

State Police Commission



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Cathy J. Derbonne
Director

January 20, 2010

Transmittal Sheet No. 43

Subject: State Police Commission Rules 17.5(a)

Effective Date: January 20, 2010

At its meeting on January 20, 2010 on motion duly made and seconded, by unanimous vote of the members present, the State Police Commission voted to revise the State Police Commission Rule 17.5(a) Layoff Avoidance Measures.

Attached is a complete copy of Chapter 17 for inclusion in your rules.

Sincerely,

A handwritten signature in blue ink that reads "Cathy J. Derbonne".

Cathy J. Derbonne
Director

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 early retirement incentives, 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) An employee's pay may be reduced a number of salary rates not to exceed a total value of 12% without approval of the Commission. An employee's pay shall not be reduced a number of salary rates which exceed a total value of 24%.
- (d) Employees having red circle rates under Rule 6.15, may be reduced to their true eligibilities, plus an additional number of salary rates not to exceed a total value of 12%, without approval of the Commission.
- (e) Employees who are being paid 12% or less above the hiring rate for their pay range may be reduced below the hiring

rate by no more than 12%. The appointing authority does not have to reduce an employee's pay below the hiring rate of their pay range to satisfy the uniformity provisions of these rules.

- (f) Special entrance rates are not considered the hiring rate 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) Layoffs Not Required Solely By Budgetary Cuts

No pay reductions shall occur when employees are placed in lower pay ranges in layoffs not required solely by budgetary cuts. This includes those employees whose pay rates fall in between salary rates or above the highest salary rate of the range for the position to which they are moved, as provided for in Rule 6.15(d)(7).

- (2) Layoffs Required Solely By Budgetary Cuts

In layoffs required solely by budgetary cuts, the appointing authority may set the employee's pay at any salary rate within the lower pay range which does not exceed their current rate of pay and the salary rate designated for the total number of years of State Police Service by the employee. 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 highest established salary rate or below the hiring date of the range for the position to which they are moved as a result of layoff.

- (3) In layoffs caused by a displacement occurring pursuant to Rule 11.27.1(d), no classified pay reductions shall occur. This provision includes employees whose pay rates fall between salary rates or above the highest salary rate of the range for the position to which the employee is moved, as provided for in Rule 6.15(d)(7).

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 because 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 their 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 they are required to meet the new minimum qualification requirements if sufficient evidence is presented to the Director to show, as determined by the Director, that they are returning to a job having essentially the same duties and responsibilities they were performing when they were affected by layoff, unless the qualification lacking is one required by law or under a recognized accreditation program. If the hiring rate of the pay range for the job or position they occupied at the time of the layoff action has changed upward, they shall have eligibility for such position. This eligibility shall not be limited by a change in the job title or general increase, as defined in Chapter 1 of these Rules, 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.

CHAPTER 17

01D

**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) An employee's pay may be reduced a number of salary rates not to exceed a total value of 12% without approval of the Commission. An employee's pay shall not be reduced a number of salary rates which exceed a total value of 24%.
- (d) Employees having red circle rates under Rule 6.15, may be reduced to their true eligibilities, plus an additional number of salary rates not to exceed a total value of 12%, without approval of the Commission.
- (e) Employees who are being paid 12% or less above the hiring rate for their pay range may be reduced below the hiring rate by no more than 12%. The appointing authority does not have to reduce an employee's pay below the hiring rate of their pay range to satisfy the uniformity provisions of these rules.
- (f) Special entrance rates are not considered the hiring rate 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) Layoffs Not Required Solely By Budgetary Cuts

No pay reductions shall occur when employees are placed in lower pay ranges in layoffs not required solely by budgetary cuts. This includes those employees whose pay rates fall in between salary rates or above the highest salary rate of the range for the position to which they are moved, as provided for in Rule 6.15(d)(7).

- (b) Layoffs Required Solely By Budgetary Cuts

In layoffs required solely by budgetary cuts, the appointing authority may set the employee's pay at any salary rate within the lower pay range which does not exceed their current rate of pay and the salary rate designated for the total number of years of State Police Service by the employee. 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 highest established salary rate or below the hiring date of the range for the position to which they are moved as a result of layoff.

- (c) In layoffs caused by a displacement occurring pursuant

to Rule 11.27.1(d), no classified pay reductions shall occur. This provision includes employees whose pay rates fall between salary rates or above the highest salary rate of the range for the position to which the employee is moved, as provided for in Rule 6.15(d)(7).

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 because 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 their 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 they are required to meet the new minimum qualification requirements if sufficient evidence is presented to the Director to show, as determined by the Director, that they are returning to a job having essentially the same duties and responsibilities they were performing when they were affected by layoff, unless the qualification lacking is one required by law or under a recognized accreditation program. If the hiring rate of the pay range for the job or position they occupied at the time of the layoff action has changed upward, they shall have eligibility for such position. This eligibility shall not be limited by a change in the job title or general increase, as defined in Chapter 1 of these Rules, 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.