Table of Contents

Title 4
ADMINISTRATION

Part I. General Provisions

Chapter 1. Rulemaking Petitions 1
§101. Submission of a Rulemaking Petition 1
§103. Consideration of a Rulemaking Petition 1
Chapter 3. Fees 1
§301. Uniform Fee Schedule for Copies of Public Records 1
Chapter 4. Department of State 2
§401. Department of State Non-Statutory Fee Schedule 2
§403. Department of State Public Records Request 4
§405. Louisiana State Archives Facilities 4
Chapter 5. Incentive Award Program 5
§501. Definitions 5
§503. Submittal of Suggestions to Committees 6
§505. Evaluation of Suggestions 6
§507. Incentive Award Recommendations 6
§509. Submission of Recommendations to the Louisiana Civil Service League 7
§511. Post Award Activity 7
§513. Miscellaneous 7
Chapter 7. Implementation of Electronic Signatures in Global and National Commerce Act—P.L. 106-229 7
§701. Short Title 7
§703. Exemptions 7
§705. General 7
§707. Definitions 9
§709. Digital Signatures Must Be Created by an Acceptable Technology 10
§711. Acceptable Technology 10
§713. Provisions for Adding New Technologies to the List of Acceptable Technologies 11

Part III. Payroll

Chapter 1. Payroll Deductions 13
§101. Definitions 13
§102. Deduction Rule Authority/Applicability 14
§103. Employee Payroll Benefits Committee (EPBC) 14
§106. Statewide Vendor Annual Renewal and New Application Process 15
§112. Statewide Vendor Requests for Enhancements/Changes to Products 16
§114. Statewide Vendor Requirements and Responsibility 17
§119. Rule Transition 18
§122. Statutory and Intra-Agency Vendor Information 18
§127. Department/Agency Responsibility 19
§131. Fees 19
§137. Appeal Process 19
§139. SED-3 (01/06) 20
Chapter 3. Direct Deposit of Employee Pay 21
§301. Definitions 21
§303. Direct Deposit of Employee Pay 21

§305. Direct Deposit of Employee Pay to a Third Party's Account 22
§307. Condition of Employment 22
§309. Request for Direct Deposit Waiver 22
§311. Enforcement of Rule 22
§313. Department/Agency Responsibility 22
Chapter 5. Direct Deposit of Vendor Payments and Electronic Receipt of Supporting Data 22
§501. Definitions 22
§503. Direct Deposit of Vendor Payments and Electronic Receipt of Supporting Data 23
§505. Request for Direct Deposit Waiver 23
§507. Enforcement of Rule 23
Chapter 7. Recoupment of Overpayments 24
§701. Definitions 24
§703. Introduction 24
§705. Notification to Employee of Overpayment 24
§707. Recoupment from Active Employees 24
§709. Recoupment from Employees Transferring to Another State Agency 25
§711. Recoupment from Separated Employees 25
§713. Condition of Employment 25
§715. Agency Policies and Procedures 26
Chapter 9. 403(b) Tax Shelter Annuity Program 26
§901. Establishment 26
Chapter 11. State Combined Charitable Campaign (SCCC) Deductions 27
§1101. Definitions 27
§1103. Deduction Rule Authority 28
§1105. Fees 28
§1107. Charitable Organization Application Process 28
§1109. Definition of Community Health and Human Services Charities 28
§1111. Charitable Organization Requirements and Responsibilities 29
§1113. PCFO Requirements and Responsibilities 30
§1115. Deduction Guidelines 30
§1117. Department/Agency Responsibility 31
§1119. Rule Transition 31
§1121. Removal of Charitable Organization from the SCCC for Cause 31
§1123. Appeal Process 31
§1124. Closure or Merger of Charitable Organizations 32
Chapter 13. Rulemaking Petitions 32
§1301. Submission of a Rulemaking Petition 32
§1303. Consideration of a Rulemaking Petition 32

