

State Police Commission



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June 19, 1998

Transmittal Sheet No. 24

Subject: Adoption, Repeal and Reenactment of State Police Commission Rules

Issue Date: June 19, 1998

At its June 15, 1998 meeting, the State Police Commission voted to adopt, repeal and reenact State Police Commission Rules 6.4(b), 6.10(d), 6.15, 6.15(f), 11.27.1(a), 11.27.1(b), 11.27.1(c), 11.27.1(d), 17.14(a), 17.17(c)5, 17.19(a) and 17.19(b). Attached hereto is a complete copy of Chapters 6, 11 and 17 of the Rules. Please post this notice in a prominent place, accessible to all employees of the Office of State Police. If you have any questions, please feel free to contact me.

Sincerely,

Debra L. Johnson

Debra L. Johnson
Director

Attachment

CHAPTER 6

PAY PLAN

6.1 Philosophy.

The pay rates for the State's classified workforce will be established in accordance with a system that generally considers such factors as availability of applicants, the quality of the applicant pool, turnover rates, federal law, market competition, pay practices of market competitors, the evaluation system ranking, employee performance and level of funding available. The State will not be a market leader, but, for the most part, will follow the market as the value of job change.

6.2 Preparation of Pay Plan.

- (a) The Director, after consultation with appointing authorities and the state fiscal officer and after conducting such research as he may deem appropriate, shall cause to be prepared for submission to the Commission, a uniform pay plan, or amendments thereto, for the classified service. The Director may propose different rates of pay in different localities and areas of the state depending upon availability of applicants and other factors impacting compensation.
- (b) The Director shall make a recommendation to the Commission concerning a pay structure adjustment at least annually.

6.3 Adoption of Pay Plan.

- (a) Any Pay Plan, or amendments thereto, proposed by the Director shall be submitted to the Commission for its consideration at a public hearing called for this purpose.
- (b) The State Police Commission, upon adoption of a Pay Plan, shall specify the manner in which the Pay Plan is to be implemented.
- (c) A Pay Plan may include but not necessarily be limited to an adjustment to the pay structure, an increase of limited duration, a general increase and/or new, revised or abolished jobs.
- (d) A Pay Plan or amendment thereto, when adopted by the Commission after public hearing shall become effective:

1. after approval in its entirety by the Governor; and
2. subject to appropriation of sufficient funds by the legislature.

6.4 Rates in Pay Plan.

- (a) The pay range for each job shall consist of a range minimum and maximum.
- (b) Subject to the provisions of Rules 6.10(c), 6.10(d), 6.11, 6.15, 6.16, and 17.11(e) each employee shall be paid at a rate within the range for the grade of the job to which his position is allocated.

6.5 Hiring Rate.

Pay upon employment shall be at the minimum of the range established for the grade of the job to which the position is allocated except:

- (a) Job or Provisional Appointment.

The pay of a job appointee or a provisional appointee shall not be reduced when an employee who has served longer than 6 months, and is earning more than the minimum for the job he occupies is then probationally appointed to a position in the same job in the same department without a break in service of one or more working days.

- (b) Special Entrance Rates.

When economic or employment conditions cause substantial recruitment or retention difficulties, the Director may authorize the appointment of qualified applicants at a special entrance rate or may authorize the use of a special retention rate within the range for the job in a limited geographical area or for positions in a job where employment conditions are unusual.

1. The department or departments to which the special rate is made applicable having employees in the same job in the affected area or locale where the special rate will be used, shall increase the pay rate of all such employees to the special rate. All new hires shall be paid at the special entrance or special retention rate. An appointing authority may adjust the salaries of employees working in the positions to which the special entrance rate applies to any salary up to but not to exceed the

amount of the percent difference between the special rate and the current hiring rate.

2. When special entrance rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions affected by the authorized rates shall not be changed.
3. Special entrance rates and special retention rates must be approved by the Commission at its next scheduled meeting after action was taken by the Director.

(c) Reentering the Classified Service.

The pay of an employee reentering the classified service, other than one being restored to duty following military service, may be fixed at any rate in the range that does not exceed the highest salary he previously earned while serving with permanent status in a classified position other than detail to special duty. If the range for the job has been adjusted and the range minimum is higher than his former salary, he will enter at range minimum. If the former salary is higher than the range maximum, his pay rate shall be set no higher than the range maximum. The appointing authority may at any time grant, to the extent permitted by other provisions of these Rules, any increase for which an employee having reentered the classified service possesses eligibility under this subsection. This Rule shall not apply to a former employee who was separated for delinquency, misconduct or unsatisfactory performance, or who resigned to avoid disciplinary action.

(d) Restricted Appointments.

When an appointing authority make a restricted appointment, he may fix the pay of the employee at any rate in the range he so chooses provided that any pay set above the mid-range must be fully justified in writing and approved by the Director in accordance with Rule 8.10.

(e) Return from Military.

Subject to rule 8.19, when an employee returns from military service and is restored to duty in his former, equivalent or lower position, his pay shall be fixed at the rate earned prior to leaving the classified service. If the job or equivalent job had been upgraded or any pay

adjustments granted, he shall be granted a pay rate reflecting the impact of these adjustments, as though he had been in that job at the time of the adjustments.

- (f) The Director, with the approval of the Commission, may establish special hire rates for workers employed by any State agency which administers federal funds for use in this state, either directly or indirectly or as a grant-in-aid or to be matched or otherwise, provided such State agency is required to by rule or regulation of, or contract with, a participating federal authority to pay such special rate, except that an appointing authority must comply with the minimum wage rate as prescribed and required by Federal rules, statutes, regulations and judicial decisions, when such minimum rate is in excess of that provided for in these rules.

6.5.1 Pay Upon Appointment From a Department Preferred Reemployment List.

Subject to Rule 6.14, the pay of a person appointed from department preferred reemployment list may be fixed no higher than his rate of pay at the time of the layoff or displacement actions, which entitled him to placement on the preferred list from which he is appointed, or at his current rate if such rate is higher based on other provisions of these Rules. In no case shall the rate of pay be higher than the range maximum for the class to which appointed.

6.6 Market Rate Job Assignments.

- (a) When the pay range for the grade to which a job is currently assigned is either not sufficient to compete with prevailing market conditions, or is found to exceed prevailing market rates, the Director may, in accordance with Rules 6.1 and 3.1(n), authorize the assignment of the job to a grade with a more appropriate pay range. The individual pay rate of employees occupying jobs which are affected shall be set in accordance with Rule 6.8.
- (b) Repealed, as of December 4, 1989.

6.7 Rate of Pay Upon Promotion.

- (a) When an employee is promoted to a position in a higher grade, his pay shall increase by at least 7 percent.
- (b) When an employee is given a one grade promotion his pay shall increase by 7 percent. When an employee is given

a two grade promotion his pay may be increased in an amount not to exceed 10 ½ percent. When an employee is given a three or more grade promotion his pay may be increased in an amount not to exceed 14 percent. An employee shall not be paid below the minimum of the higher range.

- (c) Eligibilities gained but not received at the time of promotion may be given prospectively at any time within three years from the effective date of the promotion.
- (d) When an employee has been detailed with pay to a higher job and is promoted to that same job directly from the detail, his pay eligibility on promotion shall not be less than he received on detail.

6.8 Pay Upon Grade Assignment.

When the Director assigns a job to a different grade or reallocates a position from one job to another:

- (a) If the job to which the position is allocated is in a higher grade or if the job is assigned to a higher grade, the affected employee's pay shall be set in accordance with Rule 6.7.
- (b) If the job to which the position is allocated is in a grade lower than the current job or the job is assigned to a lower grade, the affected employee's pay will not change, but shall be subject to provisions of Rule 6.15.
- (c) If the job to which the position is allocated is in the same grade or if the job is assigned to the same grade level, the employee's pay shall not change.

6.9 Pay Upon Transfer or Reassignment.

- (a) When a permanent or probationary employee is transferred without promotion or demotion, his pay shall not be reduced without his permission.
- (b) When a permanent employee is transferred with promotion following certification from a promotional or probational eligible list, or following noncompetitive promotion, Rule 6.7 shall apply.
- (c) When a permanent or probationary employee is transferred with demotion, Rule 6.10 shall apply.
- (d) When an employee is reassigned to another position, his

rate of pay shall not be reduced without his permission.

- (e) When an employee is transferred, the department releasing the employee shall be liable for payment for any holidays and/or regular days off intervening between the last day actually worked in the department releasing the employee and the first day to be worked in the department acquiring the employee.

6.10 Rate of Pay Upon Demotion.

- (a) When an employee is demoted for disciplinary reasons, the appointing authority may set the employee's pay at any rate within the lower pay range which does not exceed his current rate of pay.
- (b) When an employee takes a voluntary demotion, his rate of pay in the lower grade shall be set at a rate within the lower range equal to or less than his current rate as agreed upon by the employee and the appointing authority.
- (c) When an employee is involuntarily demoted for non-disciplinary reasons, his pay shall not be changed and Rule 6.15 shall apply, except for layoff.
- (d) Except as provided by Rule 17.19(b), when an employee is demoted in lieu of layoff, the appointing authority may set the employee's pay at any rate within the lower pay range which does not exceed his current rate of pay.

