the topic of Cost-of-living adjustments (COLAs), which are sometimes referred to as Permanent Benefit Increases (PBIs). COLAs are typically funded from earnings on investments in excess of a system's AARR. Though certain thresholds must be met in each case, a system typically cannot grant a COLA unless its earnings exceed its AARR, and in most cases the funds used to finance the COLA must derive from those excess earnings.

There are several current issues that may result in retirement legislation. All of the retirement systems share common design characteristics. As a consequence, when a major issue arises, the situation that gives rise to the issue and any solution thereto may involve all or most of the systems. At the present time such issues include:

- Paying off the UAL.
- Defined benefit plans versus defined contribution plans.
- Increasing employee contributions / lowering benefits to offset increases in employer contribution rates.
- Employment of retirees and the reduction of benefits that applies to such reemployed retirees.
- Cost-of-living adjustments, specifically the legislatively-prescribed methods used for payment of COLAs, and some systems' inability to grant COLAs year after year under such methods.
- Increased oversight of system investments.
- Consolidation of retirement systems.

Insurance

The Office of Group Benefits (OGB) provides health care and life insurance to substantially all employees and retirees of the state, employees and retirees of school boards of 43 out of the 68 school systems, and employees and retirees of eligible political subdivisions of the state. The state contributes 75% of the premium liability of active employees for health and life insurance coverages only, but makes no premium contribution for certain optional accident and extended term life benefits also available through the program. Employees participating in group benefits may continue their coverage upon retirement. The state contribution for persons who retire and who begin participating in group benefits after January 1, 2002, ranges from a low of 19% for

individuals with less than 10 years of preretirement participation to 75% for individuals with 20 years or more of participation prior to retirement. Premium rates are established by the office under the direction of the commissioner of administration and in consultation with actuaries for the life, health, and other benefit programs offered through the office.

A chief executive officer and a chief operating officer are responsible for the operations of the office. The CEO serves at the pleasure of the commissioner of administration and the chief operating officer is appointed by the CEO. The program is self-insured; premium payments are collected and managed by program personnel and claims disbursements are made out of the pooled premiums.

There is a 16-member Group Benefits Policy and Planning Board which reviews the life and health benefit programs offered to eligible employees and reports to the legislature any comments and recommendations regarding modifications to such programs. The commissioner of insurance serves as a nonvoting member of the board. One member of the House and one member of the Senate are appointed by their respective presiding officers to four-year terms concurrent with their term of office. Five members are appointed by the governor, two retirees (one retired state employee and one retired teacher) are elected by retired participants in health benefits programs, and six members are elected by participants in health benefits programs, all to no more than two six-year terms. The six elected active employees represent employee groups from higher education, Department of Health and Hospitals/Department of Children and Family Services, school personnel, Department of Transportation and Development, Department of Public Safety and Corrections, and all state agencies not otherwise represented.

More information on the Office of Group Benefits is available at its web site www.groupbenefits.org.

Political Activity in Classified State Civil Service & State Police Service

The constitution prohibits certain specified political activity for an officer or employee in the classified civil service or in the classified state police service. "Political activity" as it relates to classified employees is defined by the constitution as an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. (Const. Art. X, §§9(C) and 47(C))

An officer or employee of the classified service (state civil service or state police service) is not prohibited from supporting issues involving bonded indebtedness, tax referenda, or constitutional amendments; nor is he prohibited from expressing his opinion privately, serving as a commissioner or official watcher at the polls, or casting his vote as he desires.

Prohibited Political Activity Classified State Civil Service and State Police Service (Const. Art. X, §§9(A) and 47(A))

- Participating or engaging in political activity.
- Being 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 or the classified state police officer serving on the State Police Commission.
- Being a member of any national, state, or local committee of a political party or faction.
- Making or soliciting contributions for any political party, faction, or candidate.
- Taking active part in the management of the affairs of a political party, faction, candidate, or any political campaign.

Soliciting contributions for political purposes from an officer or employee of the classified service or the state police service is also prohibited. (Const. Art. X, §§9(B) and 47(B)) The same constitutional provisions further prohibit any person in the classified service from using or attempting to use his position to punish or coerce the political action of a classified employee. (There are also provisions in the Code of Governmental Ethics which generally prohibit public servants from using the authority of public office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to engage in specified political activity. (R.S. 42:1116(B)))

Civil service rules (state civil service and state police service) further regulate political activity. For example, state civil service rules and state police service rules specify that classified employees in those respective systems may not actively participate in the circulation of petitions for the recall of an elected public official, but they may sign such petitions. (State Civil Service Rule 14.1 and State Police Service Rule 14.2.) The state civil service rules are available on the department's web site (www.civilservice.la.gov) and the state police service rules are available on the State Police Commission's web site (www.laspc.com). In addition, the Department of State Civil Service issued General Circular No. 2011-20 dated July 27, 2011, which specifies permissible and prohibited political activities by classified employees and which is available on the department's web site.

