



STATECIVILSERVICE

Byron P. Decoteau, Jr., Director

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July 5, 2022

Representative Clay Schexnayder, Speaker
State Capitol Building
P. O. Box 94062
Baton Rouge, Louisiana 70804

Senator Page Cortez
Office of the President
Louisiana State Capitol
P. O. Box 94183
Baton Rouge, Louisiana 70804-9062

House & Governmental Affairs Committee
c/o P. O. Box 94062
900 N. 3rd Street
Baton Rouge, Louisiana 70804

Senate & Governmental Affairs
Committee
P. O. Box 94183
Baton Rouge, Louisiana 70804

Dear Sir/Madam:

On behalf of the State Civil Service Commission, please find attached a Notice of Intent to modify LAC 40:XXVII.101. The proposed amendment will allow ballots for election of the classified employee member of the State Civil Service Commission to be transmitted to qualified classified employee voters via their official state email address rather than via U.S. Mail. Employees who opt out of receiving this information via email or who are not assigned/do not have access to email will receive their ballot and instructions via U.S. Mail as currently provided for in the rule. Further, the current rule requires that the State Civil Service Director or designated representative examine each potential candidate's nominating petition upon receipt and that the potential candidate be notified via U.S. mail within 24 hours of receipt of the petition of their eligibility/ineligibility for candidacy. The proposed amendment allows notification of eligibility/ineligibility via U.S. mail or email by close of business on the first business day following receipt of the petition. Other proposed amendments are technical in nature to ensure consistency in terminology.

A copy of the Notice of Intent provided to the Office of the State Register is attached as well as an underline/strikethrough version of the rule proposed for amendment and the signed Fiscal and Economic Impact Statement for Administrative Rules. The Notice of Intent is scheduled to be published on July 20, 2022.

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Should you have any questions or concerns regarding this matter, please do not hesitate to contact Sherri Gregoire, General Counsel, at Sherri.Gregoire@la.gov or 225-342-4442. She will serve as the Department's primary contact for this matter.

Sincerely,

Byron P. Decoteau, Jr.
Director

Enclosures

NOTICE OF INTENT

Civil Service Commission

Election of Employee Member of the State Civil Service Commission (LAC 40:XXVII.101)

In accordance with the Administrative Procedure Act, La. R.S. 49:950 et seq., and pursuant to directive of the State Civil Service Commission at its June 8, 2022 meeting, notice is hereby given that the Department of State Civil Service, on behalf of the State Civil Service Commission, intends to amend LAC 40:XXVII.101 to allow ballots for election of the classified employee member of the State Civil Service Commission to be transmitted to qualified classified employee voters via their official state email address rather than via U.S. Mail. Employees who opt out of receiving this information via email or who are not assigned/do not have access to email will receive their ballot and instructions via U.S. Mail as currently provided for in the Rule.

The current rule requires that the State Civil Service Director or designated representative examine each potential candidate's nominating petition upon receipt and that the potential candidate be notified via U.S. mail within 24 hours of receipt of the petition of their eligibility or ineligibility for candidacy. The proposed rule change allows notification of eligibility/ineligibility via U.S. mail or email by close of business on the first business day following receipt of the petition.

Other proposed rule changes are technical in nature to ensure consistency in terminology.

Title 40

LABOR AND EMPLOYMENT

Part. XXVII. Civil Service Commission

Chapter 1. Public Officials and Employees

§101. Election of Employee Member of the State Civil Service Commission

A. – A.1. ...

2. The classified employee eligible to fill an unexpired term will take office after notification of a vacancy by the Director of State Civil Service to the Secretary of State and upon certification by the Secretary of State, who shall certify in accordance with law. That employee will serve until a new regular election is conducted to elect a successor.

B. – B.1. ...

C. Nominations

1. Candidates for election to the office of Classified Employee Member of the State Civil Service Commission must include on the nomination petition their name as it is to appear on the ballot, their position classification (job), the department, agency, board or commission at which employed, their home address, their work email address and their Social Security number or any other personal identification number designated by the Director of State Civil Service.