6.11 Rate of Pay on Detail to Special Duty.

When an employee is detailed to special duty, his pay shall not be reduced; if the position is allocated to a job which is assigned to a higher grade, his pay shall be increased to the rate he could receive upon promotion to such position, provided:

- (a) Any such temporary increase granted him shall not affect his eligibility for pay increases which he would have acquired in his regular position had he not been detailed.
- (b) At the conclusion of the detail, his pay shall revert to his authorized rate of pay in his regular position.

6.12 Compensation for Part-Time Services.

- (a) When part-time service in any position is authorized or rendered, the actual compensation to be paid shall be the

appropriate hourly rate.

- (b) When part-time service is rendered, it shall be the duty of the appointing authority to certify to the Director, on each notice of appointment or change in status of the employee, the percent of full-time hours to be worked.
- (c) An employee paid on a monthly or semi-monthly basis, who is employed for only part of a pay period shall be paid for the proportionate calendar days worked.

6.12.1 Compensation for Holidays.

Employee shall be eligible for compensation on holidays observed except:

- (a) When the employee's regular work schedule averages less than 20 hours a week;
- (b) When the employee is on restricted appointment;
- (c) When the employee is on leave without pay immediately preceding and following the holiday period;
- (d) When the employee is on an intermittent work schedule.

6.13 Certification and Payment.

- (a) No payment for personal services shall be made by any department or fiscal officer thereof to any employee in the classified service until after certification by the Director that such payment, and the amount thereof, is authorized and is in conformity with these rules unless otherwise provided herein. The Director's approval of forms relating to personnel transactions described in Chapter 15 of these rules shall constitute certification for the purpose of this rule.
- (b) In the event that payments are made to an employee that are discovered to be unauthorized or not in conformity with these Rules, the Director shall issue appropriate orders concerning restitution to the employee or recovery of overpayment.

6.14 Merit Increases.

- (a) When a new employee has been continuously employed, without a break in service of one or more working days

for a period of six months, he becomes eligible for an award. He may be granted a merit increase provided that the appointing authority has determined his performance merits such an award.

- (b) At the end of each subsequent 12 month period of such continuous employment, he may be granted an additional merit increase if the appointing authority has determined that his performance merits such an award. This date of eligibility shall be known as an anniversary date and shall not change through such continuous employment within the classified service.
- (c) The amount of each merit increase shall be 4 percent of the employee's individual pay rate.
- (d) The appointing authority may, at any time within 3 years from the date an employee gained eligibility, grant an employee all or any one of the merit increases for which he has attained eligibility provided the employee has not received an unsatisfactory service rating for the applicable year(s). A part-time employee shall receive the same credit he would receive if he were employed on a full-time basis.
- (e) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the maximum rate of pay established for the job.
- (f) an employee's eligibility for the increases authorized in Subsection (a) and (b) shall not be interrupted by time served in the military service if he is reemployed under the provisions of Rule 8.19.
- (g) A former employee who is reemployed following a break in service of one or more working days, except those appointed from a department preferred reemployment list and except those who are restored to duty, under the provisions of Rule 8.19, upon return from military service, shall be considered a "new" employee within the meaning of this rule.
- (h) Any adjustment or increase which an employee receives under the provisions of other rules, unless otherwise indicated, shall not affect such employee's eligibility to receive increases authorized under this rule.
- (i) An employee who has a current service rating of unsatisfactory shall not be eligible for any increase under the provisions of this rule.

- (j) A former employee who is reemployed following certification from a department preferred reemployment list within a year of the layoff date shall retain the anniversary dates and merit increase eligibilities earned under subsections (a), (b) and (d) for which he has not been granted an increase. If reemployed from a department preferred list after one year, he shall be considered a new employee with regard to the establishment of his anniversary date and merit increase eligibility.
- (k) An employee on detail to a position in a higher grade may be eligible for a merit increase in the higher job calculated on his individual pay rate in the higher job.

6.15 Red Circle Rates.

Rates that fall within the range become the employee's authorized individual pay rate. Individual pay rates that fall above the maximum established for the grade become red circle rates and remain in effect until the range catches up with the rate; however, eligibility for a red circle rate is lost upon separation from the State Police Service, promotion or demotion. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules. Red circle rates are assigned under the conditions outlined below:

- (a) When the job to which a position is allocated is assigned to a lower grade.
- (b) When a position is reallocated to a job assigned to a lower pay grade.
- (c) When an adjustment to the pay structure has the effect of lowering the range minimum and maximum for the grade to which a job is assigned.
- (d) When position are declared to be in the classified service and the employee's current rate of pay falls above the maximum of the range for the grade of the job into which the position(s) are allocated.
- (e) When the employee's pay exceeds the maximum of an approved market grade.
- (f) In accord with the provisions of Rule 17.19(b), when the pay of an employee being demoted in lieu of layoff due to a displacement occurring pursuant to Rule 11.27.1(d) exceeds the maximum of the lower range to which the

employee is assigned.

6.16 Special Pay Rates.

Under conditions described below, the Commission may authorize special pay considerations, beyond those already prescribed in these rules.

(a) Shift Differential.

In order to remain competitive with the pay practices of market competitors, additional pay may be authorized for shift work or other non-standard work hours.

(b) Extraordinary Duty.

Additional pay may be authorized for an employee who performs extraordinary duty that is not an integral part of his regularly assigned duties.

(c) Individual Pay Adjustment.

When an appointing authority requests and can present adequate justification with documentation before the Commission in public hearing, the Commission may grant special adjustment in pay for individual employees.

(d) An appointing authority may, after presenting justifiable reasons in writing to the Commission, and with the Commission's approval, pay an incentive award at any time that the justifications have been shown.

(e) The special pay rates authorized by this Rule shall not be effective until after approval by the Commission at a public hearing.

6.17 Pay on Entering the Classified Service Under the Provisions of Rule 8.27.

An employee who enters the classified service under the provisions of Rule 8.27 because his position has been declared to be in the classified service shall have his pay established as follows:

(a) If the employee's current rate of pay falls within the range, his rate of pay shall remain the same.

(b) If the employee's current rate of pay is below the range minimum, it shall be brought to the range minimum or interim minimum if such is in effect at the time.

- (c) If the employee's current rate of pay is above the range maximum, Rule 6.15 shall apply.

6.18 Definition of Overtime Hour.

An overtime hour is an hour worked by an employee at the direction of his appointing authority

- (a) On the employee's official holiday.
- (b) In excess of the regular duty hours in a regularly scheduled workday as designated under Rule 11.1(c), or 11.2(b); or
- (c) In excess of the regular duty hours in a regularly scheduled workweek as designated under 11.1(c), or 11.2(b).
- (d) In excess of forty hours worked during any regularly recurring and continuous seven-day calendar work period where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked.
- (e) In excess of eighty hours worked during any regularly recurring and continuous bi-weekly calendar work period where excessive hours are systematically scheduled. Any holiday observed during this work period is counted as a day worked.
- (f) In excess of the hours worked in a regularly established, continuous, and regularly recurring work period where hours average forty hours per week, regardless of the manner in which scheduled, and where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked.
- (g) A day on which a department or a division thereof, is closed by direction of the appointing authority because of natural emergencies, in accordance with the provision of Section B(5) of the LSA - R. S. 1:55.

6.19 Methods of Compensation for Overtime Hours Worked.

Compensation for overtime, if applicable, shall be one of the following:

- (a) Cash payment at the time and one-half rate (Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities

which are regarded as part of the employee's wages under the Fair Labor Standards Act may be included in calculating the rate of pay at time and one-half.)

(b) Cash payment at the regular rate (Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages under the Fair Labor Standards Act shall not be included in calculating the rate of pay at the regular rate.)

(c) Compensatory leave earned hour for hour.

(d) Compensatory leave earned at the time and one-half rate.

6.20 Options For Full-Time Employees for Overtime Hours Actually Worked in Excess of Forty Hours per Week.

An appointing authority shall select and use one of the applicable options listed below for those overtime hours actually worked in excess of 40 hours per week. Only options 1 or 2 under Rule 6.20 (a) shall be used for overtime work by employees in nonexempt status regardless of GS level. Refer to Rule 6.24 for fire, law enforcement, and hospital employees.

| <u>PAY RANGE</u> | <u>OPTIONS</u> |
|---------------------|--|
| (a) GS-11 and below | (1) Cash payment at time and one-half rate. |
| | (2) Compensatory leave earned at time and one-half rate. |
| | (3) Cash payment at regular rate. |
| | (4) Compensatory leave earned hour for hour. |
| (b) | (1) Cash payment at regular rate. |
| | (2) Compensatory leave earned hour for hour. |
| | (3) No overtime compensation. |

6.21 Overtime Options for Full-Time Employees for Overtime Hours Not Actually Worked in Excess of Forty Hours per Week Due to Holidays Observed or Leave Taken.

