

State Police Commission



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Cathy J. Derbonne
Director

September 12, 2013

Transmittal Sheet No. 53

Subject: State Police Commission Rule 6.14(j) and Chapter 10 in entirety

Effective Date: September 12, 2013

At its meeting on September 12, 2013, on motion duly made and seconded, by unanimous vote of the members present, the State Police Commission voted to revise State Police Commission Rule 6.14(j) Merit Increases and Chapter 10 Performance Planning and Review in entirety.

Attached is a complete copy of Chapters 6 and 10 for inclusion in your rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy J. Derbonne", is written over a horizontal line.

Cathy J. Derbonne
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, employees' 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 jobs change.

6.2 Preparation of Pay Plan.

- (a) The Director, after consultation with the appointing authority and the state fiscal officer, and after conducting such research as the Director deems 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 established salary rates.
- (b) Subject to the provisions of Rules 6.5(e), 6.8(b), 6.10(c), 6.11, 6.15, 6.16, and 17.11(e) each employee shall be paid at an established salary rate within the range of the job to which the position is allocated.

6.5 Hiring Rate.

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

- (a) Job Appointment.

The pay of a job appointee shall not be reduced when an employee who has been earning more than the hiring rate for the job occupied is then probationally appointed to a position in the same job without a break in service of one or more working days.

- (b) Special Entrance or Retention 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 rate or special retention rate. An appointing authority may adjust the salaries of employees working in the positions to which the special entrance rate applied 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 set at any salary rate in the range that does not exceed the highest salary the employee previously earned while serving with permanent status in a classified position other than detail to special duty and does not exceed the salary rate designated for the total number of years of State Police Service by the employee. If the range for the job has been adjusted and the range hiring rate is higher than the employee's former salary, the employee will enter at the hiring rate. If the value of the salary rate column equal to the total number of years of State Police Service acquired by the employee has been raised since the employee's separation, their pay may be set at the higher rate. If the former salary is higher than the range highest salary rate, the employee's pay rate shall be set no higher than the range highest salary rate. The appointing authority may, at any time and to the extent permitted by other provisions of these Rules, grant 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) Return From Military.

Subject to Rule 8.19, when an employee returns from military service and is restored to duty in their former, equivalent, or lower position, the employee's pay shall be set at the rate earned before leaving the classified State Police Service. If the job or equivalent job had been upgraded or any pay adjustments granted, the employee shall be granted a pay rate reflecting the impact of these adjustments, as though the employee had been in that job at the time of the adjustments. If the employee's rate of pay does not match that of the established salary rate for the total years of State Police Service in the grade assigned to the position the employee will occupy, the employee's salary rate shall be red circled in accordance with the provisions of Rule 6.15.

(e) The Director, with the approval of the Commission, may establish special hire rates for workers employed by the appointing authority 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 the appointing authority is required to, by rule or regulation of, or contract with, a participating federal authority to pay such special rates, except that the appointing authority must comply with the minimum wage rate, as prescribed and required by Federal rules, statutes, regulations and judicial decisions, which such minimum rate is more than that provided for in these rules.

6.5.1 Pay Upon Appointment From a Department Preferred Re-employment List.

Subject to Rule 6.14, the pay of a person appointed from a department preferred re-employment list may be set no higher than the employee=s rate of pay at the time of the layoff or displacement action, which entitled the employee to placement on the preferred list from which they are appointed, or at the employee=s current rate if such rate is higher based on other provisions of these Rules. Never shall the rate of pay be higher than the range highest salary rate for the class to which appointed.

6.6 Market Rate Job Assignment.

- (a) When the pay range for the grade to which a job is currently assigned either is 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.

6.7 Rate of Pay Upon Promotion.

- (a) When an employee is promoted to a position in a higher grade, their pay shall be the rate of pay established for the corresponding salary rate at the higher grade.
- (b) When an employee has been detailed with pay to a higher job and is promoted to that same job directly from the detail, their pay eligibility on promotion shall not be less than they 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 the 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 Reassignment.

When an employee is reassigned to another position, their rate of pay shall not be reduced without their permission.

6.10 Rate of Pay Upon Demotion.

- (a) When an employee is demoted for disciplinary reasons or in lieu of layoff required solely by budgetary reasons, 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.
- (b) When an employee takes a voluntary demotion, their rate of pay in the lower grade shall be set at a salary rate within the lower 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 as agreed to by the employee and the appointing authority.
- (c) When an employee is involuntarily demoted for non-disciplinary reasons, their pay shall not be changed except for layoffs required solely by budgetary cuts and Rule 6.15 shall apply.

