

YOUTH SERVICES POLICY

Title: Pay Administration and Management	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.2
Page 1 of 23	
References: Fair Labor Standards Act (FLSA); Louisiana Constitution Article X, Part 1, Section 10(A)(1); State Civil Service Rules; ACA Standards 2-CO-1C-01, 2-CO-1C-13, 2-CO-1C-22 (Administration of Correctional Agencies), 4-JCF-6C-12 (Performance-Based Standards For Juvenile Correctional Facilities); YS Policies A.1.8 "Emergency Operations Plan", A.1.18 "Shelter/Meals for Employees on Duty During Emergency Situations", A.2.1 "Employee Manual", A.2.4 "Employee Awards", A.2.36 "Recoupment of Overpayments", A.2.55 "Time and Attendance", A.2.65 "Shift Differential Pay for Certain Job Classes", A.2.69 "Attainment of Advanced Degree", A.2.70 "Attainment of Baccalaureate Degree", A.2.71 "Optional Pay", A.2.72 "Premium Pay", A.6.1 "Housing Perquisites", C.1.8 "Firearms Training, Use and Revocation" C.2.1 "Escapes, Runaways, Apprehensions and Reporting", C.2.6 "Use of Interventions – Secure Care", and C.5.2 "Regional Office Duty Officers and Facility Administrative Duty Officers (ADOs) Reporting of Serious Incidents"	
STATUS: Approved	
Approved By: <i>E. Dustin Bickham, JD, Interim Deputy Secretary</i>	Date of Approval: 08/07/2020

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish and maintain uniform application of YS Pay Plan options and features, pursuant to State Civil Service (SCS) Rules and the Division of Administration (DOA), Office of Human Resources policies.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Executive Management Advisor, General Counsel, Regional Directors, Facility Directors, Regional Managers, and all other personnel who are authorized to make recommendations for pay adjustments for employees under their jurisdiction.

IV. DEFINITIONS:

Base Pay – Employee's hourly rate, excluding overtime, per diem, shift differential, payment in kind, premium pay, shift, one-time lump sum payments, or any other allowance for expenses authorized and incurred as an incident to employment.

Base Supplemental Pay - Additional pay above the range maximum, when authorized by the Civil Service Commission and approved by the Governor under limiting factors (e.g., by job titles, geographic areas, organizations, etc.) it deems appropriate when market and employment conditions require such supplement in order to maintain competent and experienced staff, which is treated as a part of base pay.

Calendar Year - For purposes of this policy, a "calendar year" means 12 months starting the first day of an event. For example, if a restricted appointment starts May 1, then the "calendar year" begins May 1 and continues to April 30 of the following year.

Classified Position – Any office or position in the Classified Service.

Classified Service – All persons holding positions in state service except those exempted by or under Section 2 of the Article.

Criminal Investigator - Responsible for investigating allegations of abuse and/or assaults of youth judicially remanded to a YS secure care facility or staff complaints of battery committed upon them by the youth. Criminal Investigators also investigate all crimes committed on the grounds or within the agency and all escapes from secure care facilities and monitor certain incidents to ensure policies are being followed.

Demotion – A change of a permanent or probationary employee from a position in one job to a position in another job which is assigned to a pay grade with a lower maximum.

Detail to Special Duty – The temporary assignment of an employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned, without prejudice to his rights in and to his regular position.

Duty Officers – Secure care and regional staff available 24 hours a day to receive notification and coordinate response to incidents of a serious nature.

Fair Labor Standards Act (FLSA) Exempt Employees - An employee not covered by the minimum wage and overtime provisions of the FLSA. It is a term referring to those groups of employees that are "exempt" from the overtime provisions of the FLSA.

Fair Labor Standards Act (FLSA) Non-Exempt Employees - An employee covered by the minimum wage and overtime provisions of the ACT.

Hiring Rate - A maximum optional entry rate up to which an agency may fluctuate special entrance rates for a specific job. These rates are established by Civil Service based on the competitive market salaries.

Juvenile Justice Specialist (JJS) – Provides security of youth and assists in application of clinical treatment in accomplishing the overall goal of evaluation and/or treatment of individuals judicially remanded to a YS secure care facility.

Military Pay - The rate of pay that provides for payment of differential pay to state employees called to active duty in the uniformed services.

On-Call Pay – A nominal amount of compensation provided in return for an employee being available to report to work outside of his or her regular work schedule at the appointing authority's discretion.

Optional Pay - Assists agencies with recruiting and retention issues by allowing agencies to grant lump sum or base pay adjustments to employees for additional duties, to match a job offer, for salary compression, or to recruit into difficult to fill positions. (Refer to YS Policy No. A.2.71)

Overtime – Time beyond regular work hours which may be required by the appointing authority/designee. (Refer to DOA/HCM Personnel Policy No. 2 @ <http://www.doa.la.gov/ohr/OSHCM%20Statewide%20Policy%20Links/StatewidePolicy2.pdf>)

Pay Schedule - The organization of pay grades and ranges established for jobs in the classified service. There are currently six pay schedules: Administrative (AS), Medical (MS), Protective Services (PS), Technical/Scientific (TS), Social Services (SS), and Technical and Skilled Trades (WS).

Perquisite – Any tangible privilege or gain beyond salary and entitlements provided to administrators, faculty or other employees, including but not limited to housing allowances, car allowances, spousal travel, insurance, and club memberships. (Refer to YS Policy No. A.6.1).