2. The nominating petition shall include the signature, printed name, Social Security number or any other personal identification number designated by the Director of State Civil Service, and the department, agency, board or commission of each employee signing the petition.

3. The Director of State Civil Service, or his designated representative, shall examine the nominating petition of each candidate on receipt, determine whether the person nominated is eligible or ineligible and that the petition is valid or invalid, and so notify the candidate of his decision by close of business on the first business day following receipt by mailing such notification to the candidate's home address or by emailing it to the work email address provided in the nomination petition.

4. ...

D. – D.1. ...

2. Election brochures shall contain ballot instructions for voting, information about each candidate whose name appears on the ballot, in alphabetical order of their last name, and the final date for voting.

3. ...

4. Ballots and election brochures shall be emailed to every employee who is qualified to vote using the employee's official work email address as maintained by the employing agency or, for employees without a work email address or who have expressed a preference to vote via U.S. mail, mailed to the last mailing address reported by the appointing authority to State Civil Service.

5. The Director of State Civil Service shall supervise and be responsible for the election to ensure that it is conducted in accordance with the requirements of R.S. 42:1351 through 1360.

6. Voting may be conducted electronically or by U.S. mail. Electronic means shall be via telephone, via Internet or by any other acceptable electronic means.

7. ...

8. The Director of State Civil Service may contract with a vendor to conduct the election under the director's supervision.

E. Report of Results

1. The Director of State Civil Service shall provide a written report of certified election results to the State Civil Service Commission and the Secretary of State.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1357(B).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Civil Service Commission, LR 24:2077 (November 1998), amended LR 30:2444 (November 2004)

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law related to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Poverty Impact Statement

In accordance with Section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:978.5, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have any adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail or hand delivery until 4:30 p.m. on August 10, 2022, to Sherri Gregoire, General Counsel, Department of State Civil Service. Comments may be mailed to P. O. Box 94111, Capitol Station, Baton Rouge, LA 70804-9111 or hand delivered to Suite 3-280, 1201 North Third St., Baton Rouge, LA 70802. Public comments must be dated and include the original signature of the person submitting the comments.

Byron P. Decoteau, Jr.
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Election of Employee Member of the State Civil Service Commission

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change allows ballots for election of the classified member of the State Civil Service Commission to be transmitted to qualified classified employee voters via their official state email address rather than via U.S. Mail. Employees who opt out of receiving this information via email or who are not assigned/do not have access to email will receive their ballot and instructions via U.S. Mail as currently provided for in the Rule.

The Department of State Civil Service will save the costs of printing and costs of mailing ballots in the U.S. Mail for the election of the classified employee member of the State Civil Service Commission for each permanent, classified employee who is (i) qualified to vote, (ii) who is able to receive a ballot via email to their work email address, and (iii) does not express a preference to receive a ballot in the U.S. Mail. Current estimated election costs for printing and mailing ballots for the primary election approximate \$16,473 for printing ballots using State Printing, \$16,416 for mailing ballots to all qualified voters at the bulk mail rate and \$5,000 for postage for returned ballots. Costs are estimated to double if a run-off election is required. Since the option to use email instead of U.S. Mail will be new with this proposed rule, it is uncertain how much savings can be realized; however, the agency anticipates that the majority of the approximately 38,000 qualified voters have email access and will not request to receive a ballot via U.S. Mail. On a primary election alone, if ballots can be electronically distributed to 75% of qualified voters, costs can be reduced by approximately \$28,417.

There will be no fiscal impact on local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections of state or local governmental units is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

No costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups is anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.

Byron P. Decoteau, Jr.
Director, Department of State Civil Service

Alan M. Boxberger
Interim Fiscal Officer
Legislative Fiscal Office

Title 40

LABOR AND EMPLOYMENT

Part. XXVII. Civil Service Commission

Chapter 1. Public Officials and Employees

§101. Election of Employee Member of the State Civil Service Commission

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2. The classified employee eligible to fill an unexpired term will take office after notification of a vacancy by the Director of State Civil Service to the Secretary of State and upon certification by the Secretary of State, who shall certify in accordance with law. That employee will serve until a new regular election is conducted to elect a successor.

