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GENERAL CIRCULAR NUMBER 2021-043

DATE: November 5, 2021

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Proposed Amendments to Chapters 2, 3, and 6 of the Civil Service Rules

This general circular serves as notice of proposed amendment to Civil Service Rule 2.10(a), (c), (e) and (f); proposed adoption of Rule 3.1(t); proposed amendment to Rule 6.5(g); and proposed amendment to rule 6.10(a). The State Civil Service Commission will hold a public hearing regarding these proposals on Wednesday, December 1, 2021, at 9 a.m.

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

Summary of Proposal

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

CHAPTER 2: CIVIL SERVICE COMMISSION: POWERS, PUBLIC MEETINGS, PROCEDURES FOR ADOPTING RULES AND AMENDING THE RULES, ETC.	
CURRENT	PROPOSED
<p>2.10 Adoption, Amendment or Repeal of Rules; Emergency Rule Changes The adoption, amendment or repeal of any rule shall be approved by the Commission only after a public hearing. Such changes to the rules shall become effective upon adoption by the Commission, unless the Commission specifically provides another effective date.</p>	<p>2.10 Adoption, Amendment or Repeal of Rules; Emergency Rule Changes (a) The adoption, amendment or repeal of any rule shall be approved by the Commission only after a public hearing. Such changes to the rules shall become effective upon adoption by the Commission, unless the Commission specifically provides another effective date.</p>

