

Regular Session, 2010

SENATE BILL NO. 426

BY SENATOR DONAHUE AND REPRESENTATIVE SCHRODER

STATE EMPLOYEES. Requires all executive branch agencies, including higher education entities, to report all employees to the Department of State Civil Service and the legislature. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 42:289 and 290, relative to executive branch entities reporting
3 employees to the Department of State Civil Service; to provide that such reports also
4 be filed with the president of the Senate and the speaker of the House of
5 Representatives and a time for filing such reports; to provide definitions; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:289 and 290 are hereby amended and reenacted to read as
9 follows:

10 §289. Definitions

11 The following definitions shall be used in connection with the provisions of
12 R.S. 42:289 through R.S. 42:291:

13 A. "Appointing authority" means an agency, department, officer, board, or
14 commission of the executive branch, **including institutions of postsecondary**
15 **education**, and the officers and employees thereof authorized by statute or lawfully
16 delegated authority to employ persons in state government.

17 **B. "Employee" means any full-time, part-time, full-time equivalent,**

1 **work-as-needed, seasonal, and temporary employee, and part-time and full-time**
 2 **equivalent working under contract, regardless of whether or not the employee**
 3 **is listed in the appointing authority's table of organization.**

4 B: C. "Board member" means a member of a board, commission, or other
 5 authority of state government created or authorized by law, by the Louisiana
 6 Constitution, or by executive order.

7 C: D. "Education employee" means an employee of a college or university
 8 of the state.

9 D: E. "Student employee" means an employee who is required under the
 10 terms of his employment to be a full-time student in a school, college, or university
 11 in this state.

12 E: F. "Unclassified employee" means any person holding an office or
 13 position of trust or employment in the state service, whether elective or appointive,
 14 who is not in the classified civil service of the state under the provisions of Section
 15 2 of Article X of the Louisiana Constitution, excluding bona fide students employed
 16 by the educational institution in which they are enrolled as students.

17 §290. Filing of information on employees; exceptions; penalties

18 A. The appointing authority of each agency, board, commission, department,
 19 or other entity in the executive branch of state government shall file with the
 20 Department of State Civil Service, **the president of the Senate, and the speaker of**
 21 **the House of Representatives**, the name, address, position, date of employment,
 22 place of employment, hours of work, and salary or per diem of each unclassified
 23 employee under its jurisdiction. **Such reports to the president of the Senate and**
 24 **the speaker of the House of Representatives shall be filed by the appointing**
 25 **authority as part of the annual budgeting process.** Thereafter, within thirty days
 26 of employment, termination, or change in any of the elements of employment herein
 27 enumerated, the appointing authority shall report such employment, termination, or
 28 change in status to the Department of State Civil Service, **the president of the**
 29 **Senate, and the speaker of the House of Representatives.**

1 **B.** Each such appointing authority shall report with respect to all classified
 2 employees under the jurisdiction of the entity as required by and in accordance with
 3 the rules of the State Civil Service Commission. **Such reports shall also be filed**
 4 **by the appointing authority with the president of the Senate and the speaker of**
 5 **the House of Representatives as part of the annual budgeting process.** All such
 6 information shall be open to public inspection and, except to the extent otherwise
 7 provided herein, shall be subject to the provisions of R.S. 44:1 through R.S. 44:41.

8 ~~C.~~ **C.** For purposes of R.S. 42:289 through 291, the term "state government"
 9 shall not include district courts, including the civil and criminal courts of Orleans
 10 Parish, district attorneys, sheriffs, clerks of court, registrars of voters, assessors,
 11 coroners, election officials and workers, parishes, municipalities, and any other unit
 12 of local government, including school boards and special districts, authorized by law
 13 to perform governmental functions.

14 ~~D.~~ **D.** Any person who willfully violates any provision of R.S. 42:289 or R.S.
 15 42:290 shall be guilty of a misdemeanor and shall, upon conviction, be punished by
 16 a fine of not less than one hundred dollars nor more than one thousand dollars, or by
 17 imprisonment for a term of not less than ten days nor more than six months, or by
 18 both fine and imprisonment.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law, in the context of reporting of employees to the Dept. of State Civil Service, defines "appointing authority" as "an agency, department, officer, board, or commission of the executive branch and the officers and employees thereof authorized by statute or lawfully delegated authority to employ persons in state government."

Proposed law specifies that "appointing authority" also includes "institutions of postsecondary education."

Proposed law also defines "employee" as "any full-time, part-time, full-time equivalent, work-as-needed, seasonal and temporary employee, and part-time and full-time equivalents working under contract, regardless of whether or not the employee is listed in the appointing authority's table of organization."

Proposed law otherwise retains present law.

Present law provides that the appointing authority of each agency, board, commission,

department, or other entity in the executive branch of state government must file with the Dept. of State Civil Service the name, address, position, date of employment, place of employment, hours of work, and salary or per diem of each unclassified employee under its jurisdiction.

Proposed law requires that such reports also be filed with the president of the Senate and the speaker of the House of Representatives, as part of the annual budgeting process.

Present law provides that within 30 days of employment, termination, or change in any of the elements of employment to be included in the reports required by present law, the appointing authority is to report such employment, termination, or change in status to the department.

Proposed law requires that such reports also be filed with the president of the Senate and the speaker of the House of Representatives.

Proposed law otherwise retains present law.

Present law provides that the appointing authority must also report with respect to all classified employees under the jurisdiction of the entity as required by and in accordance with the rules of the State Civil Service Commission.

Proposed law requires that such reports also be filed with the president of the Senate and the speaker of the House of Representatives, as part of the annual budgeting process.

Proposed law otherwise retains present law.

Effective August 15, 2010.

(Amends R.S. 42:289 and 290)