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GENERAL CIRCULAR NUMBER 2024-051

DATE: October 11, 2024

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Proposed Amendments to Civil Service Rule 13.50: Alternative Dispute Resolution, and the Repeal of Civil Service Rule 13.51

The State Civil Service Commission will consider proposed changes to Chapter 13 of the State Civil Service Rules at its regularly scheduled business meeting on Wednesday, November 6, 2024. The meeting will be held in the Louisiana Purchase Room of the Claiborne Building, 1201 North Third Street, Baton Rouge, Louisiana, at 9 a.m. Individuals who wish to comment should provide feedback prior to the meeting in writing to the Director of the Department of State Civil Service at Post Office Box 94111, Baton Rouge, Louisiana, 70804-9111. Comments may also be directed to the attention of the civilservicecommission@la.gov.

Please see the attachment for details of the changes to Chapter 13.

Sincerely,

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



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Proposed Changes to State Civil Service Rules

Civil Service Rule Chapter 13: Civil Service appeals

The State Civil Service Commission will consider the following changes to Chapter 13 of the Civil Service Rules at its regularly scheduled business meeting on Wednesday, November 6, 2024. Please refer to [General Circular No. 2024-051](#) for more information.

Proposed Effective Date: November 6, 2024

Reason for the Changes:

The Civil Service Rules have long provided for the Appeals Division to pilot an Alternative Dispute Resolution (ADR) Program and for the Commission or a Referee to direct the attorneys and parties to an appeal to participate in mediation. These authorities have not been exercised, although prior to the commencement of an appeal hearing, the referees customarily inquire about the possibility of an amicable resolution. Because of their role, the referees cannot be mediators, nor can they engage in ex parte communication with counsel or the parties to informally facilitate an amicable resolution in advance of the hearing.

The purpose of the ADR Program is to allow resolution of appeals early in the appeals process and where possible, to avoid traditional adversarial hearings. Such would be more efficient for both Appellants and their current or former employing agency and more cost effective for the State and its citizens.

As mediation is a form of ADR, Rule 13.51 is unnecessary and will be repealed.

1 **Chapter 13: Civil Service appeals**

2
3 **13.50 Alternative Dispute Resolution; Pilot Program**

4
5 (a) The ~~Appeals Division~~ Director is authorized to pilot an Alternative Dispute Resolution Program
6 and to establish its guidelines. The ~~Appeals Division~~ Director will submit the guidelines to the
7 Commission for its approval.

8
9 (b) The purpose of the Alternative Dispute Resolution Program is to encourage the resolution of
10 employment disputes without traditional adversarial hearings.

11
12 **13.51 Mediation – Repealed**

13
14 ~~(a) The Commission or a Referee may direct the attorneys and the parties in an appeal to~~
15 ~~participate in mediation to attempt to resolve the appeal before a hearing.~~

16
17 ~~(b) A member of the Commission, a Referee, or anyone appointed by the Commission or by the~~
18 ~~Chief Referee may conduct the mediation. The person who conducts the mediation must meet~~
19 ~~the Mediator qualifications established by the Appeals Division.~~

20
21 ~~(c) The Mediator's role is to facilitate communication among the parties at the mediation. The~~
22 ~~Mediator will not later influence, participate in, or make any decision on any issue in the appeal.~~
23 ~~The Mediator will not issue any orders or sanctions pertaining to the mediation or the appeal.~~

24
25 ~~(d) Before the mediation, the attorneys must confer with their clients about the clients' goals and~~
26 ~~expectations from settlement. The attorneys and every person whose authority is necessary for~~
27 ~~settlement must appear at the mediation (or, at the discretion of the Mediator, be available by~~
28 ~~telephone), on time and prepared to negotiate.~~

29
30 ~~(e) The Commission, the Chief Referee, or the Referee presiding over the appeal may order the~~
31 ~~attorneys and/or the parties to bring to (or exchange before) the mediation a witness and exhibit~~
32 ~~list, relevant documents and/or exhibits, a proposed settlement offer, and anything else that will~~
33 ~~aid in resolving the appeal.~~

34
35 ~~(f) The mediation will not be open to the public and will be confidential as established in the~~
36 ~~guidelines.~~

37
38 ~~(g) If anyone fails to comply with an order pertaining to the mediation, the Commission or the~~
39 ~~Referee presiding over the appeal may order appropriate sanctions. Those sanctions may include~~
40 ~~punishing for contempt, dismissing the appeal or portions of it, reversing the action appealed or~~
41 ~~portions of it, and assessing costs and attorney's fees against the noncomplying person.~~