B. – B.1. ...

C. Nominations

1. Candidates for election to the office of Classified Employee Member of the State Civil Service Commission must include on the nomination petition their name as it is to appear on the ballot, their position classification (job), the department, agency, board or commission at which employed, their home address, their work email address and their Social Security number or any other personal identification number designated by the Director of State Civil Service.

2. The nominating petition shall include the signature, printed name, Social Security number or any other personal identification number designated by the Director of State Civil Service, and the department, agency, board or commission of each employee signing the petition.

3. The Director of State Civil Service, or his designated representative, shall examine the nominating petition of each candidate on receipt, determine whether the person nominated is eligible or ineligible and that the petition is valid or invalid ~~on its face~~, and so notify the candidate of his decision ~~within 24 hours of the receipt of the petition~~ by close of business on the first business day following receipt by mailing such notification to the candidate's home address or by emailing it to the work email address provided in the nomination petition.

4. ...

D. – D.1. ...

2. ~~Ballot envelopes will contain ballot~~ Election brochures shall contain ballot instructions for voting, information about each candidate whose name appears on the ballot, in alphabetical order of their last name, and the final date for voting.

3. ...

4. Ballots envelopes and election brochures shall be ~~mailed~~ emailed to every employee who is qualified to vote using the employee's official work email address as maintained by the employing agency or, for employees without a work email address or who have expressed a preference to vote via U.S. mail, mailed to the last mailing address reported by the appointing authority to the Department of State Civil Service.

5. The Director of State Civil Service shall supervise and be responsible for the election to ensure that it is conducted in accordance with the requirements of R.S. 42:1351 through 1360.

6. Voting may be conducted electronically or by U.S. mail. Electronic means shall be via telephone, via Internet or by any other acceptable electronic means.

7. ...

8. The Director of State Civil Service may contract with a vendor to conduct the election under the director's supervision.

E. Report of Results

1. The Director of State Civil Service shall provide a written report of certified election results to the State Civil Service Commission and the Secretary of State.

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HISTORICAL NOTE: Promulgated by the Department of Civil Service, Civil Service Commission, LR 24:2077 (November 1998), amended LR 30:2444 (November 2004)

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person
Preparing
Statement: Sherri Gregoire Dept.: State Civil Service

Phone: 225-342-4442 Office: _____

Return
Address: 1291 North Third St. Rule
Title: Election of Employee Member of the
Suite 3-280 State Civil Service Commission

Baton Rouge, LA 70802 Date Rule
Takes Effect: October 20, 2022 (anticipated)

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The proposed rule change allows ballots for election of the classified employee member of the State Civil Service Commission to be transmitted to qualified classified employee voters via their official state email address rather than via U.S. Mail. Employees who opt out of receiving this information via email or who are not assigned/do not have access to email will receive their ballot and instructions via U.S. Mail as currently provided for in the Rule.

The Department of State Civil Service will save the costs of printing and costs of mailing ballots in the U.S. Mail for the election of the classified employee member of the State Civil Service Commission for each permanent, classified employee who is (i) qualified to vote, (ii) who is able to receive a ballot via email to their work email address, and (iii) does not express a preference to receive a ballot in the U.S. Mail. Current estimated election costs for printing and mailing ballots for the primary election approximate \$16,473 for printing ballots using State Printing, \$16,416 for mailing ballots to all qualified voters at the bulk mail rate and \$5,000 for postage for returned ballots. Costs are estimated to double if a run-off election is required. Since the option to use email instead of U.S. Mail will be new with this proposed rule, it is uncertain how much savings can be realized; however, the agency anticipates that the majority of the approximately 38,000 qualified voters have email access and will not request to receive a ballot via U.S. Mail. On a primary election alone, if ballots can be electronically distributed to 75% of qualified voters, costs can be reduced by approximately \$28,417.