Part V. Policy and Procedure Memoranda

Chapter 1. Issuance of Policy and Procedure Memoranda—PPM Number 1 33
§101. Authority 33
Chapter 3. Responsibility for Fiscal Approval—PPM Number 7 33
§301. Fiscal Review of Proposed Disbursements 33
Chapter 5. Property Insurance Claims Recover Funds—PPM Number 10 33
§501. Purpose 33
§503. Funds for Property Claims 33
§505. Repair or Replacement of Property 34
Chapter 7. Request for New or Substitute Positions— PPM Number 33 34
§701. Purpose 34

§703. Instructions 34
Chapter 15. General Travel Regulations—PPM Number 49 36
§1501. Authorization and Legal Basis 36
§1502. Definitions 36
§1503. General Specifications 37
§1504. Methods of Transportation 39
§1505. Lodging (Formerly §1506) 44
§1506. Meals and Incidentals (M and IE) 46
§1507. Reimbursement for Other Expenses while in Travel Status (Formerly §1508) 47
§1508. Agency-Hosted Conferences (Formerly §1510) 48
§1509. International Travel (Formerly §1511) 48
§1510. Waivers (Formerly §1512) 49
Chapter 17. Contracts for Maintenance, Equipment, and Services—PPM Number 51 49
§1701. Introduction 49
§1703. Purpose and Scope 49
§1705. Definitions of Contractual Services 49
§1707. Procedures 50
Chapter 19. Changes in Approved Budget—PPM Number 52 50
§1901. Procedures 50
§1903. Form BA-7 51
Chapter 21. Repair and Replacement of Damaged Property Covered under the State's Risk Management Program—PPM Number 53 52
§2101. Responsibilities and Rights 52
Chapter 27. Printing and Mailing Procedures—PPM Number 64 52
Subchapter A. Introduction 52
§2701. General Applicability; Effective Date 52
Subchapter B. Purchase of Printing and Engraving; Central Purchasing; Louisiana Procurement Code; Power and Authority of State Chief Information Officer (R.S. 43:1) 52
§2703. Provisions 52
Subchapter C. Printed Matter Prohibitions, Uniform Standards, and Needs Assessment 54
§2705. Requirements for Public Documents 54
Subchapter D. Uniform Requirements for Printing and Mailing 55
§2707. Uniform Standards for Printing 55
§2708. Uniform Standards for Mailing 56
§2709. Election Material 59
§2711. Violations 59
Subchapter D. Standard Specifications 59
§2713. State Publications [43:31 (A)(2)] 59
Subchapter E. Distribution of Printed Matter 60
§2715. Distribution of Printed Matter (R.S. 43:32) 60
§2717. Printed Matter; Missing Children Information (R.S. 43:33) 60
§2719. Requests for Information 61
Chapter 29. Travel in State-Owned Aircraft—PPM Number 67 61
Subchapter A. Introduction 61
§2901. Authority and Legal Basis 61
Subchapter B. Definitions 61
§2903. Aircraft 61
§2905. Classes of Travelers 62
Subchapter C. Usage of State-Owned Aircraft 62
§2907. Official State Business 62

§2909. Personal Usage 62
§2911. Political Usage 63
§2913. Purpose of Flight 63
Subchapter D. Reserved. 63
Subchapter E. Aircraft Owned and Operated by Other State Agencies Utilized for General Transport 63
§2919. Authorization for Air Travel 63
§2923. Payment for Usage of State-Owned Aircraft 63
Subchapter F. Special Purpose Aircraft 64
§2925. Authorizations 64
§2927. Restrictions on Usage 64
§2929. Official State Business Charges 64
Subchapter G. Waiver of Provisions 64
§2931. Authority of Commissioner of Administration 64
Chapter 31. Revenue and Expenditure Accounting—PPM Number 68 64
§3101. Authorization 64
§3103. Introduction 65
§3105. Purpose and Scope 65
§3107. Revenues 65
§3109. Expenditures 65
§3111. Requests for Information 65
Chapter 33. Unemployment Compensation—PPM Number 69 65
§3301. Payment of Unemployment Compensation 65
Chapter 41. Taxable Compensation—PPM Number 73 66
§4101. Purpose and Scope 66
§4103. Definitions 66
§4105. Policy 66
§4107. Reporting Requirements 66
§4109. Reimbursed Expenses 67
§4111. Employment Contracts 67
§4113. Valuation Method 67
§4115. Evaluation Tests for Exclusion from Taxable Compensation 67
§4117. Parking—Taxable Benefits 68
Chapter 47. Attorney Case Handling Guidelines and Billing Procedures—PPM Number 50 68
§4701. Goal 68
§4702. Authorization and Legal Basis 68
§4703. Policy 68
§4705. Effective Date 70
§4707. Notice to Agencies Regarding Electronic Billing Platforms 70
Chapter 49. Fee Schedule for Cooperative Purchasing—PPM Number 54 70
§4901. Authority 70
§4903. Policy 70
§4905. Fee Schedule and Remittance Schedule 71
§4907. Waiver 71
Chapter 51. Professional and Social Services Categories—PPM Number 55 71
§5101. Authority 71
§5103. Policy 71
§5105. Procedures 71
§5107. Removal 72
§5109. Tables Appendix 72
Chapter 53. Delegated Procurement Authority; Standard and Special Delegations—PPM Number 56 72