An appointing authority shall select and use one of the applicable options listed below for those overtime hours not actually worked in excess of forty hours per week due to holidays observed or leave taken.

| <u>PAY RANGE</u> | <u>OPTIONS</u> |
|---------------------|--|
| (A) GS-11 and Below | () Cash payment at regular rate. (2) Compensatory leave earned hour for hour. |
| (b) GS-12 and Above | (1) Cash payment at regular rate. (2) Compensatory leave earned hour for hour. (3) No overtime compensation. |

6.22 Overtime Options for Part-Time Employees.

The appointing authority shall select and use one of the applicable options for:

- (a) A regular part-time employee who works in excess of his scheduled workday or work week, but does not work in excess of forty hours in a seven-day work week:

Options:

1. Cash payment at regular rate.
2. Compensatory leave earned hour for hour.

- (b) A regular part-time employee who works in excess of forty hours per week and is nonexempt, or GS-11 and below:

Options:

Compensation in accordance with Rule 6.20.

- (c) A regular part-time employee who works in excess of forty hours per week and is exempt and GS-12 and above.

Options:

1. Cash payment at regular rate.
2. Compensatory leave earned hour for hour.

(d) An intermittent employee:

Options:

1. Overtime for work in excess of forty hours per week by nonexempt employees, or those GS-11 and below, shall be compensated in accordance with Rule 6.20.
2. Overtime for work in excess of forty hours per week by exempt employees or those GS-12 and above shall be compensated by cash payment at regular rate.
3. Work not in excess of forty hours per week is not considered to be overtime.

6.23 Overtime Options for Work on Holidays.

(a) An appointing authority shall select and use one of the applicable options for overtime work not in excess of forty hours per week performed on holidays.

PAY RANGE

OPTIONS

- | | |
|--------------------|---|
| 1. GS-11 and Below | (a) Cash payment at time and one-half rate. (b) Cash payment at regular rate. (c) Compensatory time earned hour for hour. |
| 2. GS-12 and Above | (a) Cash payment at regular rate. (b) Compensatory time earned hour for hour. (c) No overtime compensation. |

(b) Repealed, effective June 7, 1989.

(c) Work performed in excess of forty hours per week shall receive overtime compensation in accordance with Rule 6.20, whether or not work is performed on a holiday.

6.24 Special Overtime Pay Provisions (Fair Labor Standards Act, Section 7).

An appointing authority may use any of the special overtime

pay provisions permitted by the Fair Labor Standards Act; however, if an employee actually works in excess of full-time

hours during the pay period, but less than the number of hours required to be treated as overtime under FLSA, Rule 6.20 only shall apply for such overtime hours.

6.25 Caps on Accumulation of Compensatory Leave.

- (a) Employees who accrue compensatory leave at the time and one-half rate shall accumulate no more of such compensatory leave than allowed under the Fair Labor Standards Act.
- (b) Once the maximum balance of compensatory leave earned at the time and one-half rate is reached, any additional overtime work in excess of forty hours per week must be paid to an eligible employee in cash at the time and one-half rate.
- (c) Compensatory leave earned hour for hour may be accrued up to a maximum of 360 hours in any calendar year. Transfer, cancellation and crediting of compensatory leave is provided for under the provisions of Rule 11.29.

6.26 State Police Commission Review of Nonexempt Positions GS-12 or Above.

- (a) It is the responsibility of the appointing of the appointing authority to determine whether or not an employee occupying a position GS-12 or above should be considered nonexempt under the Fair Labor Standards Act on an ongoing basis. Such employees must be paid in accordance with that federal law, and this should be done without requesting prior approval from the Director of the State Police Commission. However, within a reasonable period of time following such determination by the appointing authority, he shall provide the Director with a listing of the job titles and applicable number of positions GS-12 or above that are considered to be nonexempt.
- (b) Such listing will be reviewed by the Director in order to serve as a check to insure an understanding of the FLSA exemptions and also to compare with information provided for classification purposes.

6.27 Exceptions to the Overtime Rules.

Exceptions to the Rules on overtime compensation are as follows:

- (a) For positions in classes GS-12 or above, which are exempt under the Fair Labor Standards Act, the Commission may grant authority to use any of the options for overtime compensation when:
 - 1. An appointing authority petitions the Commission for this authority. The Commission, may, with such restrictions as it deems appropriate, permit the use of time and one-half compensation to employees who occupy positions in job GS-12 or above.
 - 2. The State Police Commission Director petitions the Commission for authority to utilize time and one-half compensation to specific jobs GS-12 or above. Such authorizations, when approved, shall be published as part of the Personnel Manual.
- (b) Unless otherwise required for nonexempt employees under the provisions of the Fair Labor Standards Act or other federal rules, regulations and judicial decisions, cash payment at time and one-half rate, cash payment at the regular rate, and compensatory leave earned at time and one-half rate do not apply for employees:
 - 1. While performing civilian duty, under the administrative supervision of one other than his appointing authority, during an officially declared national, regional, or local emergency.
 - 2. While "on call" away from his duty post.
 - 3. While attending or traveling to and from conventions, workshops, training courses, study groups, and related activities.
 - 4. While performing duties pursuant to a determination made by his appointing authority under the provisions of Rule 11.29(g).
- (c) Repealed, effective June 7, 1989.
- (d) All payable compensatory leave earned by an employee, prior to April 15, 1986, who later separated from the classified service to enter the military, shall be paid for such leave at the time and one-half rate upon his

restoration to duty in accordance with State Police Commission Rules 8.19, 11.26(a), or 11.26(b). This shall apply only to payable leave for which he received no payment and which he did not take prior to separation.

6.28 On-Call Pay.

- (a) The Director may authorize payment of on-call pay through policy directives which establish guidelines for the use of on-call pay and which establish maximum authorized rates. The Commission may authorize on-call pay at a higher rate than established by the Director.

- (b) Such on-call pay is compensation for hours in excess of his regularly scheduled hours of duty, when he is available for call back to his duty station, work-ready, within a specified period of time, at the direction of his appointing authority. On-call pay is in addition to the employee's regular pay and is not to be included in computation of overtime payments or terminal leave payments allowed under provisions of other Sections of the Rules. On-call pay shall not be granted to an employee for his regularly scheduled hours of duty. Further, when an employee is called back he shall be considered in duty status and eligible for applicable overtime compensation.

CHAPTER 11

HOURS OF WORK, ANNUAL, SICK AND OTHER FORMS OF LEAVE

11.1 Full-Time Employees.

- (a) Subject to the provisions of subsections (b) and (c) hereof, the work week for each full-time employee in the classified service shall be forty (40) hours.
- (b) An appointing authority, with the approval of the Commission, may specify a work week exceeding forty (40) hours for employees in specific classes of positions within his agency, or for employees in specific divisions or activities within his agency.
- (c) Subject to the provisions of subsections (a) and (b) of this Rule, the appropriate appointing authority shall designate and record the number of hours and days which will constitute the regular work week of each full-time employee.
- (d) Each specification prepared under the provisions of subsection (b) of this Rule shall be filed with the Director.

11.2 Part-Time Employees.

- (a) When the services of an employee are not needed on a full-time basis his appointing authority may establish a regular tour of duty for him on a part-time basis.
- (b) The appropriate appointing authority shall designate and record the number of hours and days which will constitute the regular work week of each part-time employee.

11.3 Intermittent Workers.

When the services of an employee are not needed on a regularly scheduled basis, the appointing authority may appoint an employee to serve on an intermittent hourly, daily, weekly or monthly basis.

11.3.1 Authority To Require Performance of Overtime.

An employee in the classified service may be required by his appointing authority to work overtime.

11.4 Repealed and re-enacted effective July 1, 1973 as Rules 1.3.1 and 1.39.1.

11.5 Earning of Annual and Sick Leave.

- (a) Annual and sick leave shall be earned by each full-time and each part-time employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on restricted appointment.
- (b) The earning of such leave shall be based on the equivalent of years of full-time State service and shall be creditable at the end of each calendar month or at the end of each regular pay period in accordance with the following general schedule.
 - 1. Less than three years of service, at the rate of .0461 hour of annual leave and .0461 hour of sick leave for each hour of regular duty.
 - 2. Three years but less than five years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty.
 - 3. Five years but less than ten years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty.
 - 4. Ten years but less than fifteen years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty.
 - 5. Fifteen or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.
- (c) Repealed, effective July 1, 1973.
- (d) No employee shall be credited with annual or sick leave
 - 1. For any overtime hour.
 - 2. For any hour of leave without pay.
 - 3. While he is on leave with or without pay, until such time as he returns to active working duty, except where inability to return to duty is caused by illness or incapacity as defined by Rule 1.39.1.
 - 4. For any hour in on-call status outside his regular duty hours as defined in Rules 11.1 and 11.2.
 - 5. For any hour of travel or other activity outside

his regular duty hours as defined in Rules 11.1 and 11.2.

6. For any hour of a holiday or other non-work day which occurs while he is on leave without pay.

11.6 Carrying Leave Forward.

- (a) Accrued unused annual and sick leave earned by an employee shall be carried forward to succeeding calendar years.
- (b) Repealed, effective March 15, 1973.

11.7 Use of Annual Leave.

- (a) Annual leave must be applied for by the employee and may be used only when approved by the appointing authority or his designated representative.
- (b) Annual leave shall not be charged for non-work days.
- (c) The minimum charge to annual leave records shall not be less than one-half hour.