6.11 Rate of Pay on Detail to Special Duty.

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

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

Employees 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; or
- (d) When the employee is on an intermittent work schedule.

6.13 Certification and Payment.

- (a) No employee shall receive any compensation except as authorized by or pursuant to the provisions of Article X, the State Police Commission Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director.
- (b) If payments to an employee are found to have been made in violation of the provisions of Article X, the State Police Commission Rules, the Uniform Classification and Pay Plans, or the policies and procedures issued by the Director, the Director may take any corrective action deemed appropriate or may direct the appointing authority to take such corrective action. Corrective actions may include, but are not limited to, the rescission of any actions and associated compensation, or restitution to the employee.

6.14 Merit Increases.

- (a) When applying the merit increase, the employee's current pay increases to the rate of pay established for the higher salary rate immediately following the employee's current rate within the pay range for which the employee's job is assigned.
- (b) Upon a new employee's successful completion of the State Police Training Academy, they become eligible for and may be granted a merit increase provided that the appointing authority has determined their performance merits such an award.

- (c) At the end of the new employee's Field Training Officer (FTO) program, or, if the new employee's position does not require participation in the Cadet FTO program and the new employee has been continuously employed without a break in service of one or more working days for eight (8) months, the employee becomes eligible for and may be granted an additional merit increase provided that the appointing authority has determined their performance merits such an award.
- (d) At the end of each one-year period of continuous employment following the employee's original appointment, the employee may be granted an additional merit increase, not exceeding the salary rate designated for 20 years of State Police Service, if the appointing authority has determined that their 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. Upon the employee's twenty-fifth year anniversary in the State Police Service, they become eligible for and may be granted a final merit increase, if the appointing authority has determined that their performance merits such an award.
- (e) The appointing authority may, at any time within three (3) years from the date an employee gained eligibility, grant an employee all or any one of the merit increases for which they have 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 they would receive if they were employed on a full-time basis.
- (f) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the highest established salary rate for the range to which the position is assigned.
- (g) An employee's eligibility for the increases authorized in Subsections (b), (c), and (d) shall not be interrupted by time served in the military service if they are reemployed under the provisions of Rule 8.19.
- (h) A former employee who is re-employed following a break in service of one or more working days, except those appointed from a department preferred re-employment 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 Anew@ employee within the meaning of this rule.
- (i) 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.
- (j) An employee whose official overall evaluation is "Needs

Improvement/Unsuccessful" shall not be eligible for any increase under the provisions of this rule.

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

6.15 Red Circle Rates.

- (a) Rates that fall precisely on an established salary rate become the employee's authorized individual pay rate.
- (b) Individual pay rates that fall between established salary rates become temporary red circle rates and remain in effect until the employee becomes eligible for and receives an increase which places their salary on an established salary rate. Individuals whose salary rates are temporarily red circled shall be eligible for any other pay adjustments provided for in the rules.
- (c) Individual pay rates that fall above the highest salary rate 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 above the highest salary rate grade is lost upon separation from State Police Service, demotion, or promotion. Individuals whose salary rates are red circled above the highest salary rate shall not be eligible for any other pay adjustments provided for in the rules.
- (d) Red circle rates are assigned under the conditions outlined below:
 - (1) When the job to which a position is allocated is assigned to a lower grade.
 - (2) When a position is reallocated to a job assigned to a lower pay grade.
 - (3) When an adjustment to the pay structure lowers the range for the grade to which a job is assigned.
 - (4) When positions are declared to be in the classified service and the

employee's current rate of pay falls above the highest salary rate of the range for the grade of the job into which the position(s) are allocated.

- (5) When the employee's pay exceeds the highest salary rate of an approved market grade.
- (6) When an employee has returned from military duty and their pay is set for an amount other than an established salary rate under the provisions of Rule 6.5(e).
- (7) When an employee's pay does not match an established salary rate due to an involuntary demotion for non-disciplinary reasons under the provisions of Rule 6.10(c).

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 their regularly assigned duties.

- (c) Individual Pay Adjustment.

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

- (d) The 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) Premium Pay.

In order to provide a special pay rate to apply to situations which other rules do not cover, the State Police Commission may authorize premium pay for positions in a job where employment conditions are unusual, to remain competitive with the pay practices of market competitors.

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

6.17 Pay On Entering the Classified Service

An employee who enters the classified service because their position has been declared to be in the classified service shall have their pay established as follows:

- (a) If the employee's current rate of pay falls on an established salary rate within the range, their rate of pay shall remain the same.
- (b) If the employee's current rate of pay is below the range hiring rate, it shall be brought to the range hiring rate.
- (c) If the employee's current rate of pay is above the range highest salary rate, Rule 6.15 shall apply.
- (d) If the employee's current rate of pay is between salary rates, 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 the appointing authority:

- (a) On the employee's official holiday; or
- (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); or
- (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; or

- (g) A day on which the department, or a division thereof, is closed by direction of the appointing authority because of natural emergencies, in accordance with the provisions of Section B(5) of 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 Eighty Hours Per Work Period.