§5301. Authority 72
§5303. Policy 72
§5305. Standard Delegation of Procurement Authority 73
§5307. Special Delegation of Procurement Authority; Master List of Special DPAs 73
§5309. Reduction or Suspension of DPA; Additional Restrictions or Allowances; Review of DPA 73
Chapter 59. Procurement Preferences; Application—PPM Number 59 74
§5901. Authority 74
§5903. Policy 74
§5905. Preference Chart 74
§5907. Right to Negotiate Prices or Cancel Solicitation; Additional Preferences 75

Part VII. Governor's Office

Chapter 1. Architects Selection Board 77
Subchapter A. Organization 77
§101. Name 77
§103. Authority 77
§105. Objective 77
§107. Members 77
§109. Officers 77
§110. Secretary 78
§111. Meetings 78
§113. Committees 78
§115. Parliamentary Authority 78
§117. Voting 78
§119. Amendments to Rules 79
Subchapter B. Selection Procedure 79
§121. Public Notification 79
§123. Communications with Applicant Firms [Formerly §131] 79
§125. Application 79
§127. Selection Procedure 80
§128. Interview Procedures for Special Projects 81
§129. Emergency Procedures 81
§131. Communications with Applicant Firms 81
§133. Information 82
§139. Severability 82
Chapter 3. Engineers Selection Board 82
Subchapter A. Organization 82
§301. Name 82
§303. Authority 82
§305. Objective 82
§307. Members 82
§309. Officers 82
§311. Secretary 83
§313. Meetings 83
§315. Committees 83
§317. Parliamentary Authority 84
§319. Voting 84
§321. Amendments to Rules 84
Subchapter B. Selection Procedure 84
§331. Public Notification 84

§333. Communications with Applicant Firms 84
§335. Application 84
§337. Selection Procedure [Formerly 341] 85
§339. Interview Procedures for Special Projects 86
§341. Emergency Procedures 86
§343. Information [Formerly §329] 87
§345. Severability [Formerly §343] 87
Chapter 5. Landscape Architects Selection Board 87
Subchapter A. Organization 87
§501. Name 87
§503. Authority 87
§505. Objective 87
§507. Members 87
§509. Officers 87
§510. Secretary 88
§511. Meetings 88
§513. Committees 88
§515. Parliamentary Authority 88
§517. Voting 89
§519. Amendment to Rules 89
Subchapter B. Selection Procedure 89
§521. Public Notification 89
§523. Communication with Applicant Firms 89
§525. Application 89
§527. Selection Procedure [Formerly §529] 90
§528. Interview Procedures for Special Projects 91
§529. Emergency Procedures 91
§533. Information 91
§535. Severability 92
Chapter 9. Veterans' Affairs 92
Subchapter A. Veterans' Affairs Commission 92
§901. Office of the Secretary 92
§902. Powers and Duties of the Secretary 92
§903. Officers (Formerly §901) 93
§905. Members 93
§907. Meetings 93
§911. Travel 93
Subchapter B. State Educational Aid Program 93
§917. Eligibility 93
§919. Fee Exemption Certificate 94
§921. Maximum of Four Years 94
§923. Not Covered 94
Subchapter C. Veterans’ Home 94
§937. Admission Requirements 94
§939. Care and Maintenance Fees 95
§943. Nursing Care Resident Fee 95
§945. Mandatory Election for Benefits 95
§947. Fee Payable in Advance after Admission 95
§949. Fees Adjusted 95
§951. Additional Fees 96

