

Regular Session, 2009

HOUSE BILL NO. 595

BY REPRESENTATIVES DANAHAY, ARNOLD, BARRAS, BURFORD, HENRY BURNS, CARMODY, CARTER, CHAMPAGNE, CONNICK, FOIL, GREENE, HOFFMANN, LABRUZZO, LEGER, LIGI, LOPINTO, MONICA, MORRIS, NOWLIN, PEARSON, PETERSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, SCHRODER, SIMON, SMILEY, JANE SMITH, TALBOT, AND WADDELL AND SENATORS KOSTELKA AND MICHOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC EMPLOYEES: Provides for a required education program for certain unclassified officials and employees and ties compensation to the conduct of certain duties

1 AN ACT

2 To enact R.S. 42:1266 and Chapter 27 of Title 42 of the Louisiana Revised Statutes of 1950,
3 to be comprised of R.S. 42:1501, relative to unclassified civil service; to provide
4 relative to the duties and responsibilities of certain unclassified officials and
5 employees; to require certain education for certain unclassified officials and
6 employees; to provide for the development and content of the education; to provide
7 for duties and responsibilities relative to the education; to make the compensation
8 of certain unclassified officials and employees contingent upon the conduct of
9 certain duties; to provide definitions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 42:1266 and Chapter 27 of Title 42 of the Louisiana Revised Statutes
12 of 1950, comprised of R.S. 42:1501, are hereby enacted to read as follows:

13 §1266. Required education; certain unclassified officials and employees

14 A. The Department of State Civil Service and the division of administration
15 shall institute, develop, conduct, and otherwise provide for an educational program
16 designed to improve the supervisory and managerial skills and expertise of state
17 unclassified officials and employees concerning performance planning and review
18 and the rules and procedures of the State Civil Service Commission regarding hiring
19 and termination of state classified employees. The program shall be designed to

1 provide a reasonable person with the knowledge to conduct performance planning
2 and review sessions in conformance with the rules of the State Civil Service
3 Commission and to understand the essential rules and procedures of the State Civil
4 Service Commission regarding hiring and termination of state classified employees.

5 B.(1) Each official and employee specified in Subsection C of this Section
6 shall attend the program described in Subsection A of this Section within one year
7 of his employment in or appointment to a position specified in Paragraph (C)(1) of
8 this Section or within one year of being designated as provided in Paragraph (C)(2)
9 of this Section.

10 (2) No person shall be required to attend the program described in
11 Subsection A of this Section more than once.

12 C.(1) This Section shall apply to each person serving in the state unclassified
13 service in one of the following positions:

14 (a) The secretary, deputy secretary, undersecretary, and each assistant
15 secretary, or an equivalent position of the Department of Economic Development.

16 (b) The secretary, deputy secretary, undersecretary, and each assistant
17 secretary, or an equivalent position of the Department of Culture, Recreation and
18 Tourism.

19 (c) The secretary, deputy secretary, undersecretary, and each assistant
20 secretary, or an equivalent position of the Department of Environmental Quality.

21 (d) The secretary, deputy secretary, undersecretary, and each assistant
22 secretary, or an equivalent position of the Department of Health and Hospitals.

23 (e) The executive director, the chief financial officer, the deputy executive
24 director, and each director, or an equivalent position of the Louisiana Workforce
25 Commission.

26 (f) The secretary, deputy secretary, undersecretary, and each assistant
27 secretary, or an equivalent position of the Department of Natural Resources.

1 (g) The secretary, deputy secretary, undersecretary, and each assistant
2 secretary, or an equivalent position of the Department of Public Safety and
3 Corrections and any warden or assistant warden of a state penal institution.

4 (h) The secretary, deputy secretary, undersecretary, and each assistant
5 secretary, or an equivalent position of the Department of Revenue.

6 (i) The secretary, deputy secretary, undersecretary, and each assistant
7 secretary, or an equivalent position of the Department of Social Services.

8 (j) The secretary, deputy secretary, undersecretary, and each assistant
9 secretary, or an equivalent position of the Department of Transportation and
10 Development.