<p>(b) At least twenty-five days prior to the adoption, amendment or repeal of any rule by the Commission, the proposed rule change and a report thereon shall be submitted to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.</p> <p>(c) The report shall include:</p> <ol style="list-style-type: none"> 1. A copy of the rule as it is proposed for adoption, amendment or repeal. 2. A statement of the proposed action, that is, whether the rule is proposed for adoption, amendment or repeal; a brief summary of the content of the rule if proposed for adoption or repeal; and a brief summary of the change in the rule if proposed for amendment 	<ol style="list-style-type: none"> i. Adoption of a rule refers to the creation and approval of a new rule by the Commission. ii. Amendment of a rule refers to a substantive change to an existing rule. Amendments do not include non-substantive revisions to rules such as grammatical and spelling corrections; re-numbering; making gender references more inclusive; or updating terminology between rules to maintain consistency. iii. Repeal of a rule refers to revocation of a rule by express action of the Commission. iv. For purposes of this rule, adoption, amendment or repeal of a rule are sometimes collectively referred to as “changes”. Changes to the rules shall become effective upon approval by the Commission, unless the Commission specifically provides another effective date. <p>(b) At least twenty-five days prior to the adoption, amendment or repeal of any rule by the Commission, the proposed rule change and a report thereon shall be submitted to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.</p> <p>(c) The report shall include:</p> <ol style="list-style-type: none"> 1. A copy of the rule as it is proposed for adoption, amendment or repeal. 2. A statement of the proposed action, that is, whether the rule is proposed for adoption, amendment or repeal; a brief summary of the content of the rule if proposed for adoption or repeal; and a brief summary of the change in the rule if proposed for amendment
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<ol style="list-style-type: none"> 3. The specific citation of the law purporting to authorize the adoption, amendment or repeal of the rule. 4. A statement of the circumstances which require adoption, amendment or repeal of the rule. 5. A statement of the fiscal impact of the proposed action and if possible, a statement of the economic impact of the proposed action, both of which statements shall have been submitted to the Legislative Fiscal Office for comment <p>(d) No action shall be taken by the Commission on a proposed rule change until both Committees have submitted their recommendations to the Commission concerning the proposed rule change or twenty-five days have elapsed since the</p>	<ol style="list-style-type: none"> 3. The specific citation of the law purporting to authorize the adoption, amendment or repeal of the rule. 4. A statement of the circumstances which require adoption, amendment or repeal of the rule. 5. A statement of the fiscal impact of the proposed action and if possible, a statement of the economic impact of the proposed action, both of which statements shall have been submitted to the Legislative Fiscal Office for comment 1. A copy of the rule as it is proposed for adoption, amendment or repeal. 2. A statement whether the rule is proposed for adoption, amendment or repeal. 3. A brief summary of the content of the rule if proposed for adoption or repeal. 4. A brief summary of the change in the rule if proposed for amendment. 5. The specific citation of the law purporting to authorize the adoption, amendment or repeal of the rule, if any. 6. A statement of the circumstances which require or make advisable adoption, amendment or repeal of the rule. 7. A statement of the fiscal impact of the proposed action and if possible, a statement of the economic impact of the proposed action, both of which statements shall have been submitted to the Legislative Fiscal Office for comment. <p>(d) No action shall be taken by the Commission on a proposed rule change until both Committees have submitted their recommendations to the Commission concerning the proposed rule change or twenty-five days have elapsed since the</p>
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<p>required report was submitted to the Committees, whichever occurs sooner.</p> <p>(e) No action shall be taken by the Commission on the proposed rule until a notice of intent to consider the proposed rule has been published in a general circular electronically disseminated.</p> <p>(f) If the Commission finds that an imminent peril to the public health, safety, or welfare or another emergency requires adoption of a rule change without compliance with this rule and within five days of adoption of the rule change, states in writing to the Governor of the State of Louisiana, and the Attorney General of Louisiana, its reasons for that finding, it may proceed without such compliance or upon any abbreviated notice that it finds practicable, to adopt an emergency rule change. Notice of the emergency rule change shall be mailed, within five days of adoption of the emergency rule change, to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs. The month following the month in which any emergency rule is adopted, the emergency rule change shall be published in full in a general circular electronically disseminated with the reason submitted by the Commission for the finding of the emergency. Any emergency rule change adopted by the Commission shall become effective on the date of adoption or on a date specified by the Commission not more than sixty days future from the date of adoption. Such an emergency rule change shall not be effective for a period longer than one hundred twenty days, but an identical rule change may be adopted in accordance with the provision of Paragraphs B through E of this Rule.</p>	<p>required report was submitted to the Committees, whichever occurs sooner.</p> <p>(e) No action shall be taken by the Commission on the proposed rule change until a notice of intent to consider the proposed rule change has been published in a General Circular electronically disseminated.</p> <p>(f) If the Commission finds that an imminent peril to the public health, safety, or welfare or another emergency requires adoption of a rule change without compliance with this rule and within five days of adoption of the rule change, states in writing to the Governor of the State of Louisiana, and the Attorney General of Louisiana, its reasons for that finding, it may proceed without such compliance or upon any abbreviated notice that it finds practicable, to adopt an emergency rule change. Notice of the emergency rule change shall be mailed, within five days of adoption of the emergency rule change, to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs. The month following the month in which any emergency rule is adopted, the emergency rule change shall be published in full in a general circular electronically disseminated with the reason submitted by the Commission for the finding of the emergency. Any emergency rule change adopted by the Commission shall become effective on the date of adoption or on a date specified by the Commission not more than sixty days future from the date of adoption. Such an emergency rule change shall not be effective for a period longer than one hundred twenty days, but an identical rule change may be adopted in accordance with the provision of Paragraphs B through E of this Rule.</p>
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	<p>(f) If the Commission finds that an imminent peril to the public health, safety, or welfare or another emergency requires approval of a rule change without compliance with this rule, it may proceed without such compliance. Any emergency rule change approved by the Commission shall become effective on the date of approval or on a date specified by the Commission not more than sixty days from the date of approval. Such an emergency rule change shall not be effective for a period longer than one hundred twenty days, but an identical rule change may be approved in accordance with the provision of Paragraphs (b) through (e) of this Rule.</p> <ol style="list-style-type: none"> 1. Within five days of approval of the emergency rule change, written notice of the change and circumstances creating the emergency shall be provided to the Governor of the State of Louisiana, and the Attorney General of Louisiana. 2. Notice of the emergency rule change shall be mailed, within five days of approval of the emergency rule change, to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs. 3. As soon as practicable after its approval, the emergency rule change shall be published in full in a General Circular electronically disseminated with the reason submitted by the Commission for the finding of the emergency.
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CHAPTER 3: DUTIES OF THE DIRECTOR OF STATE CIVIL SERVICE

CURRENT	PROPOSED
<p>3.1 Duties of the Director It shall be the duty of the Director of Personnel ...</p>	<p>3.1 Duties of the Director It shall be the duty of the Director of Personnel ...</p>

	<p>(t) To periodically review the Civil Service Rules and make grammatical or spelling corrections; re-number rules as advisable; make gender references more inclusive; and update terminology between rules to maintain consistency. When the Director exercises this authority, a report detailing such changes shall be provided to the Commission for ratification at its next regularly scheduled meeting.</p>
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CHAPTER 6: PAY RULES	
CURRENT	PROPOSED
<p><i>After receiving public comments from state agencies and the human resources community, the Director requested amendments to be considered to Chapter 6 of the proposed rules. Please see General Circular 2021-048 for the proposed amendments.</i></p>	

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