§953. Home Administrator Authority When Incorrect Income Given 96
§955. Unusual Financial Circumstances 96
Subchapter D. Military Family Assistance Program Fund 96
§961. Authority 96
§963. Construction of Regulations; Severability 96
§965. Definitions 96
§967. Eligibility 97
§969. Application Process 98
§971. Types of Grants; Restrictions on Awards 98
§973. Award Amounts 98
§975. Minimum Funding Levels; Reserve Level; Calculation of Funds Available for Payment of One-Time Lump Sum Awards 99
§977. Third Party Administrator 99
§979. Fund Committee 100
§981. The Board and Chairman of the Board 101
§983. Appeals 101
§985. Withdrawal of Applications 101
§987. Waivers 101
Subchapter E. Veterans' Cemeteries 102
§990. Fee Waivers 102
Chapter 11. Elderly Affairs 102
Subchapter A. State Agency on Aging 102
§1101. Office of Elderly Affairs 102
Subchapter C. Councils on Aging 103
§1151. Establishment of Parish Councils on Aging 103
§1203. Applicable Laws and Standards 103
§1229. Office of the Long Term Care Ombudsman 104
§1231. Senior Community Service Employment Program 104
§1239. Protective Services for the Elderly 104
§1245. Family Caregiver Support Program 104
Subchapter F. Hearing Procedures 104
§1265. General Hearing Provisions 104
§1267. Hearing Procedures for Area Agencies 105
§1269. Hearing Procedures for Applicants for Planning and Service Area Designation 107
§1271. Hearing Procedures for Service Providers and Applicants 108
§1273. Hearing Procedures for Persons Filing Grievances with the Office of the State Long-Term Care Ombudsman 109
Subchapter G. Drug Testing for Employees 110
§1281. Definitions 110
§1283. Policy Provisions 111
Chapter 13. State Plan on Aging 112
§1301. State Plan on Aging 112
§1303. Development of the State Plan 112
§1305. Intrastate Funding Formula 112
§1307. - §1323. Reserved. 113
Chapter 17. Women's Services 113
§1700. Preface 113
Subchapter A. Teen Parent Center 113
§1701. Fee Schedule for the Teen Parent Center Program 113

Subchapter B. Family Violence Program Minimum Standards 115
§1720. Policy and Governance 115
§1721. Contract Requirements 116
§1722. Social Change 116
§1723. Foundational 117
§1724. Program Administration and Service Delivery 120
§1725. Facility, Safety, Security and Health 121
§1726. Financial Management and Fund Development 122
§1727. Staff and Volunteer Management 122
§1728. Eligibility 123
§1729. Residential Services 124
§1730. Intervention Services 126
§1731. Transitional Living/HOUSING Program 132
Subchapter C. Programs for Victims of Family Violence Fund 132
§1737. Guidelines for Application of Additional Marriage License Fees 132
§1741. General Provisions 133
§1743. Eligibility and Verification 134
§1747. General Provisions 134
§1749. Guidelines for Eligibility 134
Chapter 19. Rural Development 134
§1901. Projects or Activities 134
§1903. Application Process 135
Chapter 21. Racing Commission 136
Subchapter A. Substance Abuse and Drug-Free Workplace Program 136
§2101. Philosophy 136
§2103. Applicability 136
§2105. Requirements 136
§2107. Drug/Alcohol Testing 137
§2109. Drug Testing Procedures 138
§2111. Alcohol Testing Procedures 139
§2113. Enforcement 139
§2115. Confidentiality/Employee Rights 139
§2117. Employee Assistance Program 140
§2119. General Provisions 140
§2121. Safety-Sensitive Positions 140
Chapter 22. Office of Community Development—Rulemaking Petitions 140
§2201. Submission of a Rulemaking Petition 140
§2203. Consideration of a Rulemaking Petition 141
Chapter 23. Local Government Assistance Program 141
§2301. Purpose 141
§2303. Application Process 141
§2305. Payments and Reimbursement 142
§2307. Programmatic Assurances 142
Chapter 24. Community Water Enrichment Fund 142
§2401. Purpose 142
§2403. Application Process 143
§2405. Payments and Reimbursement 143
§2407. Programmatic Assurances 143