11.8 Repealed, effective December 17, 1957.

11.9 Enforced Annual Leave.

- (a) Subject to subsection (b) hereof, and military leave provisions in Rule 11.26, an appointing authority may require an employee to take annual leave whenever in his administrative judgment such action would be in the best interest of the Department.
- (b) No employee shall be required to reduce his accrued annual leave to less than 240 hours; however, subject to the military leave provisions of Rule 11.26, an employee may be required to take any part or all of his accrued annual leave prior to being granted leave without pay.

11.10 Payment For Annual Leave Upon Separation.

- (a) Subject to Sub-section (b) of this Rule each employee upon separation from the Classified Service shall be paid the value of his accrued annual leave in a lump sum disregarding any final fraction of an hour; provided, that the privileges of this rule shall not extend to any employee who is terminated for theft of agency fund or property. The payment for such leave shall be computed

as follows:

1. When an employee is paid wages on an hourly basis, multiply his regular hourly rate by the number of hours of accrued annual leave.
 2. When an employee is paid on other than an hourly basis, determine his hourly rate by converting his salary in accordance with provisions in the uniform pay plan for conversion to a working hourly rate. multiply his converted hourly rate by the number of hours of accrued annual leave.
- (b) No terminal payment for annual leave earned under these Rules shall exceed the value of 300 hours, computed on the basis of the employee's hourly rate of pay at the time of his separation.
- (c) No payment for annual leave under this Rule shall operate to continue the payee as a Classified employee beyond the last day of active duty.
- (d) Payment for annual leave earned under administrative rules or regulations in effect prior to July 1, 1953 may be made upon termination in accord with such rules or regulations.
- (e) When an employee who has been paid under this Rule for accumulated annual leave is reemployed in a classified position, he shall pay the Department which reemploys him the value of such annual leave at the rate paid him less the value of working hours for which he has been paid which intervene between the last day worked and the date of reemployment and shall be given credit for the number of hours of annual leave for which he has made reimbursement.
- (f) Repealed and reenacted as Sub-section (d) 6 of Rule 11.5, effective July 1, 1973.
- (g) Repealed, effective June 8, 1983.
- 11.11 Repealed, effective December 17, 1957.
- 11.12 Repealed, effective December 17, 1957.
- 11.13 Use of Sick Leave.
- (a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from

duty because of:

1. Illness or injury which prevents him from performing his usual duties.
2. Medical, dental, or optical consultation or treatment.
3. Repealed, effective January 1, 1963.

(b) Sick leave shall not be charged for non-work days.

(c) The minimum charge for sick leave shall be one-half hour.

(d) Repealed, effective June 30, 1972.

11.14 Certificate Required When Sick Leave Taken.

An employee who has taken sick leave shall file with his appointing authority a certificate stating the cause of his absence and the amount of time taken. The appointing authority may require a statement from a registered physician or some other acceptable proof that the employee was ill and unable to report to work.

11.15 Repealed, effective July 11, 1984.

11.16 Repealed, effective December 17, 1957.

11.17 Repealed, effective December 17, 1957.

11.18 Cancellation or Continuance of Annual and Sick Leave.

(a) All annual leave accrued by an employee whose services are terminated for cause except that for which he must be paid, and all sick leave accrued by him shall be canceled at the time of termination.

(b) All annual leave accrued by an employee for which he is not paid upon being laid off and all sick leave accumulated by him shall again be credited to him if he is reemployed within five years following his layoff: provided, that this Subsection shall apply only to a laid off employee who is reemployed on or after January 1, 1972.

(c) Repealed, effective December 17, 1957.

(d) Subject to the provisions of Rule 11.19(c), all annual leave accrued by an employee for which he is not paid

upon resignation and all unused sick leave accumulated by him shall again be credited to him if he is later employed with probationary, or permanent appointment status in the classified service within a period of five years from date of separation; provided, that the privileges of this Rule shall not extend to any employee whose last separation from the Classified Service was by resignation to escape possible disciplinary action.

- (e) Subject to the provisions of Rule 11.19 and Subsection (d) hereof, all annual leave for which he is not paid upon resignation and all sick leave accrued by an employee who resigns shall be canceled.

11.19 Transferring Annual and Sick Leave Between Departments.

- (a) Repealed, effective July 1, 1973.
- (b) Subject to the provisions of Subsection (c) of this Rule, all annual leave accrued by an employee for which he is not paid and all sick leave accrued by him whenever he changes from employment in one department to employment in another department within a period of thirty calendar days shall be certified by his former department to the other department and shall be credited to the employee.
- (c) All annual leave accrued by an employee for which he was not paid and all sick leave accrued by him at time of separation to enter military service shall be credited to him upon his reemployment in a classified position following such military service.
- (d) The annual and sick leave credits of an unclassified employee, earned under the provisions of an Executive Order of the Governor, who enters the Classified Service without a break in service on one or more working days, shall be certified and credited in the same manner as provided in this Rule for classified employees.

11.20 Repealed, effective December 17, 1957.

11.21 Workmen's Compensation Payments.

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation he

- (a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

upon resignation and all unused sick leave accumulated by him shall again be credited to him if he is later employed with probationary, or permanent appointment status in the classified service within a period of five years from date of separation; provided, that the privileges of this Rule shall not extend to any employee whose last separation from the Classified Service was by resignation to escape possible disciplinary action.

- (e) Subject to the provisions of Rule 11.19 and Subsection (d) hereof, all annual leave for which he is not paid upon resignation and all sick leave accrued by an employee who resigns shall be canceled.

11.19 Transferring Annual and Sick Leave Between Departments.

- (a) Repealed, effective July 1, 1973.
- (b) Subject to the provisions of Subsection (c) of this Rule, all annual leave accrued by an employee for which he is not paid and all sick leave accrued by him whenever he changes from employment in one department to employment in another department within a period of thirty calendar days shall be certified by his former department to the other department and shall be credited to the employee.
- (c) All annual leave accrued by an employee for which he was not paid and all sick leave accrued by him at time of separation to enter military service shall be credited to him upon his reemployment in a classified position following such military service.
- (d) The annual and sick leave credits of an unclassified employee, earned under the provisions of an Executive Order of the Governor, who enters the Classified Service without a break in service on one or more working days, shall be certified and credited in the same manner as provided in this Rule for classified employees.

11.20 Repealed, effective December 17, 1957.

11.21 Workmen's Compensation Payments.

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation he

- (a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

- (b) may, to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.
- (c) may be granted leave without pay.

11.21.1

- (a) When an employee engaged in law enforcement work is disabled while in the performance of duty of a hazardous nature, and because of such disability is unable to perform his usual duties, his appointing authority may, with prior approval of the Director, grant such disabled employee a leave of absence with full pay not to exceed six months during the period of such disability without charge against the employee's accumulated sick or annual leave, provided such employee must pay to his Department all amounts received by him as Workmen's Compensation benefits. Requests for such leave shall be submitted in writing by the appointing authority and shall include all information necessary to determine whether an employee is covered by this Rule.
- (b) If a request, made in accordance with the provisions of Subsection (a) of this Rule, is found to be questionable or if the leave requested exceeds or later extends beyond six months, the Director shall submit such request to the Commission for its review and approval.

11.22 Repealed, effective December 16, 1957.

11.23 Civil, Emergency, and Special Leave.

An employee shall be given time off without loss of pay, annual leave, or sick leave when

- (a) Performing jury duty.
- (b) Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for purposes of this Subsection a plaintiff or defendant shall not be considered a witness, nor shall this Subsection apply to an employee summoned as a witness as a result of employment other than State employees.
- (c) Performing emergency civilian duty in relation to national defense.

- (d) His appointing authority determines that he is prevented by an act of God from performing duty.
- (e) Amended and Re-enacted effective January 11, 1989 as Rule 11.23.2.
- (f) Participating in a State Police Commission examination on a regular work day, or taking a required examination pertinent to the examinee's State employment, before a State licensing board.
- (g) The appointing authority determines that because of local conditions or celebrations it is impracticable for his employees in such locality to work.
- (h) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.
- (i) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace of property of the people.
- (j) Engaged in the representation of a client in a criminal proceeding pursuant to an order of a court of competent jurisdiction, provided if compensation for such services is available from another source, he may not accept the special leave and the compensation.
- (k) The employee is a current member of a Civil Air Patrol and incident to such membership is order to perform duty with troops or participate in field exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meeting or training conducted during such meetings.

11.23.1 Funeral Leave.

Probationary and permanent employees may be granted time off without loss of pay, annual leave or sick leave when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, or grand-child; provided such time off shall not exceed three (3) days on any one occasion.

11.23.2 Voting Leave.

A probationary or permanent employee may be granted time off without loss of pay, annual leave or sick leave when voting in a primary, general or special election which falls in his regularly scheduled work day, provided not more than two hours of leave shall be allowed to vote in the parish where he is employed and not more than one day to vote in another parish.

11.24 Educational Leave.

- (a) Leave without pay for educational purposes may be granted an employee for a period equivalent to the period of attendance at the educational institution.
- (b) Educational leave with pay may be granted an employee for a maximum of thirty calendar days in one calendar year if the course of instruction to be taken is pertinent to the work of the employee in his Department, provided that a permanent employee may be granted such leave for a maximum of ninety calendar days in one calendar year if the Department requires him to take special training.
- (c) Employees granted educational leave without pay may be granted a stipend if there are funds available for that purpose.

