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TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Amendments to Chapters 2, 21 and 27 of the Civil Service Rules

At its General Business meeting held on July 8, 2020, the State Civil Service Commission adopted proposed amendments to Civil Service Rules 2.4, 2.5, 2.6, 21.8 and 21.9, and the repeal of 27.5, effective July 8, 2020.

The amendments to Chapter 2 allow for rules for virtual meetings of the State Civil Service Commission during the declared emergencies, to change the language of “executive meetings” to “executive sessions,” and to provide clarity regarding public notices of meetings. The amendments to Chapter 21 allow for overtime compensation to be paid at a time and one-half rate when work is performed related to or responsive to a disaster, emergency or health pandemic declared by the governor. The repeal of Rule 27.5 coincides with the adoption of the Chapter 21 rules.

The amended rules read as follows:

[Chapter 2: Civil Service Commission – Powers, Public Meetings, Procedures for Adopting and Amending Rules, Etc.](#)

Rule 2.4 – Meetings Open to the Public

(a) All meetings and hearings of the Commission shall be open to the public except executive sessions.

(b) The Commission may hold an executive session upon affirmative vote of two-thirds of its members present; taken at an open meeting for which notice has been given pursuant to Rule 2.5. No final or binding action shall be taken during an executive session except as provided herein.

(c) The Commission may hold an executive session for one or more of the following reasons:

1. Discussion of the character, professional competence, or physical or mental health of a person, provided that such person may require that such discussion be held at an open meeting.
2. Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have detrimental effect on the bargaining or litigating position of the Commission.

3. Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.
4. Investigative proceedings regarding allegations of misconduct.
5. Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances or other matters of similar magnitude.
6. Discussion of any matter deemed confidential by these Rules, or state or federal law or regulation.
7. Consideration and discussion of the merits of any appeal and applications for review filed pursuant to these Rules. Final and binding action may be taken during an executive session held to discuss and decide these matters.

Rule 2.5 – Notice of Meetings

(a) The Commission shall give written public notice of any regular, special, or rescheduled meeting no later than 24 hours before that meeting.

(b) Written public notice shall include the agenda, date, time, and place of the meeting, provided that upon the approval of two-thirds of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda.

(c) In cases of extraordinary emergency, such notices shall not be required; however, the Commission shall give such notice of the meeting as it deems appropriate and circumstances permit.

(d) Written public notice shall be given by:

1. Posting a copy of the notice at the office of the director and in a publicly accessible area of the building where the meeting will take place no less than 24 hours before the meeting;
2. Posting a copy of the notice on the Department of State Civil Service’s official website no less than 24 hours before the meeting; and
3. Mailing (or e-mailing upon request) a copy of the notice to any member of the news media who requests notice of meetings of the Commission no less than 24 hours before the meeting.

Rule 2.6—Quorum and Voting

(a) Four (4) members of the Commission shall constitute a quorum for the transaction of business.

(b) During a declaration of emergency in the State of Louisiana, Commission members who are unable to attend a meeting of the Civil Service Commission in person due to conditions closely and directly related to the emergency may be present and participate in the meeting virtually. Except for executive session, deliberations involving Commission members participating virtually must be conducted in such a manner that all members and the public can hear and provide public comment.

(c) The concurrence of a majority of the members present shall constitute a ruling upon an item of business then before the Commission.

(d) In the event of a tie vote the Commission may, in its discretion:

1. Refer a transcript of the record of the matter under consideration to one or more absent members, who shall then vote; or
2. Continue the matter for consideration at a later meeting.

(e) Temporary absence or temporary disruption of electronic communications during the consideration of an item of business shall not disqualify a member from voting on said item.

Chapter 21: Overtime and Overtime Compensation

Rule 21.8—Compensation Rate – Non-Exempt Employees

(a) All FLSA overtime shall be compensated at the time and one-half rate.

(b) State Overtime shall be compensated at the straight (hour for hour) rate, unless an exception has been granted by the Commission, or unless the time and one-half rate is allowed under subsection (c) and (d) and (e) of this rule.

(c) State Overtime performed during official closures due to emergency situations may be compensated at the time and one-half rate.

(d) State Overtime performed on a holiday may be compensated at the time and one-half rate.

(e) State Overtime performed related or responsive to a disaster, emergency or health pandemic declared by the governor may be compensated at the time and one-half rate.

Rule 21.9—Compensation Rate – Exempt Employees

The appointing authority shall compensate exempt employees in accordance with one of the following options:

(a) No overtime compensation

(b) Compensation at the straight (hour for hour) rate

(c) Overtime performed during official closures due to emergency situations may be compensated at the time and one-half rate.

(d) Compensation at the time and one-half rate may be granted to exempt employees upon Commission approval.

(e) Overtime performed related or responsive to a disaster, emergency or health pandemic declared by the governor may be compensated at the time and one-half rate.

[Chapter 27: Response to Coronavirus Disease \(“COVID-19”\)](#)

Rule 27.5—Overtime Pay Expansion

Repealed by Order of the Commission effective July 8, 2020.

Should you have any questions about the amendments, please contact your agency’s Human Resources Office or your Agency Relationship Manager.

Sincerely,

s/Byron P. Decoteau, Jr.
State Civil Service Director