Chapter 25. Louisiana Recovery Authority 143
§2501. Board Members, Terms of Office, Expense Reimbursement 143
§2503. Selection of Chairman and Vice Chairman, Election of Other Officers 144
§2505. Meetings 144
§2507. Committees and Task Forces 144
§2509. Rules of Order 145
§2511. Manner of Acting 145
§2513. Voting 145
§2515. Order of Business, Public Comments 145

Part IX. Telecommunications

Chapter 1. General Provisions 147
§101. Title 147
§103. Authority 147
§105. Purpose 147
§107. Scope 147
Chapter 3. State Agencies' Responsibilities 147
§301. General 147
§303. Telecommunications Coordinator 147
§305. Telecommunications Problem Reporting 148
Chapter 5. Approval of Non-State Entity Use of State Telecommunications Services 148
§501. General 148
§503. Approval Criteria 148
§505. Charges 148
§507. Availability and Usage Constraints 148
Chapter 7. Telecommunications Service Standards 148
§701. General 148
§703. Local Service Standards 148
§705. Long Distance Network Service Standards 149
§707. Telecommunications Building Access Standards 149
Chapter 9. Telecommunications Use 149
§901. General 149
§903. Authorized Use 149
§905. Receiving Collect Telephone Calls 149
§907. Calls Billed as a Third Number Call to State Telephone Numbers 149
§909. LINC Management Reporting 149
§911. Agency Usage Policy 150
Chapter 11. Telecommunications Service Requests 150
§1101. Submission 150
Chapter 13. Telecommunications Charges 150
§1301. Charges for Services 150
Chapter 15. Directory Requirements 150
§1501. Responsibilities 150
Chapter 17. Telecommunications Procurement 150
§1701. Tariffs 150
§1703. Contract Contents 150
§1705. Multi-Year Contract Use 150
Chapter 19. Vendor Responsibilities 151
§1901. General 151
§1903. Bid Notification 151

§1905. Telecommunications Contracts 151
Chapter 21. Waiver of Regulations 151
§2101. Commissioner's Authority to Waive Regulations 151
Chapter 1. Collection Policy and Procedure 153
§101. Introduction 153
§103. Accounts Receivable Process Overview and Objectives 153
§105. Collection Process Overview, Objective, and Policy Guideline 154
§107. Write-Off of Uncollectible Accounts Process Overview, Objective, and Policy Guidelines 155
§109. Debt Intercept or Offset Process Overview, Objective, and Policy Guidelines 156
§111. Quarterly Reporting of Accounts Receivable Overview and Policy Guidelines 156
Chapter 3. Rulemaking Petitions 157
§301. Submission of a Rulemaking Petition 157
§303. Consideration of a Rulemaking Petition 157
Chapter 1. General Provisions 159
§101. General 159
§103. Submission of a Rulemaking Petition 159
§105. Consideration of a Rulemaking Petition 160
Chapter 3. State Agencies Responsibilities 160
§301. General 160
Chapter 5. Policy and Guidelines 160
§501. General 160
§503. Policy Distribution 160
Chapter 7. Submitting and Receiving Electronic Bids for Public Works Contracts and for the Purchase of Materials and Supplies by Political Subdivisions 161
§701. General Provisions 161

Part XIII. Statewide Reporting Accounting Policy

Chapter 1. Agency Records Management Officer Designation 163
§101. Designation 163
§103. Process 163
§105. Responsibilities of an Agency Records Management Officer 163
§107. Changes in Records Management Officer Designees 163
Chapter 3. Retention Schedule Development 163
§301. Definitions 163
§303. Records Inventory 163
§305. Writing the Retention Schedule 164
§307. Retention Schedule Maintenance 164
§309. Retention Schedule Renewal 164
Chapter 5. Storage of Records in State Records Center 164
§501. Definitions 164
§503. Eligibility 164
§505. Packing Instructions 164
§507. Labeling Instructions 165
§509. Disposal Date Cycles 165
§511. Records Transmittal 165
§513. Arranging Transfer 165
§515. Delivery of Records 165
§517. Ownership and Access 165
§519. Requesting Stored Records 166
§521. Disposal of Records 166