There will be no fiscal impact on local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)


No effect on revenue collections of state or local governmental units is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL
BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

No costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups is anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.



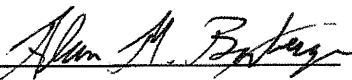
Signature of Agency Head or Designee

Byron P. Decoteau, Jr., Director

Typed Name & Title of Agency Head or Designee

6.29.2022

Date of Signature



Legislative Fiscal Officer or Designee

6/29/22

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change allows ballots for election of the classified employee member of the State Civil Service Commission to be transmitted to qualified classified employee voters via their official state email address rather than via U.S. Mail. Employees who opt out of receiving this information via email or who are not assigned/do not have access to email will receive their ballot and instructions via U.S. Mail as currently provided for in the Rule.

The current rule requires that the State Civil Service Director or designated representative examine each potential candidate's nominating petition upon receipt and that the potential candidate be notified via U.S. mail within 24 hours of receipt of the petition of their eligibility or ineligibility for candidacy. The proposed rule change allows notification of eligibility/ineligibility via U.S. mail or email by close of business on the first business day following receipt of the petition.

Other proposed rule changes are technical in nature to ensure consistency in terminology.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The primary reason for this proposed rule change is to reduce election-related costs.

Further, in the last election in 2017, only 9.1% of qualified voters participated; that is, 2,815 valid returned votes of 30,805 possible votes. In 2011, only 12.2% of qualified voters participated. The Commission hopes that distributing ballots and voting information electronically will facilitate greater participation. The communication that will go out to advise classified employees of this rule change, if approved, will be informational and also designed to encourage voter participation.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 23	FY 24	FY 25
Personal Services			
Operating Expenses			
Professional Services			
Other Charges	(\$28,417)	N/A*	N/A*
Equipment			
Major Repairs & Constr.			
TOTAL	(\$28,417)		
POSITIONS (#)			

2. Provide a narrative explanation of the costs or savings shown in "A. 1.," including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

No reduction in workload nor additional paperwork is anticipated as a result of implementation of the proposed action. Costs savings would be in reduction of printing and postage costs. Specifically:

The Department of State Civil Service will save the costs of printing and costs of mailing ballots in the U.S. Mail for the election of the classified employee member of the State Civil Service Commission for each permanent, classified employee who is (i) qualified to vote, (ii) who is able to receive a ballot via email to their work email address, and (iii) does not express a preference to receive a ballot in the U.S. Mail. Current estimated election costs for printing and mailing ballots for the primary election approximate \$16,473 for printing ballots using State Printing, \$16,416 for mailing ballots to all qualified voters at the bulk mail rate and \$5,000 for postage for returned ballots. Costs are estimated to double if a run-off election is required. Since the option to use email instead of U.S. Mail will be new with this proposed rule, it is uncertain how much savings can be realized; however, the agency anticipates that the majority of the approximately 38,000 qualified voters have email access and will not request to receive a ballot via U.S. Mail. On a primary election alone, if ballots can be electronically distributed to 75% of qualified voters, costs can be reduced by approximately \$28,417.

*Elections occur every six years.

3. Sources of funding for implementing the proposed rule or rule change.

No additional funding is necessary to implement the proposed rule change.

SOURCE	FY 23	FY 24	FY 25
State General Fund			

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No impact is anticipated.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

None.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

None.

REVENUE INCREASE/DECREASE	FY 23	FY 24	FY 25
State General Fund			
Agency Self-Generated			
Dedicated Funds*			
Federal Funds			
Local Funds			
TOTAL			

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not Applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Permanent classified employees of the state who are employed on the date the election ballots are distributed will be impacted only by receiving voting information and ballots electronically as opposed to via U.S. Mail. No other persons, small businesses or non-governmental groups are expected to be affected by the proposed action.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No impact on receipts and/or income resulting from this rule change is anticipated.