Premium Pay - A rate of pay or a schedule of rates used for jobs which have unusual employment conditions to remain competitive. In order to remain competitive with the pay practices of market competitors, the Civil Service Commission (CSC) may authorize special pay for positions in a job where employment conditions are unusual. Additional pay may be authorized for an employee who performs extraordinary duty that is not an integral part of his regularly assigned duties. Such additional pay shall not be considered as part of the employee's base pay. (Refer to YS Policy No. A.2.72)

Probationary Appointment – The appointment of a person to serve a working test period in a position.

Reassignment – The change within the same department of a probationary or permanent employee from a position in one job to another position in a different job, both jobs of which have the same maximum rate of pay.

Reduction in Pay – An action taken for disciplinary reasons whereby an employee's individual pay rate is reduced but the employee remains in the same job.

Re-employment Pay - The noncompetitive appointment of a person based on permanent status attained in former employment in the classified service.

Shift Differential - An optional pay mechanism which may be utilized at the discretion of the Appointing Authority to compensate employees who work certain designated shifts. "Shift Differential" means extra pay allowances made to employees who work nonstandard hours and is usually implemented for recruitment and retention purposes. (Refer to YS Policy No. A.2.65)

Special Entrance Rate (SER) - A set entry rate of pay requested by YS and approved by State Civil Service, which is higher than the minimum for a pay range and which has been established to competitively recruit applicants in a specified job.

Specialized Services Employees – Unit level employees, designated by the Deputy Secretary, required to be available to report to duty within a specified period of time in an unplanned situation. (Refer to YS Policy Nos. A.1.8, C.2.1 and C.2.2)

Transfer – The change of an employee from a position in one department to a position in another department without change in probational or permanent status and without a break in service of one or more working days.

Unit Head – For the purposes of this policy, the Deputy Secretary, Facility Directors and Regional Managers.

WAE – Initials used for "When Actually Employed" appointments.

YS Central Office (CO) - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, General Counsel, Regional Directors, and their support staff.

V. POLICY:

It is the Deputy Secretary's policy that YS Pay Plan pay adjustments, overtime compensation, and special pay rates shall be equitably applied. This policy is not intended to create any property rights. YS may re-assess "need" and the allocation of funding resources at any time and may rescind non-base pay or change the amount given at any time. Sufficient notice shall be provided to the employee and notification shall be sent to SCS of any changes in the amount paid.

YS Policy No. A.2.1, Attachment (a) "General Employee Information" reiterates that pay adjustments, overtime compensation and special pay rates are governed by this policy within the parameters of the Fair Labor Standards Act (FLSA) and the SCS Rules.

VI. DUTIES AND RESPONSIBILITIES:

It shall be the responsibility of each Unit Head to:

- A. Review the budgetary impact, as well as operational needs of the unit when considering pay options;
- B. Appraise consistency and equity of application of this policy; and
- C. Ensure that all necessary procedures are in place for proper management and administration of the pay program.
- D. Post in one or more visible locations to assure that the policy is accessible to all employees. The Appointing Authority must assure that the posting and any subsequent revisions remain in place permanently or are replaced when appropriate.

VII. GENERAL PROCEDURES:

- A. Civil Service pay rules allow for YS discretion and flexibility in many areas of pay administration.

An employee's pay is subject to reduction when it is determined that the employee has benefited from increased pay as a result of either a violation of the SCS Rules or an abuse of the discretion granted in these Rules.

To guide YS application of these Rules, and to ensure that the application of these Rules are not abused in any way, specific procedures for use of special pay rates, implementation of the pay adjustments, and overtime payments are outlined in Section VIII below.

- B. Unless otherwise stated, Unit Heads shall address all requests for exemptions directly to the Undersecretary, who shall consult with the Deputy Secretary as necessary. All correspondence addressed to the SCS Director or the Civil Service Commission (CSC) requesting exemptions or use (or revision) of pay options shall be processed through the Deputy Secretary and shall bear the Deputy Secretary's signature.

VIII. PAY ADMINISTRATION PROCEDURES

A. Demotion-Involuntary For Disciplinary Reasons

In accordance with CSR 6.10, if an employee is demoted for any reason, reductions in pay shall be reduced by a minimum of seven percent (7%), but may be set at a lower rate anywhere in the range that is not less than the minimum hire rate. An exception to this may be granted by the Appointing Authority for voluntary demotions.

B. Demotion – Voluntary

1. Unit Heads are authorized by the Deputy Secretary to approve voluntary demotions when such actions are in the best interest of the unit, in accordance with CSR 6.10 (d) and 23.14.
2. The Unit Head may grant a voluntary demotion without loss of pay providing the employee shall not be paid above the maximum of the lower pay range. However, the Unit Head shall certify that this action was not done in an arbitrary or fraudulent manner designed to increase the employee's rate of pay with a promotion shortly thereafter.
3. If the Unit Head determines that a reduction in pay is in the best interest of the unit, the employee's pay shall be reduced by no less than seven percent (7%) and up to a maximum of fourteen percent (14%). No disciplinary reduction in pay may bring an employee's pay below the minimum of the employee's pay range/SER or below the minimum wage.
4. The Deputy Secretary shall waive a pay increase on promotion, reallocation, or detail to special duty for an employee who has been voluntarily demoted without a reduction in pay until such time as the employee surpasses the pay level from which he demoted.

C. Detail to Special Duty Pay

1. The Deputy Secretary may assign a permanent classified employee who meets the SCS minimum qualifications and testing requirements for the job title of the detail position without prior SCS Director approval for a period not to exceed 12 months pursuant to CSR 6.11 and 23.12 (b) and (c).