§523. Agency Disposal Approval 166
§525. Archival Review 166
Chapter 7. Transferring Records for Inclusion in Archives Collection 166
§701. General 166
§703. Eligibility 166
§705. Packing Instructions 167
§707. Non-Standard Sized Packing Instructions 167
§709. Labeling Instructions 167
§711. Archives Transmittal Form Required 167
§713. Arranging Transfer 167
§715. Delivery of Records 168
§717. Long Term Records Storage 168
§719. Requesting Stored Records 168
Chapter 9. Destruction of Public Records 168
§901. General 168
§903. Scheduled Records 168
§905. Non-Scheduled Records 168
§907. Destruction Authorization 169
§909. Legal Hold Policy 169
§911. Disposal Methods 169
§913. Certificate of Destruction 169
Chapter 13. Electronic Records 169
Subchapter A. Agency Responsibilities 169
§1301. Definitions 169
§1303. General 170
Subchapter B. State Archives Imaging Policy 170
§1305. Imaging System Survey; Compliance 170
§1307. Acceptable Means of Records Preservation 170
§1309. Short-Term Records 170
§1311. Long-Term and Permanent Records 171
Subchapter C. Electronic Mail (E-mail) Guidelines 171
§1321. Series Retention of E-mail 171
§1323. E-Mail Is Not a Records Series 171
§1325. Types of E-Mail 171
§1327. Maintenance of Electronic Mail 171
§1329. User Responsibilities 172
§1331. Agency Responsibilities 172
§1333. Use of Records Management Application (RMA) Software 172
Chapter 15. Microfilm Policy 172
§1501. General 172
§1503. Definitions 172
§1505. Access to Referenced Standards and Practices 173
§1507. Retention Schedule Compliance 173
§1509. Use of Original Microfilm 173
§1511. Annual Report Requirement 173
§1513. State Centralized Microfilm Unit 174
§1515. Film Requirement 174
§1517. Film Production 174
§1519. Image Marking 174
§1521. Targets 174

§1523. Image Sequence 174
§1525. Retake Sequence 174
§1527. Splices 174
§1529. Inspection 174
§1531. Cameras and Ancillary Equipment 175
§1533. Storage of Original Microfilm 175
§1535. Storage of Original Microfilm at State Archives 175
§1537. Storage Environment 175
§1539. Containers and Storage Housing 175
§1540. Container Labels 175
§1541. Inspection of Stored Original Microfilm 175
§1543. Computer Output Microfilm (COM) 176
§1545. Jacketing 176
§1547. Aperture Card/CAD Systems 176
§1549. Expungements 177
§1551. Destruction of Microfilmed Records 177
§1553. Documentation and Record Keeping 177

Part XIX. Address Confidentiality Program

Chapter 1. Address Confidentiality Program 179
§101. Summary of Program 179
§103. Eligibility Requirements 179
§107. ACP Process 179
§109. Definition of a Participant and Co-Participant(s) 179
§111. Substitute Address 180
§113. Authorization Card 180
§115. ACP Code 180
§117. Mail-Forwarding Service 180
§119. Voter Registration 180
§121. Service of Process 180
§123. Disclosure of Records 180
§125. Notification to Courts 181
§127. State and Local Government Agency Exemption 181
§129. Certification 181

Part XXI. Granting Unserved Municipalities Broadband Opportunities (GUMBO)

Chapter 1. Program Summary 183
§101. Background and Authorization 183
§103. Definitions 183
§105. Non-Applicability of other Procurement Law 184
Chapter 2. Project Area Eligibility Requirements 184
§201. Eligible and Ineligible Project Areas 184
§203. Resources for Identification of Project Areas 185
Chapter 3. Applications 185
§301. Process Overview 185
§303. Applications with Multiple Providers or Project Areas 185
§305. Application Requirements 186
§307. Application Information, Statement of Qualifications, and Partnerships 186
§309. Project Area(s) and Locations to be Served 186
§311. Technical Report 187