As provided by Rule 6.24, the appointing authority shall select and use one of the applicable options listed below for those overtime hours actually worked in excess of 80 hours per work period.

FLSA STATUS

OPTIONS

- | | |
|---------------|--|
| (a) Nonexempt | (1) Cash payment at time and one-half rate; or |
| | (2) Compensatory leave earned at time and one-half rate. |
| (b) Exempt | (1) Cash payment at regular rate; or |
| | (2) Compensatory leave earned hour for hour; or |

(3) No overtime compensation.

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

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

<u>FLSA STATUS</u>	<u>OPTIONS</u>
(a) Nonexempt	(1) Cash payment at regular rate; or (2) Compensatory leave earned hour for hour.
(b) Exempt	(1) Cash payment at regular rate; or (2) Compensatory leave earned hour for hour; or (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 their scheduled workday or work period, but does not work in excess of eighty hours in a work period:
 - 1. Cash payment at regular rate; or
 - 2. Compensatory leave earned hour for hour.
- (b) A regular part-time employee who works in excess of eighty hours per work period and is nonexempt shall be compensated in accordance with Rule 6.20.
- (c) A regular part-time employee who works in excess of eighty hours per work period and is exempt:
 - 1. Cash payment at regular rate; or
 - 2. Compensatory leave earned hour for hour.
- (d) An intermittent employee:

1. Overtime for work in excess of eighty hours per work period by nonexempt employees shall be compensated in accordance with Rule 6.20; or
2. Overtime for work in excess of eighty hours per work period by exempt employees shall be compensated by cash payment at the regular rate; or
3. Work not in excess of eighty hours per work period is not considered overtime.

6.23 Overtime Options for Work on Holidays.

- (a) The appointing authority shall select and use one of the applicable options for overtime work not in excess of eighty hours per work period performed on holidays.

FLSA STATUS

OPTIONS

1. Nonexempt

(a) Cash payment at time and one-half rate; or

(b) Cash payment at regular rate; or

(c) Compensatory time earned hour for hour.

2. Exempt

(a) Cash payment at regular rate; or

(b) Compensatory time earned hour for hour; or

(c) No overtime compensation.

- (b) Work performed in excess of eighty hours per work period 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)

The 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 shall only apply for such overtime hours.

6.25 Caps on Accumulation of Compensatory Leave.

- (a) Employees who accrue Fair Labor Standards Act 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 Fair Labor Standards Act compensatory leave earned at the time and one-half rate is reached, any additional overtime work in excess of 80 hours per two-week pay period must be paid to an eligible employee in cash at the time and one-half rate.
- (c) Compensatory leave earned hour for hour (non-Fair Labor Standards Act) may be accrued up to a maximum balance of 500 hours at the end of 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.

- (a) It is the responsibility of the appointing authority on an ongoing basis to determine whether an employee occupying a position should be considered nonexempt under the Fair Labor Standards Act. Such employees must be paid in accordance with the Fair Labor Standards Act, and prior approval from the Director is unnecessary. Following such determination, the appointing authority shall provide the Director with a listing of such job titles and number of positions.
- (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 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 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. The 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 exempt positions.

2. The Director petitions the Commission for authority to utilize time and one-half compensation to specific jobs. Such authorizations, when approved, shall be published in a General Circular.
- (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 the appointing authority, during an officially declared national, regional or a local emergency.
 2. While Aon call@ away from their 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 the appointing authority under the provisions of Rule 11.29(g).
- (c) All payable compensatory leave earned by an employee, before 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 restoration to duty in accordance with State Police Commission Rules 8.19, ll.26(a), or ll.26(b). This shall apply only to payable leave for which the employee received no payment and which they did not take before separation.

6.28 On-Call Pay.

- (a) The Director may authorize payment of on-call pay through policy directives which establish guidelines for 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 the employee's regularly scheduled hours of duty, when they are available for call back to their duty station, work-ready, within a specified period, at the direction of the 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 the provisions of other Sections of the Rules. On-call pay shall not be granted to an employee for their regularly scheduled hours of duty. Further, when an employee is called back they shall be considered in duty status and eligible for applicable overtime compensation.