Dual Officeholding and Dual Employment

Article X, Section 22 of the Constitution of Louisiana mandates the legislature to enact laws defining and regulating dual employment and defining and regulating dual officeholding in state and local government. To meet this mandate and achieve this goal, the legislature enacted Part III of Chapter 2 of Title 42 (R.S. 42:61-66). The premise of these provisions of law is that the attainment of a high level of confidence and trust by the general citizenry in public officials, employees, and governmental decisions is impaired by the excessive accumulation of governmental power which may result from public officials or employees holding two or more public offices or public jobs.

The law provides definitions, specific prohibitions, additional prohibitions on incompatible combinations of office holding and employment, penalties, and exceptions.

Two of the more important terms in these provisions of law are "full-time" and "part-time", which are defined as follows:

- "Full-time" means that the person normally works or is expected to work in an appointive office or employment at least seven hours per day and at least 35 hours per week.
- "Part-time" means that the person normally works or is expected to work in an appointive office or employment less than the number of hours of work defined as full-time.

The expressly prohibited combinations of office holding and employment are generally as follows:

- Elective office, appointive office or employment in any of the branches of state government or in a political subdivision and elective office, appointive office, or employment in the

government of a foreign country, the government of the United States, or the government of another state.¹

- Office or employment in one branch of state government and office or employment in another branch of state government (except as provided by the constitution).
- Elective office in the government of the state and another elective office, full-time appointive office, or employment in state government or in a political subdivision.
- Elective office in a political subdivision of the state and another elective office or full-time appointive office in state government or in any political subdivision or employment in state government or in the same political subdivision from which he is elected.
- More than one full-time appointive office or full-time employment in state government or in a political subdivision.
- Elective office in state government and contract to provide full-time health or health-related services for any agency of state government.

Holding "incompatible offices" or employments is also prohibited. "Incompatible offices" are offices or employments in which the incumbent of one of the offices or employments (whether or not in conjunction with others):

- Has the power to appoint or remove the incumbent of the other.
- Receives the oath and/or bond of the incumbent of the other.
- Is charged by law with instituting actions for penalties against the incumbent of the other.
- Is charged by law to execute orders and follow directions given by the incumbent of the other.
- Is charged with auditing the accounts of or approving the budget of the other.
- Receives funds that are deposited with or turned over to the other.

The remedy for prohibited dual officeholding or employment is a petition for declaratory judgment filed in the parish of domicile of the defendant or that of the office he holds. Such a suit may be filed by the attorney general, a district attorney, or any citizen of the state. If the suit is filed by the attorney general or a district attorney, written notice must first be sent to the person. If the court declares that a violation exists, the court must declare the office with the term first to expire or one of the employments vacant. (However, an elective officeholder

¹There are specific exceptions to this prohibition for holding employment in the government of the United States and (1) appointive office in a political subdivision or (2) part time elective office, unless the particular nature of the employment in combination with the duties and interests of the appointive office is otherwise prohibited or is adverse to the public interest as set forth in R.S. 42:61. However, the Hatch Act, 5 U.S.C. §§1501-08, prohibits federal employees from engaging in certain political activity and, therefore, prohibits certain combinations of employment and office holding that might otherwise be allowable under Louisiana law. The Office of Special Counsel issues advisory opinions concerning the Hatch Act.

remains in office until his successor has qualified.) The court may order reimbursement of certain pay and other compensation. If a person vacates the position or office within 14 days after receiving written notice from the attorney general or district attorney, the person is not subject to such reimbursement. The attorney general is responsible for issuing advisory opinions on dual officeholding and dual employment. Anyone acting on such advice is also not required to reimburse pay.

The following classes of officeholders and employees are generally exempt from the provisions of law relative to dual officeholding and dual employment:

- Notaries public.
- Officers in U.S. military service detailed to educational institutions in the state and persons serving in the National Guard or reserve military forces.
- Delegates to and employees of any constitutional convention or any charter commission.
- Presidential electors.
- Persons serving on any board, commission, or committee which is solely advisory in nature.
- The governor or his designee, when serving as a member of a state agency, commission, or other state entity in accordance with a provision of the constitution, laws, resolution, or executive order.
- Any official who holds another office by virtue of the office to which he is elected or appointed.
- A board member of a community action agency.
- Persons serving as district or state soil and water conservation committee members.
- The current administrator of the Jefferson pre-trial release program.