§313. Project Budget, Matching Funds, Costs, and Proof of Funding Availability 189
§315. Proposed Services, Marketing, Adoption, and Community Support 189
Chapter 4. Scoring 190
§401. Overview 190
§403. Overlapping Applications or Project Areas 190
§405. Factors Subject to Scoring 190
Chapter 5. Protests 194
§501. Protests 194
Chapter 6. Awards 195
§601. Protests 195
§603. Grant Agreement 195
Chapter 7. Compliance 195
§701. Speed and Cost Compliance 195
§703. Reporting 196
§705. Disbursement and Reimbursement 196
§707. Failure to Perform 196
§709. Federal Oversight, Civil Rights Compliance, and Other Applicable Federal Law 196

Title 4
ADMINISTRATION
Part I. General Provisions

Chapter 1. Rulemaking Petitions

§101. Submission of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition an agency to adopt a new rule, or to amend or repeal an existing rule.

B. To petition an agency within the Division of Administration for changes to the agency's current rules, or for the adoption of new rules within the agency's purview, an interested person shall submit a written petition to the Division of Administration, Office of the Commissioner. The petition shall include:

1. the petitioner's name and address;

2. the name of the promulgating agency for the rule in question;

3. specific text or a description of the proposed language desired for the adoption or amendment of a rule, or the specific rule and language identified for repeal;

4. justification for the proposed action; and

5. the petitioner's signature.

C. The rulemaking petition shall be submitted by certified mail and addressed to:

Office of the Commissioner, Division of Administration
Re: Rulemaking Petition
P.O. Box 94095, Capital Station
Baton Rouge, LA 70804-9095

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4 and 49:953, et seq.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of the Commissioner, LR 46:337 (March 2020).

§103. Consideration of a Rulemaking Petition

A. Upon receipt, a rulemaking petition shall be forwarded to the promulgating agency for review.

B. Within 90 days of receipt of the rulemaking petition, the agency shall either:

1. initiate rulemaking procedures to adopt a new rule, or to amend or repeal an existing rule; or

2. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4 and 49:953, et seq.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of the Commissioner, LR 46:337 (March 2020).

Chapter 3. Fees

§301. Uniform Fee Schedule for Copies of Public Records

A. Copies of public records furnished to a person so requesting shall be provided at fees according to the following schedule.

B.1. Charges for the first copy of any public records shall be at a minimum $0.25 per page for microfiche reproductions or paper copies up to 8 1/2 by 14 inches.

2. A two-sided copy shall be considered two pages.

C. Charges for copies of public records on paper larger than 8 1/2 by 14 inches shall be the same as the actual cost to the agency for copying same.

D. Charges for copies of public records on preprinted computer reports shall be the same rate specified in §301.A and B. Each agency shall develop a uniform fee schedule for providing printouts of public records stored in a computer data base utilizing routing utility programs. Such uniform fee schedule shall be first approved by the Division of Administration. An estimated cost shall be given for reproduction of public records stored in a computer which require program modification or specialized programs. The requesting party shall be advised of the estimate, and that it is an estimate, but the actual cost for reproduction, including programming costs, shall be charged if it differs from the estimate.

E. Agencies which have an established fee for copying public records that is in excess of those set forth in the rule must justify that fee in writing and have the established fee approved by the Division of Administration.

F. Copies of public records shall be furnished without charge, or at a reduced charge, to indigent citizens of this state or the persons whose use of such copies will be limited to a public purpose, including, but not limited to, use in a hearing before any governmental regulatory commission.

G. This schedule does not apply to copies of public records, the fees for the reproduction of which are otherwise fixed by law, nor shall this schedule apply to requests for copies from one state agency to another.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:241 and R.S. 44:32.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 8:411 (August 1982), amended LR 12:229 (April 1986).

Chapter 4. Department of State

§401. Department of State Non-Statutory Fee Schedule

A. The Department of State has established non-statutory fee schedules for various filings, services, and publications. If a product referred to in the schedules shown below has to be mailed, the cost for mailing said product would be added to the fee charged.

