

Regular Session, 2010

SENATE BILL NO. 293

BY SENATOR DONAHUE

STATE AGENCIES. Requires the commissioner of administration and the Board of Regents to establish and implement an agency attrition analysis process. (8/15/10)

1 AN ACT

2 To enact R.S.39:84.1 and R.S. 42:375.2, relative to agency position attrition analysis in the
3 executive branch of state government; to require the commissioner of administration
4 to establish and implement an agency attrition analysis process; to require the Board
5 of Regents to establish and implement an agency attrition analysis process; to
6 provide for reports to the Commission on Streamlining Government; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 39:84.1 and R.S. 42:375.2 are hereby enacted to read as follows:

10 **§84.1. Agency position attrition analysis process**

11 **A. The commissioner of administration shall establish and implement**
12 **an agency position attrition analysis process to be used by each executive**
13 **branch agency to review historical position vacancies, relative to authorized**
14 **positions for each budget unit, program, and subprogram. For comparative**
15 **purposes, Fiscal Year 2007-2008 shall be established as the base year. Beginning**
16 **in Fiscal Year 2010-2011 and each year thereafter, each agency shall compare**
17 **the number of authorized positions for each budget unit, program, and**

1 subprogram to the number of authorized positions for those budget units,
2 programs, and subprograms within the agency during the base year. The
3 agency shall note all changes across budget units, programs, and subprograms,
4 as well as any changes that occur relative to the distribution of positions within
5 salary ranges.

6 B. In implementing the requirements of Subsection A of this Section, the
7 commissioner of administration shall establish a process which requires the
8 analysis of the following:

9 (1) General staffing needs of each executive branch agency.

10 (2) The state general fund cost associated with the filling of each vacant
11 position.

12 (3) Any other information necessary to properly evaluate whether to
13 retain or eliminate each vacant position.

14 (4) Any workload measures which affect changes in the number of
15 positions over time.

16 (5) Any changes in law which affect staffing needs of an agency.

17 C. Each executive branch agency shall report the results of its analysis
18 as provided by Subsection A of this Section to the commissioner of
19 administration no later than January 15 of each year. On the first day of the
20 month following the month in which the executive budget is submitted to the
21 Joint Legislative Committee on the Budget, the commissioner of administration
22 shall provide a written report to the Commission on Streamlining Government.

23 D. For the purposes of this Section, the following terms shall have the
24 following meanings unless the context clearly indicates otherwise:

25 (1) "Executive branch department" means:

26 (a) Each of the twenty executive branch departments authorized by
27 Article IV, Section 1(B) of the Constitution of Louisiana, and each executive
28 branch agency allocated thereto, which is not subject to the provisions of R.S.
29 42:375.2.

1 **(b) Each executive branch agency not allocated to an executive branch**
2 **department or subject to the provisions of R.S. 42:375.2.**

3 **(2) "Executive branch agency" means and includes all departments,**
4 **agencies, boards, commissions, and other instrumentalities contained in the**
5 **General Appropriation Act or the Ancillary Appropriations Act, but does not**
6 **mean or include political subdivisions, as defined by Article VI, Section 44(2)**
7 **of the Constitution of Louisiana or any executive branch agencies which are**
8 **subject to the provisions of R.S. 42:375.2.**

9 **(3) "Vacant position" means any authorized position of employment for**
10 **which a budget has been approved and an appropriation has been made or a**
11 **transfer of funds effected pursuant to law which is funded in whole or in part**
12 **from the state general fund, but which is not filled.**

13 **E. Nothing in this Section shall limit the authority of the management**
14 **boards of public postsecondary education to manage the institutions under their**
15 **authority, pursuant to the Louisiana Constitution or as otherwise provided in**
16 **R.S. 17:3351 et seq.**

17 Section 2. R.S. 42:375.2 is hereby enacted to read as follows:

18 **§375.2. Agency attrition analysis process, higher education systems**

19 **A. The Board of Regents shall establish and implement an agency**
20 **attrition analysis process to be used by each higher education system to review**
21 **the historical employee vacancies, relative to authorized table of organization**
22 **full and part-time positions funded in whole or in part by the state general fund,**
23 **within each agency with a goal to reduce by five percent annually for three**
24 **years by an equally proportionate reduction of such positions across all salary**
25 **ranges of equal increments, beginning Fiscal Year 2010-2011, the number of**
26 **such positions in each higher education system.**