A written request and justification for a detail up to 12 months shall be submitted by the Unit Head to the Deputy Secretary/designee for review and approval utilizing the "Request for Employee Action (REA)" form which may be found on OJJ SharePoint under the Administration tab: <http://oydcosps/admin/default.aspx> or requested through Human Resources.

2. When detailing a permanent classified employee who does not meet the SCS minimum qualifications and testing requirements of the detail position or has received an official evaluation of "Needs Improvement/Unsuccessful" on their most recent PES, prior SCS Director approval is required and shall be submitted to the Deputy Secretary utilizing the "Request for SCS Director Approval of Detail to Special Duty" which may be found on OJJ SharePoint under the Administration tab: <http://oydcosps/admin/default.aspx> or requested through Human Resources.

The Deputy Secretary/designee shall determine, based upon the business needs of the unit, if this type of request is to be forwarded to the SCS Director for approval.

3. When detailing a probational classified employee, documentation of why the detail of such an employee is necessary shall be maintained in accordance with the guidelines established in CSR 23.12 (b).
4. Prior approval must be obtained from the SCS Director if a job detail will last more than one (1) year. Justification must be sent to the Deputy Secretary two (2) months before the detail ends.

If prior approval is not granted prior to the expiration of the detail, at the time the detail ends the employee shall be returned to their original position until approval from the SCS Director is received.

5. The agency's Department Preferred Reemployment List cannot be filled by a detail, as doing so would require an exception to SCS Rule 17.33.
6. The Deputy Secretary may end a detail at any time.

D. Extraordinary Duty/ Individual Pay Adjustment

In accordance with CSR 6.16 (c) and 6.16 (f), a written requests and adequate justification with documentation for special pay considerations shall be submitted by the Unit Head to the Deputy Secretary/designee, and shall include the employee's name, job title, current salary, and proposed payment amount.

The Deputy Secretary/designee shall determine if the request is to be forwarded for approval to the CSC. Such adjustments shall be granted only within the pay range for the grade to which the employee's position is allocated in accordance with the provisions of Rule 6.16(f).

E. Extraordinary Qualifications/Credentials

In accordance with State Civil Service Rule 6.5(g), Extraordinary Qualifications/Credentials, YS reserves the right to offer salaries above the minimum to applicants who possess extraordinary qualifications/credentials only when such action is necessary to recruit those persons to work for YS.

YS will consider similar pay adjustments for current employees who possess the same or substantially similar qualifications.

Specific verification of the extraordinary qualifications/credentials possessed and evidence of how those extraordinary qualifications/credentials would be particularly beneficial to help fill the position is required.

1. Factors for Consideration

When determining and setting an appropriate salary upon hire, the following factors shall be taken into consideration:

- a. **Market Relativity:** a comparison of the new hire's pay relative to the midpoint or market rate for the position;
- b. **Internal Equity:** a criterion that takes into consideration the relationship of one employee's salary to the salaries of other employees who have comparable levels of education and experience and perform similar duties and responsibilities, within a work unit, division or agency;
- c. **Work Experience/Education:** a new hire's relevant work history and academic qualifications as related to the job;
- d. **Knowledge, Skills, and Abilities:** special qualifications, competencies, and/or prerequisites needed to successfully perform the tasks required of a job;

- e. Recruitment/Retention Issues: issues related to jobs that may warrant higher salaries because of difficulty in recruiting or retaining employees with qualifications or credentials that are highly sought after.
2. Pay ranges are divided into quartiles in order to aid in determining employee hiring rate placement within the prescribed salary range. There are four points in the range to consider:
- a. Minimum: is the entry point for a grade and is appropriate for someone who is new to the position, when there is an abundant supply of talent, and low turnover;
 - b. 1st Quartile: is the progress point for a pay range and is usually appropriate for someone who is experienced and performing all the duties of the position, or when there are challenges in the supply of talent, and some turnover;
 - c. Midpoint: is the advanced point (midpoint or market) and is usually appropriate for a seasoned employee who is performing competently in their job over many years, or when there is a limited supply of talent, and significant turnover;
 - d. 3rd Quartile to Maximum: is the point up to the maximum for a grade that is usually appropriate for an employee with a level of experience and expected performance that will significantly exceed both the requirements of the job and the performance of most other employees. Hiring at this rate should be rare and factors such as a scarce supply of talent, and critical turnover should be considered.

Employees hired at the first level of a career progression group should not typically be hired on 6.5(g) since the minimum qualifications for the majority of first level jobs require no experience. In order to justify a 6.5(g) payment an applicant must have extraordinary job-related qualifications, which would likely qualify the applicant for the cap of the career progression group.

