

Regular Session, 2010

HOUSE BILL NO. 629

BY REPRESENTATIVE DANA HAY

1 AN ACT

2 To amend and reenact Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 42:1261 through 1266, relative to the Department of State Civil
4 Service, to provide for the transfer of certain responsibilities relative to employee
5 training programs from the division of administration to the department; to provide
6 for effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 42:1261 through 1266, is hereby amended and reenacted to read as
10 follows:

11 CHAPTER 17. IN-SERVICE TRAINING FOR STATE EMPLOYEES

12 §1261. In-service training and educational programs; conducted by state agencies;
13 eligible employees; fees; policy board; contracts and agreements

14 A.(1) The Department of State Civil Service ~~and the division of~~
15 ~~administration~~ shall institute, develop, conduct, maintain, and otherwise provide for
16 continuing programs of in-service training and education designed to improve the
17 supervisory, managerial, and other generally applicable skills and expertise of
18 officials and employees of all state agencies, including supervisory, administrative,
19 and managerial personnel and nonsupervisory employees.

20 (2) For purposes of this Chapter, "state agency" means any board,
21 commission, department, agency, office, officer, or other entity:

22 (a) Within the executive or legislative branches of state government;

1 (b) Of the supreme court, a court of appeal, or a district court of the judicial
 2 branch of state government; or

3 (c) Which employs any state classified employee.

4 B.(1) In-service training and educational programs, as required by
 5 Subsection A ~~hereof~~ of this Section, shall consist of a public training program which
 6 will be open to all employees and officials of all state agencies and a management
 7 development program which shall be open to all such employees and officials who
 8 manage or supervise.

9 (2) The in-service training and educational programs may be made available
 10 on a fee basis to other public officials and employees and to other participants as
 11 determined by the Department of State Civil Service ~~and the division of~~
 12 ~~administration~~, based on recommendations by the policy board established herein,
 13 provided such participation does not have the effect of denying access to the program
 14 by any employee or official of a state agency. The ~~commissioner of administration~~
 15 department shall establish and impose a schedule of fees or other charges for such
 16 officials, employees, and participants to attend such programs, based upon
 17 recommendations of the policy board.

18 (3) The Department of State Civil Service is hereby designated as ~~the~~
 19 ~~reviewing agency and the division of administration is hereby designated as the~~
 20 training agency for the public training program and the management development
 21 program.

22 C.(1) A policy board is hereby established to be composed as follows:

23 (a) One representative each from the office of the governor, the ~~Division~~
 24 division of Administration ~~administration~~, the Department of State Civil Service, the
 25 Judicial College, the Louisiana Board of Regents, and one nonprofit public interest
 26 organization. The representative of each of the named boards, agencies, offices, or
 27 organizations is to be appointed by the State Civil Service Commission from a list
 28 of names submitted by each of such boards, agencies, offices, or organizations for
 29 such purpose.

1 (b) A representative from the House of Representatives, designated by the
 2 speaker of the House, and a representative of the Senate, designated by the president
 3 of the Senate.

4 (c) The training director for the public training program and management
 5 development program, as designated by the ~~Division of Administration~~ Department
 6 of State Civil Service.

7 (2) The policy board shall advise the Department of State Civil Service ~~and~~
 8 ~~the division of administration~~ on said training programs and shall award
 9 certifications to employees successfully completing all requirements in the
 10 management development program.

11 D. ~~In addition, cooperative~~ Cooperative arrangements or agreements may be
 12 entered into between the ~~division of administration~~ Department of State Civil Service
 13 and state educational institutions for their participation in said training program as
 14 needed to accomplish any of the purposes enumerated in Subsection A ~~hereof~~ of this
 15 Section.

16 §1262. Cost of programs; fees; appropriations; pro rata share paid by agencies;
 17 billings; collection calculations

18 A. The cost of instituting, developing, conducting, and otherwise providing
 19 in-service training through the public training program and the management
 20 development program shall be paid by agencies employing state classified
 21 employees, by means of fees generated by the program, and by means of any other
 22 funds made available to the ~~division of administration~~ Department of State Civil
 23 Service for the purposes authorized by this Chapter through the federal government,
 24 nonprofit corporations, or any other source, public or private. The total amount
 25 payable by each agency employing state classified employees shall be calculated on
 26 the basis of a percentage of the annual gross salaries of the state classified employees
 27 within each agency, as reflected in the records maintained by the Department of State
 28 Civil Service on the last working day of the calendar year preceding the year of the

1 billing, and shall not exceed two-tenths of one percent of the annual gross salaries.
 2 The department shall bill each agency the amount payable by that agency for the
 3 billing period. The bill herein shall be included on the billing authorized in R.S.
 4 42:1383. The amount so billed shall be payable by each agency within thirty
 5 calendar days from the date of the mailing of the billing.