27 **B. In implementing the requirements of Subsection A of this Section, the**
28 **Board of Regents shall establish a process which requires the analysis of the**
29 **following:**

1 **(1) General staffing needs of each higher education system.**

2 **(2) The state general fund cost associated with the filling of each vacant**
3 **position.**

4 **(3) Any other information necessary to properly evaluate whether to**
5 **retain or eliminate each vacant position.**

6 **C. On the first day of the month following the month in which the**
7 **executive budget is submitted to the Joint Legislative Committee on the Budget,**
8 **the Board of Regents shall provide a written report to the Commission on**
9 **Streamlining Government indicating the state general fund dollar savings**
10 **achieved as a result of the implementation of the agency attrition analysis**
11 **process and the number of vacant positions eliminated and any other**
12 **information relating to personnel numbers, costs, and historical vacancies.**

13 **D. For the purposes of this Section, the following terms shall have the**
14 **following meanings unless the context clearly indicates otherwise:**

15 **(1) "Agency" means and includes all agencies, boards, commissions, and**
16 **other instrumentalities within a higher education system.**

17 **(2) "Higher education system" means and includes each system and all**
18 **institutions, agencies, and offices thereof for which the Board of Regents**
19 **maintains budgetary responsibility as provided in Article VIII, Section 5(A) of**
20 **the Constitution of Louisiana.**

21 **(3) "Vacant position" means any authorized table of organization full or**
22 **part-time position of employment for which a budget has been approved and an**
23 **appropriation has been made or a transfer of funds effected pursuant to law**
24 **which is funded in whole or in part by the state general fund, but which is not**
25 **filled.**

The original instrument was prepared by Thomas F. Wade. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne C. Johnston.

DIGEST

Donahue (SB 293)

Proposed law requires the commissioner of administration to establish and implement an agency position attrition analysis process to be used by each executive branch agency to review historical position vacancies, relative to authorized positions for each budget unit, program, and subprogram. Establishes FY 2007-08 as the base year for comparative purposes.

Proposed law provides that beginning in FY 2010-11 and each year thereafter, each agency shall compare the number of authorized positions for each budget unit, program, and subprogram to the number of authorized positions for those budget units, programs, and subprograms in the base year. Requires the agency to note all changes across budget units, programs, and subprograms, as well as any changes that occur relative to the distribution of positions within salary ranges.

Proposed law requires the process to analyze the following:

- (1) General staffing needs of each agency.
- (2) The state general fund cost associated with the filling of each vacant position.
- (3) Any other information necessary to properly evaluate whether to retain or eliminate each vacant position.
- (4) Any workload measures which affect changes in the number of positions over time.
- (5) Any changes in law which affect staffing needs of an agency.

Proposed law requires each executive branch agency to report the results of its analysis to the commissioner of administration no later than January 15 of each year. Requires the commissioner of administration to provide a written report to the Commission on Streamlining Government on the first day of the month following the month in which the executive budget is submitted to the Joint Legislative Committee on the Budget.

Proposed law defines the following terms:

- (1) "Executive branch department" means:
 - (a) Each of the 20 executive branch departments authorized by the constitution and each executive branch agency allocated thereto, which is not subject to the provisions of R.S. 42:375.2.
 - (b) Each executive branch agency not allocated to an executive branch department or subject to the provisions of R.S. 42:375.2.
- (2) "Executive branch agency" means and includes all departments, agencies, boards, commissions, and other instrumentalities contained in the General Appropriation Act or the Ancillary Appropriations Act, but does not mean or include political subdivisions, as defined by Article VI, Section 44(2) of the Louisiana Constitution or any executive branch agencies which are subject to the provisions of R.S. 42:375.2.

- (3) "Vacant position" means any authorized position of employment for which a budget has been approved and an appropriation has been made or a transfer of funds effected pursuant to law, which is funded in whole or in part from the state general fund, but which is not filled.