Minimum	1st Quartile	Midpoint	3rd Quartile to Maximum
<p>Meets minimum qualifications</p> <p>No prior experience</p> <p>Requires additional training to build knowledge and skills</p>	<p>Previous related experience</p> <p>Demonstrated ability to perform duties</p> <p>May require additional training to perform duties independently</p>	<p>Subject Matter Expert</p> <p>Exhibits broad and deep knowledge of job and related areas</p> <p>Senior-level job expertise with no training required</p>	<p>Hiring above the midpoint/market should be rare, but may be justified by the following:</p> <ul style="list-style-type: none"> -Difficult to recruit applicants to the position -Highly qualified with industry leading expertise -Sought-after educational background or certifications

3. Provisions of Rule 6.5 (g) in hiring

- a. Provisions of Rule 6.5(g) can be used for a candidate only upon probation or job appointment.
- b. Pay can be set under Rule 6.5(g) above the minimum but not to exceed the midpoint of the pay range for the job.
- c. The employee may be paid upon hiring or at any time within one year of the hire date.
- d. If paid after the hiring date, the pay change must be prospective.
- e. Extraordinary qualifications/credentials must be verified and documented as job related. The Appointing Authority shall verify any extraordinary qualifications/credentials which his request for a higher minimum salary upon appointment of a candidate will be based.
 - i. Any request for pay to be set above the minimum under Rule 6.5(g) must be submitted on a Personnel Action request form by the Appointing Authority with verified credentials attached and with written justification for the requested pay. The Appointing Authority must approve the requested salary before it is officially offered or paid.

- f. In requesting similar pay adjustments for current employees occupying affected job titles and who possess the same or similar qualifications/credentials, the Appointing Authority will verify those superior credentials in the same manner as for a candidate.
 - i. Upon approval by the Appointing Authority, salaries of current employees who occupy positions in the affected jobs and possess the same or substantially similar qualifications may be adjusted up to but not to exceed the amount of the percent difference between the special hiring rate and the regular hiring rate. The same verification process used for the applicant is required, and formal documentation must be created and available for audit.
 - ii. Such adjustments shall only be made on the same effective date that the higher rate is given to the newly hired employee.
 - h. If an employee with permanent status resigns and is then rehired into either the same position or into the same job title or a job with a lower maximum at the same agency, the employee shall not be eligible for an increase under this rule unless there has been a break in service of at least 30 days.
 - i. If an employee with permanent status resigns and is then rehired into a job with a lower maximum at any other agency, the employee shall not be eligible for an increase under this rule unless there has been a break in service of at least 30 days.
 - j. Requests for exceptions to this rule must be approved by the State Civil Service Commission.
4. Procedures
- a. **Prior** to a conditional offer of employment, Unit Heads shall request the approval of the Deputy Secretary/designee.
 - b. The request shall be routed directly to DPS/HR for technical and procedural review by emailing OJJ-HRdocuments@LA.GOV. If all documents are in order, the request shall be forwarded to the Deputy Secretary/designee for review and approval.

- c. A request for approval of this pay consideration from the Unit Head shall include:
 - i. A description of the extraordinary qualifications/credentials above and beyond the minimum qualifications and how these qualifications/credentials are job related.
 - ii. A description of the circumstances applicable to the unit which necessitates the hiring of the applicant at an advanced rate of pay (i.e. recruitment difficulties, inadequate pool of applicants, unique job type, etc.).
 - iii. The base pay amount the Unit Head is proposing to pay the applicant, up to but not exceeding the midpoint, and a description of the how the payment amount was determined.
 - iv. A cost projection from the Undersecretary (above and beyond that amount budgeted for salaries of these positions) for implementation and to certify that sufficient funds are available.
- d. The Unit Head may receive approval prior to the hire date and wait up to one (1) year to implement the approved pay increase. If payment is made after the date of hire, the pay shall be prospective.
- e. DPS/HR office shall:
 - i. Provide certification that the extraordinary qualifications or credentials have been verified and documented as job related.
 - ii. Verify that the proposed rate does not exceed the midpoint for the affected job and describes how the rate was calculated.
 - iii. Provide a list of names and salaries of all probational and permanent employees in the unit who occupy positions in the affected job title / career progression group and those who possess the same or equivalent verified qualifications/ credentials.

- f. For those requests submitted and approved by the Deputy Secretary/designee, the salaries of all current probational and permanent employees in the affected unit who occupy positions in the affected job and possess the same or equivalent verified job-related qualifications/credentials, may be adjusted by the same percentage as the applicant, effective the date the applicant is hired.
- g. If the circumstances of the hire rate are not unique to the unit, the Deputy Secretary/designee may expand the pay adjustment (described above) beyond the boundaries of the unit to include all applicable probational and permanent employees of YS.
- h. Documentation of verified qualifications and credentials shall be maintained at DPS/HR, along with correspondence related to the Unit Head's request. Copies of all related documents and correspondence shall be attached to the original letter of request from the Unit Head and emailed to OJJ-HRdocuments@LA.GOV.
- i. DPS/HR shall assist the units to ensure that hire rates of subsequent new hires who possess similar extraordinary qualifications and/or verified credentials shall be consistent with those employees approved under Rule 6.5 (g).

F. Attainment of an Advanced Degree

In accordance with CSR 6.16 (h), YS Policy No. A.2.69 outlines the established guidelines for permanent classified employees of YS to receive a base pay increase of up to ten percent (10%), for the attainment of a job related Master's Degree, Ph.D. or the equivalent (i.e. JD, MD, Ed. D), from an accredited college or university while employed by YS.

The Deputy Secretary is authorized to suspend this provision due to budgetary issues.

G. Attainment of Baccalaureate Degree

In accordance with CSR 6.16 (d), YS Policy No. A.2.70, outlines the established guidelines for permanent classified employees of YS to receive a base pay increase of up to five percent (5%), for going above and beyond the minimum qualifications required by attaining a job related Baccalaureate degree from an accredited college or university while employed by YS.

The Deputy Secretary is authorized to suspend this provision due to budgetary issues.

H. Pay upon Job Correction or Grade Assignment

Changes in a job to a different grade or changes in the allocation of position from one job to another by job correction shall be in accordance with CSR 6.8.1. Unless the employee's pay is below the minimum of the higher range, the employee's pay shall not change.