11 (k) The secretary, deputy secretary, undersecretary, and each assistant
12 secretary, or an equivalent position of the Department of Wildlife and Fisheries.

13 (l) The secretary, deputy secretary, undersecretary, and each assistant
14 secretary, or an equivalent position of the Department of Veterans Affairs.

15 (m) The executive secretary of the Public Service Commission.

16 (n) The commissioner of higher education and the president of each public
17 postsecondary education system.

18 (o) The commissioner of the division of administration.

19 (p) The commissioner of agriculture, the assistant commissioner for
20 management and finance, the deputy commissioner, and each assistant commissioner
21 of the Department of Agriculture and Forestry.

22 (q) The superintendent of education, the deputy superintendent of education,
23 the deputy superintendent for management and finance, and each assistant
24 superintendent of the Department of Education.

25 (r) The commissioner of insurance, the chief deputy commissioner, each
26 deputy commissioner, and the assistant commissioner of the Department of
27 Insurance.

1 (1) If the official or employee described in Subsection A of this Section
2 serves in a department headed by a statewide elected official, the statewide elected
3 official shall be the certifying official.

4 (2) If the official or employee described in Subsection A of this Section
5 serves in the division of administration, the governor shall be the certifying official.

6 (3) If the official or employee described in Subsection A of this Section
7 serves in the Department of Public Service, the chairman of the Public Service
8 Commission shall be the certifying official.

9 Section 2. Prior to the effective date of this Act, the Department of State Civil
10 Service and the division of administration shall take all reasonable action to ensure that the
11 program described in R.S. 42:1266(A) as enacted by this Act may be conducted beginning
12 on the effective date of this Act.

13 Section 3. Any person serving in a position specified in R.S. 42:1266(C)(1) as
14 enacted by this Act on the effective date of this Act shall attend the program described in
15 R.S. 42:1266(A) as enacted by this Act within one year of the effective date of this Act.

16 Section 4. This Act shall become effective on July 1, 2010.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Danahay

HB No. 595

Abstract: Provides for a required training program. Ties compensation increases to the conduct of performance planning and review sessions.

Proposed law requires the Dept. of State Civil Service and the division of administration to institute, develop, conduct, and otherwise provide for an educational program designed to improve the supervisory and managerial skills and expertise of state unclassified officials and employees concerning performance planning and review and the rules and procedures of the State Civil Service Commission regarding hiring and termination of state classified employees. Requires the program to be designed to provide a reasonable person with the knowledge to conduct performance planning and review sessions in conformance with the rules of the State Civil Service Commission and to understand the essential rules and procedures of the State Civil Service Commission regarding hiring and termination of state classified employees.

Proposed law requires certain specifically listed executive branch officials and employees designated by them to attend the program within one year of employment or appointment

or within one year of being designated, as applicable. Provides that no person shall be required to attend the program more than once.

Proposed law prohibits any state unclassified official or employee who is responsible for conducting performance planning and review sessions for a state classified employee from receiving an increase in compensation unless his certifying official determines in writing that the official or employee has conducted his performance planning and review sessions in conformance with the rules of the State Civil Service Commission. Provides the same requirement on receiving an increase in compensation to any official or employee in the direct line of supervision of a person required to conduct performance planning and review sessions.

Proposed law provides that "certifying official" means the commissioner of administration, except as follows:

- (1) If the official or employee serves in a department headed by a statewide elected official, the statewide elected official shall be the certifying official.
- (2) If the official or employee serves in the division of administration, the governor shall be the certifying official.
- (3) If the official or employee serves in the Dept. of Public Service, the chairman of the Public Service Commission shall be the certifying official.

Effective July 1, 2010.

(Adds R.S. 42:1266 and 1501)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Provides that proposed law applies to an unclassified official or employee who is "responsible for conducting performance planning and review sessions for a state unclassified employee", rather than an unclassified official or employee who is "required by the rules of the State Civil Service Commission" to conduct such sessions.
2. Provides that if the unclassified official or employee serves in the Dept. of Public Service, the chairman of the Public Service Commission shall be the certifying official.
3. Makes technical changes.