6 B. The department shall deposit in the state treasury all funds collected under
 7 this Section for allocation, pursuant to appropriation, to the ~~division of~~
 8 ~~administration~~ department for the purposes authorized by this Chapter.

9 C. If the amounts collected in any fiscal year pursuant to this Section do not
 10 meet the amount appropriated by the legislature for providing in-service training
 11 through the public training program and the management development program for
 12 that fiscal year, the commissioner of administration shall take action to ~~insure~~ ensure
 13 that the in-service training receives the full amount of the funds appropriated by the
 14 legislature.

15 D. The ~~division of administration and the department, on behalf of the~~
 16 ~~division of administration,~~ department may enforce through judicial proceedings any
 17 of the provisions contained in this Section. No suspensive appeal shall lie from a
 18 decision ordering compliance with any of the provisions contained herein, nor shall
 19 any stay order issue staying the enforcement of any such decision.

20 E. The ~~commissioner of administration~~ department shall require any
 21 procedures or reports deemed necessary to the efficient administration and
 22 accountability of these programs.

23 §1263. Employee training program

24 A. Pursuant to Louisiana Constitution Article X, Section 10(A), the State
 25 Civil Service Commission shall require the Department of State Civil Service to
 26 institute an employee training program in accordance with the provisions of this
 27 Chapter for the several state departments, agencies, boards, and commissions, to
 28 coordinate servicewide and intergovernmental training through the public training
 29 program and the management development program, to review the development and

1 conduct of such programs, and to submit progress reports to the governor and
 2 legislature as either may direct.

3 B. ~~The Division of Administration~~ Department of State Civil Service is
 4 hereby designated as the agency to develop and conduct said training programs in
 5 cooperation with the ~~Department of Civil Service~~.

6 §1264. Review of needs and requirements

7 The Department of State Civil Service ~~and the Division of Administration~~
 8 shall ~~cooperatively~~ conduct, at least every four years, a complete review of the needs
 9 and requirements for in-service training and education and shall adjust the training
 10 programs provided by this Chapter to meet the needs revealed by said reviews.

11 §1265. Cooperative arrangements with educational institutions

12 In addition to the in-service training programs provided for in this Chapter,
 13 all state departments, agencies, boards, and commissions may engage in cooperative
 14 arrangements or agreements ~~with the Division of Administration~~, with the
 15 Department of State Civil Service and with state educational institutions for
 16 specialized training, work-study programs, internships, and research projects
 17 designed to be useful in making long-range training and educational plans. State
 18 educational institutions are hereby directed to give special consideration to such
 19 projects and programs.

20 §1266. Required education; certain unclassified officials and employees

21 A. The Department of State Civil Service ~~and the division of administration~~
 22 shall institute, develop, conduct, and otherwise provide for an educational program
 23 designed to improve the supervisory and managerial skills and expertise of state
 24 unclassified officials and employees concerning performance planning and review
 25 and the rules and procedures of the State Civil Service Commission regarding hiring
 26 and termination of state classified employees. The program shall be designed to
 27 provide a reasonable person with the knowledge to conduct performance planning
 28 and review sessions in conformance with the rules of the State Civil Service
 29 Commission and to understand the essential rules and procedures of the State Civil
 30 Service Commission regarding hiring and termination of state classified employees.

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

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

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

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

12 (b) The secretary, deputy secretary, undersecretary, and each assistant
13 secretary, or an equivalent position of the Department of Culture, Recreation and
14 Tourism.

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

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

19 (e) The executive director, the chief financial officer, the deputy executive
20 director, and each director, or an equivalent position of the Louisiana Workforce
21 Commission.

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

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

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

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

3 (j) The secretary, deputy secretary, undersecretary, and each assistant
4 secretary, or an equivalent position of the Department of Transportation and
5 Development.

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

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

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

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

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

14 (p) The commissioner of agriculture, the assistant commissioner for
15 management and finance, the deputy commissioner, and each assistant commissioner
16 of the Department of Agriculture and Forestry.

17 (q) The superintendent of education, the deputy superintendent of education,
18 the deputy superintendent for management and finance, and each assistant
19 superintendent of the Department of Education.

20 (r) The commissioner of insurance, the chief deputy commissioner, each
21 deputy commissioner, and the assistant commissioner of the Department of
22 Insurance.

23 (s) The secretary of state, the deputy secretary of the Department of State,
24 the deputy secretary for the office of the Uniform Commercial Code, and the deputy
25 secretary for the office of GeauxBiz or his successor.

26 (t) The state treasurer, each deputy state treasurer, and each assistant state
27 treasurer of the Department of the Treasury.

28 (2) This Section shall additionally apply to any state unclassified employee
29 designated in writing by a person listed in Paragraph (1) of this Subsection who has
30 the authority to prescribe the duties and responsibilities of the employee.

1 Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor
2 and subsequently approved by the legislature, this Act shall become effective on July 1,
3 2010, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____