I. Military Leave

CSR 11.26 (g) applies to the following employees who are serving on a job appointment, probationary or permanent status, and those who are on Leave without Pay (LWOP) by choice or because all annual and/or compensatory leave has been exhausted:

- a. Members of a Reserve Component of the Armed Forces of the United States who are called to duty for military purposes; or
- b. Members of National Guard Units which are called to active duty as a result of a non-local or non-state emergency. Maximum military leave with pay for military purposes is 15 working days per calendar year.

Provided advanced notice is given, employees serving on a job appointment, probationary or permanent status, shall be entitled to military leave with pay.

Employees on "inactive duty for training" (weekend drills) do not qualify under this rule.

1. When Military Leave with Pay has been exhausted and an employee whose military base pay is less than the state base pay of his regular position shall be paid the difference between the military base pay and the state base pay.

An employee using annual leave is not eligible for pay differential.

2. Such payment shall be made on the same frequency and manner as the employee's regular state pay, unless other voluntary arrangements are made.
3. Employees receiving the pay differential shall provide DPS/HR with documentation of the rate of military pay to ensure the differential payment amount is calculated correctly.
4. Employees shall continue to accrue sick and annual leave for the entire period of service, beginning the date of the service. Leave shall be accrued on the same basis as though the employee had not been activated. Leave earned shall be credited to the employee upon his return from active duty.

Employees who are on LWOP shall receive the full 15-days of Military Leave with Pay provided in Rule 11.26(a) 3 each calendar year. The pay differential allowed in 11.26(g) 1 shall be suspended until the 15-day Military Leave with Pay period is exhausted and the employee returns to Leave without Pay status.

J. On-Call

In accordance with CSR 6.2 (b), on-call status includes, but is not limited to shift-call custody staff, authorized on-call employees, and duty officers.

1. Shift-call custody staff shall be required to be available up to one (1) hour prior to shift change for possible call-in to report for duty in the event of staff shortages, specific program needs, etc. Shift-call custody staff are assigned and scheduled in advance and shall be credited with compensatory leave prorated on the basis of one (1) hour of compensatory time for each four (4) hours of shift-call duty. A ledger shall be maintained by the employee to document the time claimed. Supervisory review and approval of the time claimed shall be required.
2. Authorized on-call employees shall be required to be available to report to duty within a specified period of time in an unplanned situation. This applies in any situation where an employee is directed by the employee's supervisor or Unit Head to be ready to report to duty. Employees who are in "authorized on-call" status may be credited with compensatory leave prorated on the basis of one (1) hour of compensatory time for each four (4) hours of authorized on-call duty. A ledger shall be maintained by the employee to document the time claimed. Supervisory review and approval of the time claimed shall be required.
3. On-call duty officers include facility and regional office employees, who shall be compensated as described below. When the designated on-call duty officer is unable to remain within range at any time during the tour of duty due to planned or unplanned events, the on-call duty officer shall advise their supervisor, who shall arrange for acceptable alternative coverage. (Refer to YS Policy No. C.5.2)
4. Facility and regional office duty officers earn leave as follows:
 - a. Weekends and holidays: compensatory leave prorated on the basis of one (1) hour of compensatory time for each four (4) hours of duty officer status.
 - b. Weekdays after normal working hours: compensatory leave in increments of 30 minutes for actual time worked.

- c. If actual time worked exceeds 30 minutes, FLSA overtime compensation requirements shall apply for non-exempt employees.
5. When a unit is declared officially “closed” (essential personnel only) because of an emergency or natural disaster, employees who are required to be on-call may be paid at the existing rate designated as the “holiday/weekend” rate.
6. Units shall have written procedures which record On-Call assignments. The records shall include the employee’s name, date of assignment, job title and position number, shift assignment, method of payment, and purpose of on-call status.
7. On-call assignment records shall be maintained by the unit’s HR Liaison and shall be available for review upon request.
8. Any other incidents of on-call duty not specifically described herein may be compensated by the Undersecretary in accordance with applicable Civil Service Rules and the FLSA.
9. The following authorized YS on-call staff shall also be required to be available to report to duty within a specified period of time in an unplanned situation:
 - a) Deputy Undersecretary;
 - b) Deputy Assistant Secretary, Chief of Operations;
 - c) CO Program Manager 4;
 - d) Deputy Assistant Secretary, Regional Directors;
 - e) Youth Facility Directors;
 - f) Youth Facility Deputy Directors;
 - g) Youth Facility Assistant Directors;
 - h) CBS Regional Managers;
 - i) Corrections Colonel (Investigative Services); and
 - j) Corrections Lieutenant Colonel (Investigative Services).

This applies in any situation where the aforementioned incumbent is directed by the incumbent’s supervisor to be ready to report for duty. Compensation at the rate of \$1.00 shall be provided for each hour of on-call status. Request for on-call pay hours must be approved by the Appointing Authority prior to payment.

10. On-call pay above the flexible pre-approved rates established by SCS shall require the approval of the SCS Director.

K. Optional Pay Adjustments

In accordance with CSR 6.16.2, YS Policy No. A.2.71 outlines the established guidelines for an appointing authority, at his own discretion, to consider either base pay or lump sum adjustments to permanent employees, provided that funding is available, for the following circumstances:

- Matching a job offer;
- Compression pay;
- Recruitment; and
- Additional duties.

Payments may only be granted to permanent classified employees.