11.25 Repealed, effective June 30, 1972.

11.26 Military Leave.

(a) Military Leave with Pay.

1. Probationary and permanent employees who are members of a Reserve Component of the Armed Forces of the United States shall be entitled to military leave with pay when placed on "military active duty for training" by order of an authority of the Armed Forces of the United States and when given constructive credit for such training.
2. Maximum military leave with pay for "military active duty for training" is fifteen working days per calendar year.

(b) Leave Without Pay for Military Purposes.

Probationary and permanent employees may apply for but shall not be required to take annual or compensatory

leave for military purposes. However, they shall be entitled to leave without pay for a period of 180 consecutive calendar days.

1. When order to "military active duty", or
2. When placed on "initial military active duty for training"; or
3. When placed on "military training duty" and the maximum authorized military leave with pay has been exhausted or is not authorized.

(c) Separation for Military Service.

Probationary and permanent employees ordered to "military active duty" or "military active duty for training" with the Armed Forces of the United States for periods in excess of 180 consecutive calendar days may be separated from State service and be restored to duty upon return as provided in Rule 8.19, or may be placed on leave without pay for the maximum period of time specified in Rule 8.19 for restoration to duty.

(d) Rights Upon Return.

Probationary and permanent employees returning to their classified positions under the provisions of this Rule or Rule 8.19, return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent for military training or military active duty; however, status is subject to the provisions of Rule 9.3.

(e) A probationary or permanent employee, who is a member of a reserve component of the Armed Forces of the United States and is involuntarily called to active duty prior to December 31, 1991, as a result of the August 1990 Persian Gulf Crisis, for the duration of the involuntary service, and is released from satisfactory active military duty, upon furnishing appropriate official documents to the Superintendent of State Police:

1. shall be allowed fifteen working days per calendar year of military leave with pay;
2. and shall continue to accrue sick and annual leave on the same basis as though he/she had not been activated and be credited such leave and all emoluments upon return from involuntary active duty

as though he/she not been activated;

3. and shall be retained in either leave with pay or leave without pay status for the duration of the involuntary active duty;
4. and shall not be subject to separation for the duration of the resulting active duty, provided he/she returns to employment within ninety days after release from active duty;
5. and may repurchase in one payment only all or part of any annual leave used during the period of involuntary service within twenty-four (24) months from return to active state service;
6. and, where the military base pay was less than the state base pay:
 - (a) if leave without pay was utilized for the entire period of involuntary service, shall be paid the difference between the military base pay and the state base pay; or
 - (b) if paid annual and/or compensatory leave was used during the entire period of involuntary service, shall be recredited with the value of that used leave represented by the difference in military base pay and state base pay in the same proportion as that leave was used during the period of involuntary service; or
 - (c) if leave without pay was used for a portion of the period of involuntary service, shall be paid a portion of the difference in military base pay and state base pay that is the same as the portion that leave without pay is of the total of all leave taken. For the remaining portion of the pay difference, the formula used part (e) 6 (b) shall apply.
- (f) A probationary or permanent employee, who was called to involuntary active duty as a result of the August 1990 Persian Gulf Crisis, and resigned from state service, may, at his/her request, and within ninety (90) days of his/her release from active duty, have his/her resignation rescinded and become eligible for the benefits of sub-section (e) of this Rule.

11.27 Leave of Absence Without Pay.

- (a) An appointing authority may extend leave of absence without pay to an employee for a period not to exceed one year, provided that such leave shall not prolong the period of his appointment.
- (b) After presenting justifiable reasons in writing to the Director and with the approval, an appointing authority may extend to a permanent employee leave of absence without pay for a period or periods in excess of one year.
- (c) The appointing of a provisional employee who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.
- (d) The appointment of an employee who has not completed his probationary period and who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration.
- (e) A permanent employee who has been extended leave of absence without pay under the provisions of Subsection (a) or (b), or both, hereof shall be restored to duty in pay status on or before the first working day following the expiration of such leave of absence. If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier day upon reasonable and proper notice from his appointing authority, he shall be considered as having deserted his position and shall be removed in accordance with the provisions of Chapter 12 of these Rules.
- (f) An appointing authority on its own initiative or at the request of the employee may curtail a period of leave of absence without pay extended to an employee, provided such curtailment is for the best interest of the State service and reasonable and proper notice thereof is furnished to the employee. Curtailment must not conflict with the provisions of Rule 11.26(b).
- (g) In addition to any disciplinary action which may be imposed against an employee for an unapproved absence,

such employee may be placed on leave without pay by his appointing authority for the period of unapproved absence.

11.27.1 Leave of Absence to Assume Unclassified Position.

- (a) Notwithstanding the provision of Rule 11.27(a) and/or (b), upon the acceptance by a permanent employee of a position in the unclassified State Police Service, the employee shall be placed on a leave of absence without pay. The leave of absence shall continue until the employee leaves the unclassified position by termination or resignation.

Upon placing the employee on such leave of absence, that employee's position and all vacancies within the chain of command created by the filling of that position may only be filled on a permanent basis.

- (b) An employee, who has been placed on a leave of absence without pay under the provisions of Subsection (a) hereof, shall be restored to duty, in pay status, on the first working day following the effective date of their termination or resignation from their unclassified position.

If, without valid excuse, the employee fails to report for or refuses to be restored to duty in pay status as provided for in the preceding paragraph, he or she shall be considered as having deserted their position and shall be removed in accordance with the provisions of Chapter 12 of these Rules.

- (c) A probationary employee shall not be placed on leave to serve in an unclassified position.
- (d) If, upon the return of an employee from an unclassified position, their classification position is occupied, the employee with the greatest length of total state service shall retain that position. In such case, the employee with the lesser amount of total state service shall be displaced from that position in accordance with the provisions of Chapter 17.

11.28 Holidays.

- (a) An employee who is required by his appointing authority to work on his official holiday, shall be entitled to compensatory leave or overtime pay benefits as authorized in Rule 6.23(a).

- (b) When a holiday falls on an employee's regular day off, and the appointing authority required the employee to work on his designated holiday and the actual holiday, the appointing authority shall select only one of the two days as the employee's official holiday for overtime compensation as provided by Rule 6.23. The other day is to be compensated as regular overtime work.
- (c) Repealed, effective June 7, 1989.

11.29 Compensatory Leave.

- (a) Subject to provision of Subsections (b) and (g) of this Rule, and in accordance with Rule 6.18 through 6.27 and the requirements of Federal rules, statutes, regulations and judicial decisions, an employee who is required to perform overtime duty may, at the option of the appointing authority, be credited with compensatory leave for the hours he has been required to work.
- (b) Compensatory leave shall not be credited to any employee in the classified service while he is serving on an intermittent basis.
- (c) Subject to the provisions of Subsections (e) and (f) of this Rule, compensatory leave credited to an employee may be used by him, with the approval of his appointing authority.
- (d) An employee who has been credited with compensatory leave may be required, by his appointing authority, to take all or part of such leave at any time.
- (e) Upon separation or transfer from a department, the following shall apply to compensatory leave balances:
 - 1. All unused compensatory leave earned at the time and one-half rate and credited to an employee shall be paid upon his separation or transfer from the department in which he earned it at one of the rates below, whichever is higher:
 - (a) The average regular rate received by the employee during the last three years of his employment, or
 - (b) The final regular rate received by the employee.
 - 2. All unused compensatory leave earned hour for hour

and credited to an employee may be paid upon his separation or transfer from the department in which he earned it at the final regular rate received by the employee, excluding premium pay, shift differential, and non-cash compensation.

3. All unused compensatory leave earned hour for hour, if not paid to the employee upon separation shall be canceled upon his separation or transfer from the department in which he earned it. Such leave shall not be recredited to him upon his reemployment in that or any other department.
- (f) Caps on accumulation of compensatory leave are found under the provisions of Rule 6.25.
 - (g) When in his administrative judgment, an appointing authority determines that overtime duty must be performed by one or more of his employees incident to national or local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace or property of the people, he may require such employees to perform overtime duty; and the provisions of Rules 11.29(a), 6.20, 6.21, 6.22, and 6.23 shall not apply to such duty unless such overtime is required by Federal rules, statutes, regulations, and judicial decisions.
 - (h) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(f).
 - (i) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(g).
 - (j) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(g).

11.30 Repealed, effective December 17, 1957.

11.31 Forms.

The departments shall maintain uniform records on all types of leave on forms prescribed by the Director.

11.32 Repealed, effective December 17, 1957.

11.33 Repealed, effective December 17, 1957.

CHAPTER 17

LAYOFF AVOIDANCE MEASURES, LAYOFFS, AND EMPLOYMENT RIGHTS AFTER LAYOFF

17.1 Layoffs and Professional Contracts.

Whenever an agency submits a plan to use layoff avoidance measures or conduct a layoff, the Director may order a review of all contracts.

17.2 Notification of Layoff Avoidance Measures or Layoff.

- (a) The appointing authority shall, as soon as it is determined that a layoff or a layoff avoidance measure is necessary, make a reasonable attempt to notify all employees in the area(s) to be affected. If it is known that a layoff or layoff avoidance measure will be required, but the area(s) to be affected has not been determined, then a reasonable attempt to notify all employees that they may be affected shall be made.
- (b) Once a layoff plan or layoff avoidance plan is approved by the Director it shall be made generally available to employees in that agency.