6.29 Other Compensation.

If the appointing authority desires to provide compensation not specifically covered either by Chapter 6 of these Rules, or by the classification and pay plan, it shall obtain approval from the Commission of a plan for providing such compensation, and shall obtain certification in accordance with Rule 6.13, prior to providing such compensation. The alteration of any such plan shall not be made without the prior approval of the Commission.

T/S-53 (Rule 6.14(j))

09/12/2013

CHAPTER 10

Performance Evaluation System

10.1 Performance Evaluation System; Required Components.

The Performance Evaluation System is a tool used to measure individual performance and to develop employees into high-performing individuals. This Performance Evaluation System is effective July 1, 2014, and applies to all classified employees. The performance evaluation year shall be July 1st through June 30th of each year. The Performance Evaluation System shall consist of at least the following components:

1. A performance plan that lists the performance factors on which the employee's overall performance will be evaluated,
2. A planning session at which the evaluating supervisor and the employee discuss the performance plan,
3. A standard planning and evaluation form approved by the Director,
4. A three-level evaluation system, and
5. A planning and evaluation instruction manual that is accessible to all employees.

The appointing authority may make variations to the performance planning and evaluation form or instructions with prior written approval from the Director.

10.2 Evaluating Supervisor & Second Level Supervisor.

- a) The Evaluating Supervisor shall be the employee's immediate supervisor or someone in the employee's supervisory chain of command unless unavailable, in which case, the appointing authority or his designee shall designate a person most familiar with the employee's performance. The Evaluating Supervisor shall be responsible for administering the performance evaluation system for his designated employees in accordance with these Rules and any applicable agency policies.
- b) The Second Level Supervisor for each employee shall be the immediate supervisor's supervisor. If unavailable, the appointing authority or his designee shall designate a person most familiar with the employee's performance. The Second Level Supervisor must approve the performance plan and the performance evaluation prepared by the Evaluating Supervisor before they are given to the employee for signature. The Second Level Evaluator shall be responsible for administering the performance evaluation system in accordance with these Rules and any applicable agency policies.

10.3 Performance Factors to be Rated.

(a) Each employee shall be evaluated on his overall performance based on work tasks and behavior standards determined by the evaluating supervisor to be requirements of the employee's job.

(b) Additionally, each supervisory employee shall be evaluated on his administration of the performance evaluation system as required by these rules.

10.4 Performance Plan and Performance Planning Session.

- (a) The Evaluating Supervisor shall prepare a performance plan at the beginning of each evaluation period. The performance plan shall list work tasks and behavior standards on which the employee's overall performance will be evaluated. These shall be recorded on the planning and evaluation form.
- (b) The Evaluating Supervisor shall obtain the Second Level Supervisor's signature approval of the performance planning and evaluation form prior to presenting it to the employee for final signature.
- (c) After obtaining the Second Level Supervisor's signature approval of the performance plan, the Evaluating Supervisor will conduct a performance planning session with the employee.
- (d) During the planning session, the Evaluating Supervisor shall present the performance planning and evaluation form to the employee and discuss the performance work tasks and behavior standards on which he will be evaluated and the performance that will be expected of him during the coming evaluation period.
- (e) The Evaluating Supervisor and the employee shall sign and date the performance planning and evaluation form to document the planning session. The employee shall be given a copy of the form. Should the employee decline to sign the performance planning and evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the planning session occurred. An employee cannot prevent the planning session from becoming official by refusing to sign the form.
- (f) Planning sessions shall be conducted during the first three (3) calendar months following:
1. the appointment of a new employee;
 2. the permanent movement of an employee into a position having a different position number with significantly different duties;
 3. the beginning of the new performance evaluation year (no later than 9/30).
- (g) A performance planning session may be conducted when:
1. the employee gets a new Evaluating Supervisor,
 2. performance expectations change, or
 3. the Evaluating Supervisor deems a performance planning session is appropriate.

10.5 Overall Performance Evaluation

- (a) At the end of the performance evaluation period, the Evaluating Supervisor shall assign one of the three values listed below to the employee's overall performance based upon the work tasks and behavior standards established in the performance plan.

Exceptional: Work and behavior consistently exceeded the performance criteria.

Successful: Work and behavior met the performance criteria.

Needs Improvement/Unsuccessful: Work and/or behavior did not meet the performance criteria.

(b) An Evaluating Supervisor may elect to assign an employee who worked less than three calendar months within the performance evaluation year a default overall evaluation of "Not Evaluated." An overall evaluation of "Not Evaluated" shall have the same effect as an evaluation of "Successful." "Not Evaluated" evaluations may be given only when:

1. the employee is active as of June 30th, the end of the performance year, and
2. the employee has worked less than three (3) months at the evaluating agency within the performance year, and
3. the appointing authority determines that not enough time has elapsed to create an evaluation for the employee.