It is not the intention of this rule to duplicate compensation which was previously received by reallocation, premium pay or detail to special duty.

L. Overtime/Compensatory Leave Pay

In accordance with SCR 21.11, and pursuant to DOA/HCM Personnel Policy #2 (which can be accessed at the following link: http://www.doa.la.gov/Pages/ohr/HCM_Statewidepolicies.aspx) there is no limit to the amount of state overtime (straight time or time earned at the hour-for-hour rate) that can be accrued by an employee.

Requests to work overtime must be approved in advance by an employee's immediate supervisor. Under no circumstances should overtime which requires the payment of wages be permitted unless and until the supervisor authorizing such overtime has confirmed the availability of funding. Supervisors are responsible for monitoring the accrual of compensatory leave to ensure that the caps on accrual are not exceeded.

At the time of hire, all employees shall sign the attached "Statement of Agreement Regarding Compensation for Overtime Work", which shall be filed at the unit level with a copy emailed to DPS/HR at OJJ-HRdocuments@LA.GOV.

1. Overtime requests may be made through LEO or through use of the "OJJ Overtime Request Form" (refer to YS Policy No. A.2.55) to document any pre-approved overtime hours, other than holiday overtime. The guidelines established in YS Policy No. A.2.55, Section VIII.I shall be followed for all requests for overtime.

2. All employees may carry over a maximum of 360 straight K hours to the next fiscal year. Excess balances for non-exempt employees shall be paid within 90 days after the beginning of the fiscal year per CSR 21.11 (b). Excess balances for exempt employees may be paid at Appointing Authority discretion within 90 days after the beginning of the fiscal year. Any excess leave not paid, shall be cancelled per CSR 21.11 (c).
3. JJS staff and law enforcement positions as defined by exception to CSR 21.11 (a) granted by the SCS Commission may carry forward a maximum of 540 straight K hours to the next fiscal year. Excess balances for non-exempt employees shall be paid within 90 days after the beginning of the fiscal year per CSR 21.11 (b). Excess balances for exempt employees may be paid at Appointing Authority discretion within 90 days after the beginning of the fiscal year. Any excess leave not paid, shall be cancelled per SCR 21.11(c).

M. Pay upon Entering a Probational Appointment without a Break in Service

In accordance with CSR 6.5 (a), pay shall not be reduced when an employee has served longer than six (6) months and is earning more than the minimum for the job he occupies, and is subsequently appointed to a probationary position in the same job class or different job class with the same maximum rate of pay within YS without a break in service.

N. Market Adjustments

Market Adjustments are adjustments to an individual's base pay based upon the employee's position into the range and relation to market. The intent of market adjustments is to provide fiscally responsible increases to employees with the intent to drive them closer to a market wage.

1. To maintain market competitiveness, employees in active status six months prior to the disbursement date, except for those serving as classified When Actually Employed (WAE) employees, shall be granted a market adjustment.
2. The amount of base pay adjustment shall be as follows:
 - a. If the employee's hourly rate of pay is fixed at a point from the minimum up to the 1st quartile of his pay range, his pay shall be increased by 4%.
 - b. If the employee's hourly rate of pay is fixed at a point above the 1st quartile up to the midpoint of his pay range, his pay shall be increased by 3%.

- c. If the employee's hourly rate of pay is fixed at a point above the midpoint up to the 3rd quartile of his pay range, his pay shall be increased by 2%.
 - d. If the employee's hourly rate of pay is fixed at a point above the 3rd quartile up to the maximum of his pay range, his pay shall be increased by 2%.
3. All increases herein authorized are subject to the requirement that no employee's pay shall exceed the maximum rate of pay established for the job.
 4. Any adjustment or increase which an employee receives under the provisions of other rules, unless otherwise indicated, shall not affect such employee's ability to receive increases authorized under this rule.
 5. An employee who has a current official overall Performance Evaluation of "Needs Improvement/Unsuccessful" or equivalent shall not be granted any increase under the provisions of this rule.
 6. For all employees on detail to special duty, the market adjustment shall be calculated based upon the authorized rate of pay in his regular position. The employee's rate of pay while on detail shall be recalculated based on his new rate of pay in his regular position.

An appointing authority may, for rational business reasons, request an exception to this rule from the Commission.

NOTE: As long as an employee was employed in a classified appointment, other than WAE, six months prior to the disbursement date (January 15) and is employed on July 15, the date of disbursement, the employee would be eligible for a market adjustment. The employee must also not have received an unsuccessful performance evaluation.

O. Premium Pay

In accordance with CSR 6.16 (a), YS Policy No. A.2.72 outlines the established guidelines under which premium pay and/or premium pay rates may be used to facilitate the retention and recruitment of personnel. Premium pay rates shall include compensatory factors for those areas deemed most critical to each unit.

Prior approval of the CSC is required for the implementation of new premium pay rates.

The following positions within YS are authorized to receive premium pay:

- a. Firearms Instructors (POST Certified) and Defensive Tactics Instructors;
- b. National Rifle Association (NRA) Instructors;
- c. Safe Crisis Management (SCM) Instructors;
- d. Armory positions
- e. Behavioral Health Treatment Unit/Dormitory Positions; and
- f. Corrections Food Production Workers

P. Promotion

In accordance with CSR 6.7, promotional pay increases may be granted for the maximum amount permitted. When an employee has been detailed with pay to a higher job and is promoted to that same job or a job at the same level or a higher pay level directly from the detail, his eligibility on promotion shall not be less that he received on detail.