Provides that nothing in proposed law shall limit the constitutional or statutory authority of the postsecondary education management boards to manage the institutions under their authority.

Proposed law requires the Board of Regents (BOR) to establish and implement an agency position attrition analysis process to be used by each higher education system to review the historical employee vacancies relative to authorized table of organization full and part-time positions, funded in whole or in part by the state general fund, within each agency. Establishes a goal to reduce by 5% annually for three years, by an equally proportionate reduction of such positions across all salary ranges of equal increments, the number of such positions in each higher education system, beginning with FY 2010-2011.

Requires the Board of Regents' process to analyze the following:

- (1) General staffing needs of each higher education system.
- (2) The state general fund cost associated with the filling of each vacant position.
- (3) Any other information necessary to properly evaluate whether to retain or eliminate each vacant position.

Proposed law requires the BOR to provide a written report to the Commission on Streamlining Government indicating the state general fund dollar savings achieved as a result of the implementation of the agency position attrition analysis process and the number of vacant positions eliminated and any other information relating to personnel numbers, costs, and historical vacancies. Provides that such report be submitted on the first day of the month following the month in which the executive budget is submitted to the Joint Legislative Committee on the Budget.

Proposed law defines the following terms:

- (1) "Agency" means and includes all agencies, boards, commissions, and other instrumentalities within a higher education system.
- (2) "Higher education system" means and includes each system and all institutions, agencies, and offices thereof for which the BOR maintains budgetary responsibility as provided in the state constitution.
- (3) "Vacant position" means any authorized table of organization full or part-time position of employment for which a budget has been approved and an appropriation has been made or a transfer of funds effected pursuant to law which is funded in whole or in part by the state general fund, but which is not filled.

Effective August 15, 2010.

(Adds R.S. 39:84.1 and R.S. 42:375.1)

Summary of Amendments Adopted by Senate

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

1. Requires the commissioner of administration to establish and implement an

agency attrition analysis process to be used by the executive branch to review historical employee vacancies, relative to the authorized table of organization full and part-time positions within each agency, and to reduce by 5% annually for three years by an equally proportionate reduction of positions across all salary ranges of equal increments.

2. Requires analysis of general staffing needs instead of management and clerical staffing needs of each executive branch agency.
3. Deletes provision of proposed law requiring a comparison of the cost associated with the filling of each vacant position with the functions assigned to the vacant position.
4. Requires a written report to the Commission on Streamlining Government on the first day of the month following the month in which the executive budget is submitted to the Joint Legislative Committee on the Budget, rather than on or before February 1 of each year, indicating the general fund dollar savings achieved as a result of the implementation of the agency attrition analysis process and the numbers of vacant positions filled, the number of vacant positions eliminated, and any other information relating to personnel numbers, costs, and attrition.
5. Deletes provision of proposed law requiring the report to the commission to address the number of vacant positions filled and requires the report to contain information regarding historical vacancies rather than attrition.
6. Changes definition of "executive branch agency" in proposed law to mean all departments, agencies, boards, commissions, and other instrumentalities contained in the General Appropriation Act and the Ancillary Appropriations Act, but does not mean or include political subdivisions.
7. Changes definition of "vacancy" in proposed law to mean any authorized table of organization full or part-time position of employment for which a budget has been approved and an appropriation has been made or a transfer of funds effected pursuant to law, but which is not filled.

Senate Floor Amendments to engrossed bill.

1. Removes requirement that the executive branch agency position attrition analysis process be used to reduce agency positions by 5% annually for three years and instead provides that such analysis be used to review historical vacancies as compared to an established base fiscal year.
2. Adds criteria to be used in the position attrition analysis.
3. Changes executive branch agency and the commissioner of administration's reporting requirements and specifications.
4. Adds definition of "executive branch department".
5. Specifies that proposed law shall not limit the constitutional or statutory authority of postsecondary education management boards.
6. Requires Board of Regents to establish and implement an agency position attrition analysis process and specifies its purpose, scope, goals, and reporting requirements.