

YOUTH SERVICES POLICY

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| Title: Delegation of Appointing and Contractual Authority | Type: A. Administrative Sub Type: 1. General Number: A.1.12 |
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| References: Louisiana Constitution Article X; Civil Service Rules, Chapter 15, Chapter 1, Rule 1.4; ACA Standard 2-CO-1A-18 (Standards For Administration of Correctional Agencies) | |
| STATUS: Approved | |
| Approved By: Otha "Curtis" Nelson, Jr., Deputy Secretary | Date of Approval: 03/14/2023 |

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 describe the delegation of appointing authority and other statutory powers specifically granted to the Deputy Secretary of YS within the Office of Juvenile Justice (OJJ).

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Probation and Parole Program Director, Youth Facilities Director - Statewide, Executive Management Advisor, General Counsel, Regional Directors, Facility Directors, Regional Managers, Contracts/Grants Reviewer Supervisor, the Assistant to the Deputy Secretary, and employees of YS who are formally delegated the power to effect certain actions

IV. DEFINITIONS:

Appointing Authority - The agency, department, board or commission, or the officers and employees thereof, authorized by statute or lawfully delegated authority to make appointments to positions in state service. For OJJ, the appointing authority is the Deputy Secretary.

Contractual Authority - The authority granted to the Deputy Secretary by statute to legally bind the agency in contractual matters.

Delegate - The position or person to whom the Deputy Secretary chooses to formally delegate the power to effect certain actions.

Delegated Authority - General authority or specific grants of components of authority granted or delegated to another YS employee by the statutory appointing/contractual authority (the Deputy Secretary). Delegations must be by authentic act.

OJJ – The Office of Juvenile Justice

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

V. POLICY:

It is the Deputy Secretary's policy to delegate appointing authority to effect personnel actions, to contractually bind YS/OJJ, and to delegate other matters as needed within YS Central Office and other units to facilitate the efficient operation of YS.

VI. DELEGATION OF AUTHORITY TO EFFECT PERSONNEL ACTIONS:

- A. Delegations of appointing authority shall be by authentic act prepared in quadruplicate originals.

The notary, the appointing authority, and the employee receiving the delegation (the delegate), shall each maintain an original of the declaration.

The fourth original shall be forwarded to Public Safety Services (PSS) Human Resources (HR) for filing in the personnel record of the delegate.

(Refer to Section IX of this policy for information about the custodian of original acts for the Deputy Secretary.)

- B. When a new statutory appointing authority takes office, all delegations made by the predecessor shall be updated.
- C. Authority may be delegated to a particular position or to a named occupant of a particular position.

- D. The delegation of authority may be general. (Example: "This authority includes, but is not limited to, actions affecting employment, promotions, transfers, voluntary demotions, layoff plans, layoffs, and all disciplinary actions and removals under the provisions of Civil Service Rule 12.10."), or the delegation may be specific. (Example: "This authority includes accepting resignations.")

VII. DELEGATION OF AUTHORITY TO CONTRACTUALLY BIND YOUTH SERVICES:

- A. Delegations of contractual authority shall be by authentic act prepared in quadruplicate originals.

The notary, the Deputy Secretary and the employee receiving the delegation (the delegate), shall each maintain an original of the delegation.

The fourth original shall be forwarded to PSS HR for filing in the personnel record of the delegate.

(Refer to Section IX of this policy for information about the custodian of original acts for the Deputy Secretary.)

- B. When a new Deputy Secretary is appointed and takes office, all delegations made by the predecessor shall be updated.
- C. Authority shall be delegated to a particular position or to a named occupant of a particular position. This will avoid having to immediately update the delegation when that person leaves his/her position. When a delegate departs that office, however, the delegation needs to be updated as soon as practicable.
- D. The delegation of authority to contract on behalf of the agency may be all-encompassing or limited to specified contracts. (Refer to Section VI. D of this policy for additional information.)
- E. The Contracts/Grants Review Supervisor shall advise all delegates (employees) to whom the Deputy Secretary formally delegated the power to contractually bind YS. This is particularly important when incumbents change positions.

VIII. OTHER DELEGATIONS OF AUTHORITY:

- A. Delegations of Authority concerning other matters within YS shall be by authentic act prepared in quadruplicate originals. The Delegations of Authority shall be prepared at the discretion of the Deputy Secretary and on an as-needed basis.
- B. The steps outlined herein under Section VI of this policy shall apply to this section.

IX. PROCESS FOR DELEGATIONS OF AUTHORITY:

- A. When there is a need for a Delegation of Authority, the Deputy Secretary shall notify the General Counsel.
- B. The General Counsel shall prepare the authentic act in quadruplicate originals. Signatures shall be obtained on the originals of the act and shall be notarized by an attorney from the Legal Section of YS.
- C. The signed/notarized originals of the act shall be distributed as required.
- D. The delegate (employee) shall be notified as appropriate.
- E. The Assistant to the Deputy Secretary shall be assigned as the custodian of original acts for the Deputy Secretary, and shall prepare and maintain an updated list of all Delegations of Authority.

Previous Regulation/Policy Number: A.1.12

Previous Effective Date: 03/07/2022

Attachments/References: A.1.12(a) Delegation of Authority 02-06-14.doc

DELEGATION OF APPOINTING AUTHORITY BY AUTHENTIC ACT SAMPLE

(Delegation of partial Appointing Authority with Reservations)

Parish of East Baton Rouge

State of Louisiana

BEFORE ME, the undersigned Notary, personally came and appeared:

A person who has attained permanent status

Who, after being duly sworn by me, did depose and say: That he/she is the Deputy Secretary of Youth Services in the Department of Public Safety and Corrections,; that as such and pursuant to Revised Statute 36:405, he/she is the appointing authority for all employees in that Agency.

That he/she hereby delegates to _____ the _____, and to his/her successor in office, appointing authority for all employees of the Unit, except the authority to remove or dismiss an employee who had attained permanent status.

Thus done and passed in my office in Baton Rouge, Louisiana, in quadruplicate originals, before the witnesses whose signatures appear below, this ____ day of _____, 20__.

Witness 1

Witness 2

Notary Public