Q. Relocation

Changes in the allocation of a position from one job to another by relocation shall be accordance with CSR 6.8.2. Pay may be reduced upon movement to lower jobs as a result of a layoff. Pay reductions shall be uniform in their percentage for all affected employees. If the uniform pay reduction results in an employee's rate of pay falling above the maximum of the pay range, the Deputy Secretary may choose one of the following options for all employees similarly situated:

1. The pay of affected employees may be reduced to the range maximum; or
2. The pay of affected employees may be set at the red-circle rate.

R. Reduction in Pay for Cause

In accordance with CSR 12.3 (c), a temporary reduction in pay for discipline shall not cause the employee's pay to fall below the minimum wage or below the minimum of the pay range.

S. Re-employment

In accordance with 6.5 (c), employees may be rehired at any rate in the range for the position the employee is being employed 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. Consideration of the rehire rate should be given to the former employee's length of State service and/or reason for resignation. The rehire rate shall

be based upon the needs of the unit due to problems in recruitment, as well as the need for experienced staff; however, consistency and justification shall be maintained.

Employees who separate cannot return to any unit until a period of time equal to the pro-rated payment of all leave paid at separation has elapsed unless the employee reimburses the agency.

Former employees dismissed or who resigned to avoid dismissal are not eligible for re-employment under this CSR.

T. Classified WAE Appointment

In accordance with CSR 6.5 (d), compensation for employees hired as classified WAE appointments may be set at any rate of the applicable pay range.

Pursuant to CSR 23.6, a person may work as a classified WAE appointment for no more than 1245 hours during a 12-month period. Approval to exceed the 1245 hours must be granted by the Civil Service Commission.

Classified WAE appointees must meet the minimum qualifications for the job, and may be terminated at any time.

1. Written justification and documentation for each restricted appointment shall be submitted by the Unit Head to DPS/HR by emailing OJJ-HRdocuments@LA.GOV.
2. The pay rate shall require the approval of the Undersecretary prior to a conditional offer of employment.
3. DPS/HR shall be charged with the responsibility for monitoring the use of WAE appointments, and reporting such usage to the Undersecretary as appropriate.

U. Shift Differential

In accordance with CSR 6.28 (c), and pursuant to YS Policy No. A.2.65, when funding is available and approved by the Deputy Secretary, shift differential pay of up to \$2.00 per hour for actual hours worked may be paid to secure care employees who work and occupy the following positions:

- a. Juvenile Justice Specialist 1*;
- b. Juvenile Justice Specialist 2*;
- c. Juvenile Justice Specialist 3*;
- d. Juvenile Justice Specialist 4*;
- e. Juvenile Justice Specialist 5*;
- f. Juvenile Justice Specialist 6*;
- g. Criminal Investigator 1;
- h. Criminal Investigator 2;
- i. Corrections Juvenile Food Production Worker;
- j. Corrections Juvenile Food Production Supervisor; and
- k. Corrections Food Manager 1

***JJS staff must be in a direct care position to qualify.**

Payment of shift differential for certain job classes may be requested by the Unit Head and shall be approved by the Deputy Secretary for recruitment and retention purposes.

Requests for new shift differential applications or changes to existing rates may be sought by the Unit Head. Such requests shall be submitted to DPS/HR for review by emailing OJJ-HRdocuments@LA.GOV and forwarded to the Undersecretary. All requirements shall be approved by the Undersecretary prior to submission to Civil Service for final approval.

V. Special Entrance Rates (SER)

- 1. In accordance with SCR 6.5 (b), based on local recruitment conditions, flexible SERs, not to exceed the established Hiring Rates, may be used for those jobs specified by SCS. (Hiring Rates are established by SCS for regional areas of the State.)
- 2. Requests to increase the established hiring rate shall be directed to the Undersecretary through DPS/HR and emailing OJJ-HRdocuments@LA.GOV, and require CSC approval. New hiring rates shall be established by SCS.
- 3. Units are encouraged to contact DPS/HR to assess and address problems that may result from implementation of the higher pay rates.
- 4. DPS/HR shall adjust the salaries of current employees working in the positions (to which the special entrance rate applies) up to, but not to exceed, the percentage difference between the new SER and the previous rate. The new rate cannot exceed the maximum of the pay range.

5. When special entrance rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions effected by the authorized rates shall not be changed.

IX. REPORTING DISCREPANCIES:

- A. Employees shall be responsible for reviewing their pay checks/pay stubs and reporting over-payments and under-payments to DPS/HR as soon as possible.
- B. Pursuant to YS Policy No. A.2.36, DPS/HR shall process any recoupment in accordance with the Statewide Uniform Payroll Policy.

Previous Regulation/Policy Number: A.2.2

Previous Effective Date: 04/09/2020

Attachments/References: Statement of Agreement of Understanding - Compensation for OT Work
6-Opt Pay Addtl Duties Questionnaire 4-2014
Conditional Offer of Employment Nov 2017.doc



STATEMENT OF AGREEMENT OR UNDERSTANDING Compensation for Overtime Work

I, _____, understand that agencies of the State of Louisiana have the option of granting compensatory leave for overtime hours worked.

NON-EXEMPT EMPLOYEES: In cases where the Fair Labor Standards Act applies, such leave will be credited to non-exempt employees at the rate of one and one-half hour for each hour worked. For overtime hours worked during weeks when leave is taken (with or without pay), or when holidays are observed, the agency may opt to use straight-time cash payments or hour-for-hour compensatory leave to compensate non-exempt employees, in accordance with the Rules of the Department of State Civil Service.