17.3 Exceptions to Layoff Avoidance and Layoff Rules.

- (a) Exceptions to provisions in these Rules may include employees who possess particular qualifications needed to complete an essential program or to maintain essential services necessary to preserve the life, health or welfare of the public. The Director must approve such exceptions.
- (b) The Director may give interim approval to further exceptions to these Rules. Such interim approvals are granted subject to ratification by the Commission at the next regularly scheduled meeting. The Director may, if he so desires, refer exceptions to the Commission for approval without giving interim approval.
- (c) The director may give approval to any furlough, for a period not to exceed 45 calendar days, when such furlough is needed to develop and work a layoff plan and prevent a deficit or further deficit in an agency's budget.

17.4 Restrictions and Expansion of Areas for Layoff Avoidance Measures and Layoffs.

With written justification to the Director, the appointing authority may request that the organizational unit(s), subject to layoff avoidance measures or layoffs, be broadened or confined to one institution or activity of the agency, office, or department. Requests by the appointing authority for restrictions of layoff avoidance measures and/or layoffs involving career fields, classes, organizational units and geographic areas, may receive interim approval by the Director, but shall be subject to Commission approval at its next regularly scheduled meeting. The Director may, on his own initiative, expand layoffs or layoff avoidance measures to include the expansion of a career field(s), other career fields, classes, organizational units, and geographic areas. If the appointing authority does not agree to the expansion, the expansion shall be submitted to the Commission for determination at its next regularly scheduled meeting.

17.5 Layoff Avoidance Measures.

- (a) Layoff avoidance measures shall consist of withholding of merit increases, reduction in work hours, reduction in rates of pay, and furloughs without pay.
- (b) Layoff avoidance measures may only be taken and utilized in accordance with the provisions of these Rules.
- (c) Nothing in these Rules shall prevent an appointing authority from issuing a general request for volunteers for voluntary layoff avoidance measures. Such volunteers shall be reported as such on the personnel action and shall be entitled to the same protection and rights granted employees under forced layoff avoidance measures.

17.6 Combinations or Successive Use of Layoff Avoidance Measures.

Whenever two or more layoff avoidance measures are used in combination or successively and the total time period of the combination or successive use will exceed three calendar months, approval of the Commission must be obtained.

17.7 Salary Increases When Utilizing Layoff Avoidance Measures.

- (a) Whenever an appointing authority uses any layoff avoidance measures, no optional pay increases in that affected organizational unit may be given without first obtaining Commission approval for the organizational units, activities, or classes that will be excepted from

this provision.

(b) Exceptions to Rule 17.7(a) shall be the following:

1. No pay restrictions are imposed when only the work week is reduced for every employee, excluding those exempted under Rule 17.3(a), in the organizational unit affected.
2. An appointing authority may restore an employee to the previous pay he held prior to a reduction in pay, then effect a personnel transaction; after such a transaction is made, the employee must be reduced in pay as uniformly as possible and in accordance with other pay reductions in effect for other employees.

(c) Nothing elsewhere in the Rules shall prevent an employee from prospectively obtaining the maximum pay benefits from any personnel transaction after layoff avoidance measures are terminated.

17.8 Leave and Temporary Transfers.

Employees on leave and temporary interdepartmental transfers shall be subject to the same avoidance measures as other employees.

17.9 Order of Implementation in Layoff Avoidance Measures.

- (a) Whenever an appointing authority uses any layoff avoidance measures, that do not under these Rules affect all employees in an organizational unit as uniformly as possible, length of State service shall be a primary determining factor in effecting these measures. Employees with the least State service in the affected classes and organizational units shall be, uniformly as possible under these Rules, reduced in pay, uniformly reduced in work hours, or furloughed, first.
- (b) Recall from furlough, or restoration of work hours and pay shall be on the basis of length of State service in the classification affected. Employees with the most State service shall be recalled from furlough, or restored to their previous pay and work hours, first.
- (c) Recalls not involving all State employees affected by layoff avoidance measures shall constitute modification to the layoff avoidance plan and shall be reported to the Director for approval.

17.10 Appointments Under Layoff Avoidance Measures.

- (a) Whenever an appointing authority uses any layoff avoidance measures he must first terminate restricted and job appointments in the affected organizational unit(s), and; if such appointments must later be made by the appointing authority, they must be given interim approval by the Director within fourteen calendar days of the appointment, subject to ratification by the Commission within sixty calendar days of the appointment, or terminated.
- (b) Probational and provisional appointments may be made, but employees in such appointments shall be subject to the same layoff avoidance measures as permanent employees in that classification.

17.10.1 Withholding of Merit Increases to Avoid Layoff.

When an appointing authority determines that it is necessary to withhold merit increases after June 30, 1989, of all employees under his jurisdiction in order to avoid a layoff, he may do so, subject to the following provisions:

- (a) Any withholding of merit increases must receive approval of the Director, no later than fourteen calendar days after the effective date, based on written certification from the appointing authority that his department does not have sufficient funds to give such increases to all employees. This justification shall include the reasons for the withholding of merit increases, the names and jobs of those employees to be excluded, if any, and reasons for their exclusion, the proposed effective dates and periods of time involved, and the organizational unit(s) and geographic area(s) affected. If the request or any part thereof is not approved by the Director, the employees included in the plan or portion of the plan not approved must be paid their merit increase for that period of time between the proposed effective date and date of the Director's determination. In all cases of disapproval by the Director, his decision shall be subject to the Commission's ratification, at its next regularly scheduled meeting.
- (b) Authority for such withholding of merit increases shall not exceed one twelve consecutive month period, subject to Rule 17.6.
- (c) Employees whose merit increases are withheld according to the provisions of this Rule shall retain their

eligibility for such increases.

17.11 Reductions in Pay to Avoid Layoff.

When an appointing authority determines that it is necessary to reduce the salaries of employees under his jurisdiction in order to avoid a layoff, he may do so, subject to the following provisions:

- (a) Any pay reduction must receive approval of the Director, no later than fourteen calendar days after the effective date, based on a written request and Justification from the appointing authority. This justification shall include the reasons for the pay reduction, the names and jobs of those employees to be excluded, if any, and reasons for their exclusion, the percent of pay reduced for each employee, the proposed effective dates and periods of time involved, and the organizational unit(s) and geographic area(s) affected. If the request or any part thereof is not approved by the Director, the employees included in the plan or portion of the plan not approved must be paid their regular salary for that period of time between the proposed effective date and date of the Director's determination. In all cases of disapproval by the Director, his decision shall be subject to the Commission's ratification, at its next regularly scheduled meeting.
- (b) Authority for such pay reductions shall not exceed one twelve consecutive month period, subject to Rule 17.6.
- (c) Pay reductions shall not exceed 12% of an employee's pay without approval of the Commission. No pay reduction shall exceed 24% of an employee's pay.
- (d) Employees having red circle rates under Rule 6.15, may be reduced to their true eligibilities, plus an additional 12% of their true pay range, without approval of the Commission.
- (e) Employees who are being paid 12% or less above the minimum for their pay range may be reduced below the minimum by no more than 12% less than the minimum. An appointing authority does not have to reduce an employee below the minimum of his pay range to satisfy the uniformity provisions of these rules.
- (f) Special entrance rates are not considered the minimum of the pay range in applying these rules.

- (g) Employees so reduced in pay shall retain their eligibility for all pay increases.
- (h) An employee shall be restored to the pay rate he held when the reduction was effected, and may be given a higher pay for which he is eligible, at the end of the period of pay reduction or upon an intervening personnel transaction which ends the period of pay reduction for that employee.

17.12 Reduction in Work Hours to Avoid Layoff.

When an appointing authority determines that it is necessary to reduce the work hours of employees under his jurisdiction in order to avoid a layoff, he may do so, subject to the following provisions:

- (a) Any reduction in work hours must receive approval of the Director, no later than fourteen (14) calendar days after the effective date, based on a written request and justification from the appointing authority. This justification shall include the reasons for the reduction, the names and classifications of any employees to be excluded and reasons for their exclusion, the number of work hours reduced for each employee, the proposed effective dates and periods of time involved, and the organizational unit(s) and geographic area(s) affected. If the request or any part thereof is not approved by the Director, then the employees included in the plan or portion of the plan not approved, must be paid for all hours reduced between the proposed effective date and date of the Director's determination. In all cases of disapproval by the Director, his decision shall be subject to the Commission's ratification at its next regularly scheduled meeting.
- (b) Authority for such pay reductions shall not exceed one twelve consecutive month period, subject to Rule 17.6.
- (c) The number of work hours reduced for an employee shall not exceed sixteen (16) hours per bi-weekly payroll period.
- (d) An employee so reduced in work hours shall be subject to the same leave and overtime Rule provisions as apply to employees on regular part-time status. Any hours worked over the employees' reduced work week shall be compensated with non-payable compensatory time, except for those hours which exceed a forty hour workweek.

- (e) An employee shall be restored to the same number of hours he worked at the end of the period of work hour reduction or upon an intervening personnel transaction which ends the period of work hour reduction for that employee.