The following chart summarizes the provisions of the dual officeholding and dual employment statutes. Exemptions in addition to the ones above are footnoted.

Dual Officeholding and Dual Employment – Prohibited and Regulated Relationships (R.S. 42:61 - 66)^{19, 20}

	State Elective Office	Local Elective Office	State Full-Time Appointive Office	State Part-Time Appointive Office	Local Full-Time Appointive Office	Local Part-Time Appointive Office	State Full-Time Employment	State Part-Time Employment	Local Full-Time Employment	Local Part-Time Employment	Federal Office or Employment
State Elective Office	Prohibited §63(C)	Prohibited §63(C) & (D)	Prohibited §63(C)	Prohibited except in same branch §63(B)	Prohibited §63(C)	Allowed	Prohibited §63(C) ³	Prohibited §63(C) ³	Prohibited §63(C) ³	Prohibited §63(C) ³	Prohibited §63(A) ^{17, 9}
Local Elective Office	Prohibited §63(C) & (D)	Prohibited §63(D) ¹	Prohibited §63(D) ^{10, 16}	Allowed	Prohibited §63(D) ^{1, 2, 8, 11, 12, 14, 16, 18}	Allowed ^{2, 5, 8, 11, 12, 13, 16, 18}	Prohibited §63(D) ^{3, 8, 10, 14, 16, 19}	Prohibited §63(D) ^{3, 9, 10, 14, 16}	Prohibited in same political subdivision. Allowed in different political subdivisions. ^{1, 2, 3, 5, 8, 16}	Prohibited §63(A) ^{7, 9, 16, 17}	
State Full-Time Appointive Office	Prohibited §63(C)	Prohibited §63(D) ^{10, 16}	Prohibited §63(E)	Prohibited except in same branch §63(B)	Prohibited §63(E)	Allowed	Prohibited §63(E) ³	Prohibited except in same branch §63(B) ³	Prohibited §63(E) ³	Allowed	Prohibited §63(A) ¹⁷
State Part-Time Appointive Office	Prohibited except in same branch §63(B)	Allowed	Prohibited except in same branch §63(B)	Prohibited except in same branch §63(B)	Allowed	Allowed	Prohibited except in same branch §63(B) ³	Prohibited except in same branch §63(B) ³	Allowed	Allowed	Prohibited §63(A) ^{6, 17}
Local Full-Time Appointive Office	Prohibited §63(C)	Prohibited §63(D) ^{1, 2, 8, 11, 12, 13, 16, 19}	Prohibited §63(E)	Allowed	Prohibited §63(E) ^{1, 12}	Allowed	Prohibited §63(E) ³	Allowed	Prohibited §63(E) ^{1, 3}	Allowed	Prohibited §63(A) ^{4, 17, 21}
Local Part-Time Appointive Office	Allowed	Allowed ^{2, 5, 8, 11, 12, 13, 16, 18}	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Prohibited §63(A) ^{4, 6, 17, 21}
State Full-Time Employment	Prohibited §63(C) ³	Prohibited §63(D) ^{3, 8, 10, 14, 16}	Prohibited §63(E) ³	Prohibited except in same branch §63(B) ³	Prohibited §63(E) ³	Allowed	Prohibited §63(E)	Prohibited except in same branch §63(B)	Prohibited §63(E)	Allowed	Prohibited §63(A) ¹⁵
State Part-Time Employment	Prohibited §63(C) ³	Prohibited §63(D) ^{3, 8, 10, 14, 16}	Prohibited except in same branch §63(B) ³	Prohibited except in same branch §63(B) ³	Allowed	Allowed	Prohibited except in same branch §63(B)	Prohibited except in same branch §63(B)	Allowed	Allowed	Prohibited §63(A) ¹⁵
Local Full-Time Employment	Prohibited §63(C) ³	Prohibited in same political subdivision. Allowed in different political subdivisions. ^{1, 2, 3, 5, 8, 17}	Prohibited §63(E) ³	Allowed	Prohibited §63(E) ^{1, 3}	Allowed	Prohibited §63(E)	Allowed	Prohibited §63(E) ¹	Allowed	Prohibited §63(A)
Local Part-Time Employment	Prohibited §63(C) ³	Allowed in different political subdivisions. ^{1, 2, 3, 5, 8, 17}	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Prohibited §63(A)

See footnotes beginning on the next page.