EXEMPT EMPLOYEES: Agencies have the option of granting no overtime compensation at all to exempt employees; but if the agency chooses to compensate exempt employees for overtime, the agency may choose to compensate such employees with compensatory leave rather than cash payment.

PAYMENT OF COMPENSATORY LEAVE UPON SEPARATION:

- **NON-EXEMPT EMPLOYEES:** I also understand that non-exempt employees shall be paid upon separation for any time and one-half compensatory leave earned for overtime, as required by the Fair Labor Standards Act. Other straight, hour-for-hour compensatory leave shall be paid upon separation in accordance with Civil Service Rule 21.12.
- **EXEMPT EMPLOYEES:** Compensatory leave credited to exempt employees may or may not be paid upon separation in accordance with the applicable Civil Service Rules. Any such compensatory leave that is not paid, shall be cancelled, in accordance with the applicable Civil Service Rules.

I have read the above and agree to accept compensatory leave as compensation for overtime work.

Printed or Typed Name: _____

Signature: _____ Date _____

Agency/Division:

Personnel Area Code:

Requested Effective Date:

NOTE: Normally the effective date should be the date of the Commission meeting.

**Requested Percent
 Adjustment:**

Type of Adjustment:

Lump Sum

Base Pay

1. Please provide employee information below.

Employee Name		Job Title	
Employee Personnel Number		Pay Level/Range	
Employee's Annual Salary	\$	Level of Work on Job Specification	

2. What are the additional duties?

3. Has the job description been updated?

4. Were any duties removed to facilitate this new duty? If so, which ones?

5. Will the duties be permanent or temporary?

6. What percentage of time are the additional duties allocated?

7. Would you consider the duties to be lower, higher, or the same level as the duties performed in the current job?

This may include an assessment from the employee's manager. If a delegated agency, a HR assessment must be included.

8. Does this result in some savings for the agency? If so, how? What are the projected dollar savings?

9. Will the employee have to learn new skills and/or competencies? If so, please explain.

10. Many jobs evolve over time, due to procedural differences and technology changes. How are these additional duties different from a natural evolution of the job?

Example: Administrative Assistants have historically produced correspondence for their bosses. As recently as fifteen years ago, this was mostly done with a typewriter. Today, however, typewriters are essentially obsolete. An administrative assistant is still an administrative assistant, regardless of the method used to produce correspondence.

11. If this request is for an adjustment over 7%, what is your rational business reason for requesting a higher amount?

12. If this request is for an employee who is an administrator or higher, please describe how these duties are outside of the scope of the position.

13. Has the employee received an Optional Pay adjustment before? If so, please list dates and reasons.

OFFICE OF JUVENILE JUSTICE CONDITIONAL OFFER OF EMPLOYMENT

The Office of Juvenile Justice _____

(Unit/Facility)

offers the position of _____

(Position Title/Number)

to _____ at the rate of \$ _____ bi-weekly

(Applicant Name)

Your appointment status will be: (ALL appointments, other than Permanent and Unclassified/Instructional may be terminated at any time)

- | | | |
|---|---|---|
| <input type="checkbox"/> Permanent | <input type="checkbox"/> Probationary (12 to 24 months) | <input type="checkbox"/> WAE-Classified |
| <input type="checkbox"/> Unclassified/Regular | <input type="checkbox"/> Job _____ Months | |
| <input type="checkbox"/> Unclassified/Instructional | <input type="checkbox"/> Student | |
| <input type="checkbox"/> Provisional (up to 6 months) | <input type="checkbox"/> WAE-Unclassified | |

And is subject to the following **CONDITIONS OF EMPLOYMENT:** (Agency representative checks those conditions that apply)

- 1. You must meet all qualification requirements of the position. **This includes providing all necessary documents (to include valid Driver's License) to verify credentials prior to the effective date.**
- 2. You must pass the pre-employment drug screen. **Individuals selected for employment shall not be hired prior to receiving drug screen results and pre-employment physical, if applicable.**
- 3. You must have an acceptable NCIC and/or PZT background check.
- 4. You must provide a copy of your Selective Service registration card if you are a male between the ages of 18 and 26.
- 5. You must provide an original Social Security card or your request for a duplicate card from the Social Security Administration.
- 6. You must agree to direct deposit of your wages and/or compensation into either a checking or savings account and provide account verification with an acceptable Financial Institution.
- 7. You acknowledge and understand that it is the policy of the OJJ to recoup overpayments, and that, if overpaid; the overpayment may be recouped in future pay period after notification and in accordance with the recoupment policy.
- 8. If you are placed in a job which contributes to a retirement system (such as LASERS, TRSL, etc) and do not pay into social security, a possible reduction in your future social security benefit entitlement may be affected.
- 9. You must have acceptable Louisiana Child Abuse Registry and Diana Screening results.

10. **You acknowledge and understand that if your adjusted gross income (AGI) is less than a certain amount per the Internal Revenue Service's income and family size guidelines, you may be eligible for the Earned Income Tax credit (EIC). Any EIC that is more than your tax liability is refunded to you, but only if you file a tax return.**

11. Other: _____

Offer made by: _____

Designated Agency Representative
(Print)

Title

Signature

Date

I agree to comply with the conditions of employment stated above and I can report for work on

_____ **pending result of drug screening and criminal background checks.**

(Tentative date)

(Applicant Signature)

(Date)