17.13 Furlough to Avoid Layoff.

When an appointing authority determines that it is necessary to furlough employees without pay under his jurisdiction in order to avoid a layoff, he may do so, subject to the following provisions:

- (a) Any furlough without pay must receive approval of the Director, no later than fourteen calendar days after the effective date, based on a written request and justification from the appointing authority. This justification shall include reasons for the furlough, the names and classifications of those employees to be excluded and reasons for their exclusion, the total hours or days of furlough for each employee, the proposed dates and periods of time involved, and the organizational unit(s) and geographic area(s) affected. If the request or any part thereof is not approved by the Director, then the employees included in the plan or portion of the plan not approved, must be paid for all hours furloughed between the proposed effective date and date of the Director's determination. In all cases of disapproval by the Director, his decision shall be subject to the Commission's ratification, at its next regularly scheduled meeting.
- (b) An employee shall not be furloughed for more than a total of 240 work hour in any twelve calendar month period without approval of the Commission. With approval of the Commission, an employee may be furloughed for a total of 450 work hours in a twelve calendar month period.
- (c) Any employee furloughed shall be subject to the provisions of Rules 11.27(c) and (f) and Rule 17.6.

17.14 Notification and Authority for Layoff.

When an appointing authority determines that it is necessary to reduce force, and when such decision affects any permanent employee(s), the necessary number of employees shall be laid off subject to the following procedures:

- (a) Except as provided for in the second paragraph of this subsection, the appointing authority shall select the organizational unit(s), the geographic area(s), the

career field(s) and class level or class(es) where the layoff shall begin. In the event a career field is not established the layoff shall take place in a class or classes selected by the appointing authority and approved by the Director.

A layoff caused by a displacement occurring pursuant to Rule 11.27.1(d), shall be limited to the geographic area of the domicile of the employee's classified position.

(b) The appointing authority shall submit to the Director for his approval, a formal written plan for the proposed layoff of at least two (2) calendar weeks prior to the effective date of the layoff. With justification the Director may waive the two week advance notice for a lesser reasonable time but such notice shall always be prior to the effective date. This plan shall include, but not necessarily be limited to, the following:

1. Reasons why the layoff is being proposed.
2. Layoff avoidance measures used, or statement of why none was used.
3. The budgetary measures, other than layoff avoidance, that have been taken to avoid the layoff.
4. Proposed effective date of the layoff.
5. The affected organizational unit(s).
6. Geographic area(s) affected.
7. The classes, the number of positions within each class, and the career fields selected for the layoff.
8. Names and classifications of employees, if any, who require exemption from layoff and the extenuating reasons for exemption. Exemptions include employees who possess particular qualifications needed to complete an essential program or to maintain essential services necessary to preserve the life, health, or welfare of the public.
9. Names and pay of employees with unclassified authority under Rule 4.1(d)1 or 4.1(d)2.
10. Contracts either signed, effective, or anticipated

that may be causative factors or related to the layoff.

- (c) Once such a plan is approved by the Director the plan shall be made generally available to employees in that agency.
- (d) There shall be at least five (5) calendar days between notification to employees whose positions are proposed for abolishment and approval of the layoff plan by the Director.
- (e) There shall be at least ten (10) calendar days between the last displacement offer, or layoff notification if there is no offer to make, and the effective date of layoff.

17.14.1 Notification and Authority for a Layoff of Probational Employees Only.

When an appointing authority determines that it is necessary to reduce force by the layoff of probational employees only, he shall notify the Director by submission of the applicable Standard Form(s) 1 prior to the effective date of the layoff.

17.15 Employees Subject to Layoff.

- (a) Subject to the provisions of Rule 17.21, all employees, including those absent from duty on approved leave with or without pay, in the class(es) affected by the layoff, or on detail or temporary interdepartmental assignment from such class or classes, who work in the organizational unit(s) as approved by the Director in Rule 17.14, shall be subject to the layoff and shall be in competition for the purpose of determining which employee(s) will be laid off.
- (b) A reasonable attempt by the appointing authority, to notify permanent employees affected by a layoff action of their eligibility to be placed on the department preferred reemployment list shall be made no later than two weeks after the effective action

17.16 Order of Layoff by Appointment and Status.

The order of layoff in the affected class(es), career fields, organizational unit(s), and commuting area(s) shall be by the type of appointment as follows: restricted, job, provisional, probational, part-time permanent employees, full-time permanent employees.

- (a) Within each permanent appointment status, layoff shall be according to length of State service; those with the least service shall be laid off first, subject to Rule 17.16.1.
- (b) Permanent employees, including those specified in Rule 7.11, who have veterans preference and whose length of State service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees.

17.16.1 Employees with Unsatisfactory Service Ratings.

- (a) Within the affected class, commuting area and organization unit affected by a layoff, permanent employees whose two most recent service ratings were unsatisfactory shall be laid off before any other permanent employee is laid off.
- (b) In the event that the number of permanent employees whose two most recent service ratings were unsatisfactory exceeds the number of positions to be abolished, the least senior employees with such unsatisfactory service ratings shall be laid off first.
- (c) Within each class, commuting area and organizational unit impacted by a layoff, permanent employees whose two most recent service ratings were unsatisfactory shall be displaced before any other permanent employee is displaced.
- (d) In the event that the number of permanent employees whose two most recent service ratings were unsatisfactory exceeds the number of persons to be displaced, the least senior employees with such unsatisfactory service ratings shall be displaced first.
- (e) Subject to the provisions of subsection (d) of this Rule, permanent employees whose two most recent service ratings were unsatisfactory may only displace employees who do not have permanent status.
- (f) For purposes of this rule, an employee is considered as having two unsatisfactory service ratings when the delays for appealing both ratings have expired and the employee has not appealed the ratings or, if the ratings have been appealed, when final decisions of the Commission have been rendered on the appeals.
- (g) Exceptions to this rule may be granted in accordance with

Rule 17.3(b) upon adequate written justification presented by the appointing authority.

17.17 Displacement Rights of Permanent Employees.

Only permanent employees have the right to displace other employees. An employee does not have displacement rights to a higher position than the one he occupies at the time of the layoff action which affects him. Subject to the following provisions, a permanent employee who is affected by a layoff has the right to displace another employee who occupies the same, an equivalent, or lower job in the same career field, organizational unit and applicable commuting area affected by his layoff, subject to the provisions of Rules 17.16 and 17.16.1. An employee who displaces another, must meet the job qualifications for the position involved. A part-time permanent employee shall not displace a full-time permanent employee.

- (a) A permanent employee affected by a layoff shall have the right to displace, subject to subsection (c) of this rule, permanent employees with less State service. Regardless of length of State service, a permanent employee who meets the job qualifications shall always have the right to displace a provisional or probationary employee.
- (b) Within each affected job, employees with the least total State service shall be displaced first.
- (c) Offers of displacement to occupied positions for which the employee qualifies shall be made by the appointing authority in the following manner and order:
 - 1. All offers shall be made with a minimum reduction in pay range.
 - 2. Preference in making offers shall be given by length of State service with first preference being given to those affected employees with the most State service.
 - 3. Offers to displaced employees may cease when the first available offer listed above is accepted or declined by that employee.
 - 4. If the employee declines or if no offers are available, the employee(s) is subject to layoff.

5. Vacancies may be offered in lieu of occupied positions, except in layoffs caused by a displacement occurring pursuant to Rule 11.27.1(d), vacancies shall be offered in lieu of occupied positions.
 6. The first offer shall be to a position in the same job title and parish, if such a position is available.
 7. The second offer shall be to a position in an equivalent job in the same career field and the same parish, if such a position is available.
 8. The third offer shall allow the employee to make a choice of one of the following, if available:
 - a. A position in the next available lower level job within the employee's career field and parish, or
 - b. A position in the same job title and in the same commuting area, or if no such position exists, to a position in an equivalent Job within the career field and the commuting area.
 - c. A position in the next lower job in the career field and within the commuting area which is higher in pay range than the offer available within the parish.
 9. The fourth offer shall allow the employee to make a choice of one of the following if available:
 - a. A position in the highest job outside the career field, as long as it is higher than the offer in the career field, occupied by a probationary or provisional employee, in the same parish and organization unit, or
 - b. The highest such position available in the commuting area as long as it is higher than the job in the employee's parish.
- (d) Employees whose official domicile is "Statewide" shall, for the purpose of offers of displacement, be considered domiciled in the parish in which they officially reside.

- (e) Employees who live and work outside of Louisiana shall, for the purpose of offers of displacement, be considered domiciled either in the parish in which they have an official residence, or at their department's central headquarters. The employee must use the parish of his official residence, if he has one.

17.18 Repealed, effective August 7, 1985.

17.19 Pay Reductions.

- (a) Except as provided for in subsection (b) hereof, the percentage of pay reductions resulting from employees being placed in lower pay ranges shall be uniform, unless a written request with justification is approved by the Director. Such reductions shall not result in an employee's being paid above the maximum or below the minimum of the range for the position to which the employee is moved as the result of layoff.
- (b) In layoffs caused by a displacement occurring pursuant to Rule 11.27.1(d), no classified pay reduction shall occur. This provision includes employees whose pay rate fall above the maximum of the range for the position to which the employee is moved, as provided for in Rule 6.15(f).