(c) When an evaluation is in violation of these rules, the employee shall receive an overall evaluation of "Unrated." "Unrated" evaluations shall have the same effect as an evaluation of "Successful."

10.6 Official Performance Evaluations and Evaluation Sessions

(a) Official performance evaluations are required for all classified employees. The Evaluating Supervisor shall base the official evaluation of the employee's performance on the work tasks and behavior standards as stated on the performance planning and evaluation form.

(b) Official evaluations shall be made after the performance year has ended and must be rendered no later than August 31st. All official overall evaluations will be recorded with an effective date of July 1st.

(c) Evaluations become official on the date they are rendered. No evaluations shall be rendered after August 31st. To render an official evaluation, the Evaluating Supervisor shall:

1. complete a performance evaluation form after June 30th of the evaluation year,
2. provide documentation to support an evaluation of "Needs Improvement/Unsuccessful" or "Exceptional,"
3. obtain the Second Level Supervisor's signed approval of the evaluation form prior to discussion with the employee,
4. discuss the evaluation with the employee and present the evaluation form to the employee to be signed and dated, and
5. give the employee a copy of the evaluation form with his official overall evaluation noted.

(d) When an employee is not available, the provisions of this rule shall be satisfied when notification to the employee is made by mail. If the employee is notified by mail, the notification shall be deemed timely if it was mailed to the employee's most recent address on or before August 31st, as evidenced by official proof of mailing. The agency must maintain documentation that the employee was notified on or before August 31st.

(e) Should the employee decline to sign the performance evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the evaluation session occurred. An employee cannot prevent the evaluation from becoming official by refusing to sign the form.

(f) Evaluations of "Unrated" shall be indicated on the final overall performance evaluation form by the Evaluating Supervisor, Second Level Supervisor, or Human Resources officer. An employee shall be notified when he has been assigned an official overall evaluation of "Unrated"

10.7 Effects of "Needs Improvement/Unsuccessful" Rating or Re-Rating.

(a) An evaluation of "Needs Improvement/Unsuccessful" is not a disciplinary action.

(b) Any employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall not be:

1. eligible for a performance adjustment, a promotion or permanent status, or
2. detailed to a higher level position unless approved in advance by the Director of the State Police Commission.

(c) An employee whose official overall evaluation is "Needs Improvement/Unsuccessful" may be separated or disciplined in accordance with the rules applicable to the employee's status.

10.8 Effects of Absence of Official Evaluation

An employee who is not evaluated in accordance with the provisions of these rules shall have an official overall evaluation of "Unrated" on the evaluation effective date of July 1st. Permanent employees shall have a right to request a review in accordance with the provisions of rule 10.9.

10.9 Agency Review

(a) A permanent employee who receives an overall performance evaluation of "Unrated" or "Needs Improvement/Unsuccessful" may request an official review of that evaluation by an Agency Reviewer(s).

(b) The appointing authority shall designate the Agency Reviewer or an Agency Review Panel. The Reviewer(s) shall not be either the Evaluating Supervisor or the Second Level Evaluator who signed the evaluation being reviewed.

(c) The official overall evaluation may only be changed by the Agency Reviewer(s).

(d) A request for review must be submitted in writing and be postmarked or received in the employing agency's Human Resources office no later than September 15th following the evaluation year. In the request for review, the employee must explain and provide supporting documentation for the request for review.

(e) If the request for review is timely, the Agency Reviewer(s) must review the employee's request, the evaluation given and any supporting documentation provided. The contested evaluation must be discussed with the employee and the Evaluating Supervisor.

(f) The Agency Reviewer(s) shall give the employee, the Evaluating Supervisor, and the Human Resources office written notice of the results of their review. This notification shall be provided no later than October 15th. Any change in evaluation shall be retroactive to July 1st.

(g) The performance evaluation form, the employee's request for review, the Agency Reviewer(s)' decision, and the supporting documentation attached to the performance evaluation, as well as any documents requested from the employee or supervisor during the review, shall be maintained in the employee's official personnel file or other secured performance file maintained in Human Resources.

(h) The agency's grievance process shall not be used to review or reconsider evaluations or a procedural violation of these rules.

10.10 Exceptions

For compelling reasons, the Director may approve exceptions to these Rules.

10.11 Record Keeping Requirements

Each completed performance evaluation form shall be kept in the agency Human Resource office or other designated, secure location not accessible to the public, and shall not be considered a public record. Completed forms must be available upon request to the State Police Commission for auditing purposes, to other agencies of the State of Louisiana for purposes of checking employment references and to the employee.