Dual Officeholding and Dual Employment – Footnotes

- 1 *A municipal officer or employee may hold another municipal office or employment as authorized by R.S. 33:381(C). A municipal and/or parochial officer or employee may hold another municipal and/or parochial office or employment if specifically authorized by a legislative or home-rule charter. §66(C) & (D)*
- 2 *Sheriffs, assessors, and clerks of courts are prohibited from holding any office or employment under a parish governing authority or school board and members of parish governing authorities or school boards are prohibited from holding any office or employment with a sheriff, assessor, or clerk of court. §63(D)*
- 3 *A school teacher or other person employed in a professional educational capacity in an educational institution or in a parish or city school board may at the same time hold an appointive or elective office. §66(B)*
- 4 *A U.S. government employee may hold appointive office in a political subdivision unless the particular nature of his employment in combination with the duties and interests of the appointive office is otherwise prohibited or is adverse to the public interest as set forth in R.S. 42:61. §63(A)(2)*
- 5 *Permits a joint commission of two parishes (except a causeway commission) to appoint a member of a parish governing body as general superintendent. Prohibits appointment of a parish governing authority member or parish employee to a joint causeway commission of more than one parish. §64(B)*
- 6 *Permits a health care facility board member (state or political subdivision) to serve as an employee of a U.S. health care facility. §66(H)*
- 7 *Permits a U.S. Postal Service employee to hold a local elective office in a village or town with a population of 5,000 or less. §66(I)(1)*
- 8 *Permits an elected school board member to be employed as a juvenile probation officer in a district court, a parish prison warden, or a deputy sheriff, if on September 7, 1979, the person was an elected school board member and held elective or appointive office in juvenile services of the district court or held employment as a parish prison warden or as a deputy sheriff and has continued to so serve as a school board member and in juvenile services of the district court, or as a school board member and as a parish prison warden or a deputy sheriff. Not applicable to parish prison wardens and deputy sheriffs in any parish over 400,000 in population. §66(J)*
- 9 *Permits a U.S. government employee to hold part-time elective office unless the particular nature of his employment in combination with the duties and interests of the appointive office is otherwise prohibited or is adverse to the public interest as set forth in R.S. 42:61. ("Part-time elective office" includes those offices listed in Art. X, §29.1 of the constitution.) However, the Hatch Act, 5 U.S.C. §§1501-08, prohibits federal employees from engaging in certain political activity and, therefore, could prohibit certain combinations of employment and office holding that might otherwise be allowable under Louisiana law. §63(A)(3)*
- 10 *Permits a mayor of a municipality with a population of not more than 5,000 who is a licensed physician to be employed in or appointed to any position for which a physician is required at the Lallie Kemp Regional Medical Center. §66(K)*
- 11 *Permits a deputy sheriff to hold the office of mayor or alderman of a municipality with a population of 2,000 or less. §66(L)(1)*
- 12 *Permits a chief of police of a municipality with a population of less than 5,000, according to the 1990 federal decennial census, to hold the office of deputy sheriff. §66(M)*

Dual Officeholding and Dual Employment – Footnotes (cont.)

- 13 *Permits a deputy sheriff to hold the elected office of part-time constable of a justice of the peace court whose jurisdiction has a population of 15,000 or less, according to the 1990 census, or part-time constable or marshall of a city court in a municipality with a population of 10,000 or less, according to the 1990 census, provided such positions were held as of January 1, 1997. §66(L)(2)*
- 14 *Permits a person holding employment in state government to hold elective office in a municipality with a population of less than 6,500, according to the 1990 census, unless the particular nature of the employment or the office make the combination incompatible. §66(N)*
- 15 *Permits a person employed in the state classified civil service as a toll collector to be employed as an emergency rural carrier with the United States Postal Service, provided such person was employed as a toll collector as of January 1, 1999. §66(I)(2)*
- 16 *Allows a coroner to hold appointive office or employment in any governmental entity as a physician. §66(F)*
- 17 *Allows any of the following to be an assistant U.S. attorney when so designated for cooperative efforts in criminal prosecutions and without additional compensation: (a) attorney general, (b) assistant attorneys general, (c) district attorneys, (d) assistant district attorneys, (e) city attorneys, and (f) assistant city attorneys. §66(G)*
- 18 *Allows the elected clerk of court of Jefferson Parish to serve as the ex officio clerk of court for a consolidated Justice of the Peace Litter Court of Jefferson Parish. §66(P)*
- 19 *If the office is a judicial office including that of justice of the peace, the Judiciary Commission should be consulted. (See also Attorney General Opinion #96-356.)*
- 20 *Please note that certain positions may have specific prohibitions, eligibility requirements, or qualifications applicable to persons serving or interested in serving in such positions.*