17.20 Use of Annual Leave in Layoff Avoidance Not Requiring Submission of a Plan.

A department or agency, when the efficiency of operations dictates a temporary closure, may require employees to utilize up to a maximum of ten days of annual leave per calendar year:

1. Employees needed to maintain the buildings may be excepted.
2. Employees who have less than thirty days of annual leave may be required to take annual leave under this provision.
3. Employees, who have exhausted annual leave, shall be placed on leave without pay, but not for more than ten days per calendar year.

17.21 Special Provisions for Veterans in Layoffs.

- (a) A veteran who has been restored to duty under the provisions of Rule 8.19 of these Rules and who

thereafter competes in a layoff shall be granted prior service credit for the period of time served as a member of the armed forces of the United States on which the restoration was based.

- (b) An employee being restored to duty under the provisions of Rule 8.19 of these Rules shall not be required to compete with other employees in a layoff conducted to permit his restoration to duty.

17.22 Ties.

Rule 17.16(b) shall be used, if applicable, in breaking ties among employees who have the same length of State service. Below are listed other methods by which ties may be broken. The method or methods of breaking ties must be applied uniformly. Subject to Rule 17.21 ties may be broken by: (a) length of service in the position, or (b) length of service in the department, or (c) use of leave without pay, or (d) efficiency ratings as defined in Chapter 1.

17.23 Reporting Requirements After Layoff.

The appointing authority shall report to the Director in writing within fifteen (15) calendar days from the effective date of the layoff, all personnel actions taken relative to the layoff. The report shall include the names and most current mailing address on file with the affected agency of all employees affected by the layoff, the nature of personnel actions taken, including jobs and offers made, accepted, or declined, and positions involved for ever affected employee.

17.23.1 Layoff-Related Appointments.

- (a) The appointing authority shall submit appropriate Standard Forms 1 on all affected employees as soon as all layoff actions are concluded.
- (b) No appointment shall be made in the affected organizational unit or department to the job(s) affected by the layoff or to equivalent or lower levels of positions in the applicable career fields beginning on the date the Director approves the formal layoff plan for the proposed layoff and ending thirty (30) days after the layoff report as stipulated by Rule 17.23 is received at the State Police Commission or upon establishment of the department preferred reemployment list, whichever comes first. Exceptions to this provision include reinstatement, restricted

appointment, detail to special duty not to extend three (3) months beyond the effective date of layoff, job appointment not to extend three (3) months beyond the effective date of layoff, internal demotion, or restoration of a former employee entitled to the position who has returned from military service in accordance with Rule 8.19.

17.24 Department Preferred Reemployment Lists.

A person should apply in writing to his personnel officer or to the State Police Commission no later than thirty (30) calendar days following his layoff in order to insure eligibility for the department preferred reemployment list. This time limit can be extended only with the approval of the Director. Except as provided in Rule 17.16.1(f), eligibility for the department preferred reemployment list does not extend to an employee whose two most recent service ratings were unsatisfactory when he was affected by a layoff action. Also, eligibility for the department preferred reemployment list does not extend to any person who, after being affected by a layoff action, is terminated for disciplinary reasons, or resigns to avoid disciplinary action, except that a person terminated for disciplinary reasons and who is later reinstated will have his eligibility for the department preferred reemployment list restored. Also, a person who retires from state service shall not be eligible for such a list.

An employee's name will be removed from such applicable lists when he declines an offer or fails to respond to an offer. Also, his name will be removed from the list(s) in accordance with subsections (d), (e), (f), (g), and (h), of this Rule. If an employee declines an offer to the same job from which he was laid off, he shall be removed from all preferred lists for which he is eligible. If he declines, fails to respond, or accepts, an equivalent job, he shall stay on the list only for the job from which he was laid off.

- (a) A permanent employee who, under the provisions of Rule 17.15, 17.16 and 17.17 is laid off or officially moved out of his regularly assigned position to another position in a different job title or the same job but in a different parish as the result of a layoff action shall, in accordance with his stated conditions of availability, and after receipt by the State Police Commission of the layoff report as stipulated in Rule 17.23, have his name entered on the department preferred reemployment list for:

1. the job he held in the affected agency or department at the time of such layoff or movement into another position; however, if an employee is displaced to the same job title, he is eligible only for the parish from which he was displaced.

 2. equivalent or lower levels of jobs for which he qualifies in his career field, subject to Subsection (d) of this Rule; however, an employee who is displaced, as opposed to actually laid off, shall be eligible to be placed on such list only for the jobs down to but not including the GS level to which he was displaced, but shall be eligible for the same job title in the parish from which he was displaced.
- (b) During the time a former or otherwise affected employee's name remains on a department preferred reemployment list, the Director may, upon his own initiative, place such employee's name on one or more such lists for other equivalent or lower classes of positions for which he qualifies in his career field and other substantially similar classes.
- (c) The names of laid off or displaced permanent employees on the department preferred reemployment lists shall be ranked in the order of length of State service they had at the time of the layoff. Among those whose length of State service is identical, all shall be considered to have the same ranking. The employee with the most State service for a given class and availability shall be given the first offer.
- (d) If a permanent employee was laid off or officially moved as a result of a layoff action from a position in a job that has undergone a change in the qualification requirements or title, such employee shall be entitled, on proper request, to have his name placed on the preferred reemployment list for the newly revised job title, equivalent, and lower level jobs in the same career field for which he is qualified. However, the employee shall not be required to meet the new minimum qualification requirements if sufficient evidence is presented to the Director to show, as determined by the Director, that he is returning to a job having essentially the same duties and responsibilities he was performing when he was affected by layoff, unless the qualification lacking is one required by law or under

a recognized accreditation program. If the minimum of the pay range for the job or position he occupied at the time of the layoff action has changed upward, he shall have eligibility for such position. This eligibility shall not be limited by a change in the job title as defined by Rule 1.38.2, a general increase as defined by Rule 1.15.12.1, or a market grade job assignment as defined by Rule 6.6, or an allocation adjustment effective January 1, 1987.

- (e) When a former or otherwise affected employee is offered reemployment to a permanent position following certification from a department preferred reemployment list, his name shall be removed from the list from which certified and from all other such lists applicable to equivalent or lower level positions in the career field of the position offered, but shall remain on such lists applicable to higher level positions.
- (f) The name of an employee who attains permanent classified status in any position in any State Department other than from a department preferred reemployment list shall be removed from all such lists applicable to the same, equivalent or lower level positions in the same career field from which the employee was laid off or otherwise affected.
- (g) The Director may remove from any department preferred reemployment list the name of any person who is not qualified, is not available, or, upon investigation, is not found suitable for appointment to the position for which the list was established.
- (h) The maximum period during which a former or otherwise affected employee's name may remain on a department preferred reemployment list(s) shall be three years from the effective date of the applicable layoff. The Director shall remove the employee's name from all such lists at the expiration of that period if it has not been previously removed.

17.25 Noncompetitive Reemployment from a Department Preferred Reemployment List.

When there is a department preferred reemployment list for an agency or department affected by a layoff containing the name of one or more qualified employees available for appointment to a vacant position in the affected agency or department. the vacancy shall be filled only by a

reinstatement, restricted appointment, detail to special duty not to extend three (3) months beyond the effective date of layoff, job appointment not to extend three (3) months beyond the effective date of layoff, internal demotion, restoration of a former employee entitled to the position who has returned from military service in accordance with Rule 8.19, or appointment of an eligible from such preferred list. Other details to special duty may be used before appointment from a preferred list, if such details are given prior approval by the Director. Except as provided in this Rule, appointment from a department preferred reemployment list shall take priority over all other methods of filling vacancies.

17.25.1 Open Preferred Reemployment Lists.

The Director shall establish open preferred reemployment lists, consisting of former permanent classified employees separated from state service as the result of a layoff action, and shall determine the eligibility criteria for such lists.

17.25.2 Noncompetitive Reemployment from an Open Preferred Reemployment List.

When an appointing authority determines that it is necessary to fill a position through probational appointment, noncompetitive reemployment of a former employee other than one laid off from and having department preferred reemployment rights in that department, or job appointment in excess of three months, before hiring a person from outside state classified service, he first must hire available eligibles on the open preferred reemployment list. Exceptions to this Rule can be made with the approval of the Director.

17.26 State of Employee Appointed from Department Preferred Reemployment List.

An employee who is reemployed in a permanent position following certification from a department preferred reemployment list shall have permanent status in his position.

17.26.1 State of Employee Appointed from an Open Preferred Reemployment List.

An employee who is reemployed, other than on a temporary basis, from an open preferred reemployment list shall serve a probationary period as provided for in Chapter 9.

17.27 Movement of Employees After Layoff.

An appointing authority may, upon submitting written justification and getting prior approval of the Director, move an employee from one position to another position for which he qualifies in the same pay grade, career field and commuting area after a layoff, if the efficiency of agency operations requires it. Such movement of employees shall not be used to circumvent rehiring from the department preferred reemployment list.

17.28 Changes in Allocations.

Any approval to changes in allocations made subsequent to the submission of a layoff plan shall not affect such layoff.