1. Department of State General Fees

Item	Fee
Express Delivery (Cost Per Package)	Actual Cost
Non-Sufficient Funds Charge	$25.00
Photocopies (Per Page)	$0.25
Postage (Per Package)	Actual Cost
Public Records Request Fee (Certify Public Records) (Cost Per Certification Form)	$20.00
Public Records Request Fee (Cost Per Page up to 8 1/2" X 14") (Two-sided copy is charged as two pages) (Including Facsimile)	$0.25
Public Records Request Fee (Cost Per Page for Printed Copy Greater Than 8 1/2" X 14") (Two-sided copy is charged as two pages)	Actual Cost
Public Records Request Fee (Cost Per Page for CD-ROM or USB Drive)	$0.25
Public Records Request Fee (Cost Per Page for Electronic File Emailed)	$0.25

2. Business Services Division—Commercial

Item	Fee
Corporations—	
Complete Corporation Information Computer Data Transfer	
Weekly, Per Initial Load	$2,500.00
50 Files at $200 Per Week	$10,000.00
Total	$12,500.00
Monthly, Per Initial Load	$2,500.00
11 Monthly Files at $400	$4,400.00
Total	$6,900.00
Monthly Trade Names Only, 12 Monthly Files	
Total	$1,725.00
Customized Computer List	$25 for 1st 40 Records Plus $0.01 Per Each Additional Record
Miscellaneous Corporations Fees—	
Agent for Service of Process	$15.00
Certificate for Service of Process	$20.00
Political Subdivision	$10.00
Power of Attorney	$25.00
Uniform Commercial Code—	
Direct Access Fee, Annual Subscription, Unlimited Usage	$400.00
Monthly Updates Information Computer Data Transfer, Annual Fee, Monthly Updates Subscription	$6,900.00

3. Legal Division—Commissions

Item	Fee
Adoptions (Apostilles or Authentication Certificates) (Cost Per Certificate)	$10.00
Apostille Certificate (Cost Per Certificate)	$20.00
Certificate of Authentication (Cost Per Certificate)	$20.00
Certificate of a Pardon (Cost Per Certificate)	$20.00
Certified Document (Executive Orders or Proclamations)	$20.00
(Per Document)	
Replacement Commission Certificate	$20.00
Replacement Identification Card	$5.00

4. Election Services—Publications

Item	Fee
Bond Registration Certificate (Municipal Bonds) (Optional)	$10.00
Certified Copy (Per Document) (In Addition to $0.25 Per Page Fee)	$20.00
Certified Copy of "Living Will" Declaration Registration	$20.00
"Living Will" Replacement of Identification Card	$5.00
Proces Verbal	
Recordation	$10.00
Proces Verbal (Cost Per Page)	$2.00
Public Officials Signature Registration Certificate	$10.00
Publications	
Ballot Box	$5.00
Buckram Bound Acts of Legislature	
2010/I, II and III (2010 Regular Session)	$172.00
2011/I and II (2011 Regular and 1st Extraordinary Sessions)	$120.00
2012/I, II and III (2012 Regular Session)	$174.00
2013/I and II (2013 Regular Session)	$120.00
2014/I, II and III (2014 Regular Session)	$170.00
2015/I and II (2015 Regular Session)	$205.00
2016/I, II and III (2016 Regular Session and 1st and 2nd Extraordinary Sessions)	$340.00
2017/I and II (2017 Regular Session and 1st and 2nd Extraordinary Sessions)	$250.00
Future Issues (Printed Annually) *	Varies
Code of Governmental Ethics	$5.00
Corporation Law	$25.00
Election Code	$20.00
Lawrason Act	$5.00
Legislative Calendar of the Legislature	$25.00
Official Journal of the Proceedings of the House of Representatives	$25.00
Official Journal of the Proceedings of the Senate	$25.00
Report of Secretary of State CY 2009 and CY 2010	$63.00
Report of Secretary of State CY 2011 and CY 2012	$60.00
Report of Secretary of State CY 2013 and CY 2014	$70.00
Report of Secretary of State CY 2015 and CY 2016	$40.00
Report of Secretary of State (Future Issues) (Printed Bi-Annually) **	Varies
Roster of Officials 2012	$25.00
Roster of Officials 2016	$30.00
Roster of Officials (Future Issues) (Printed Every 4 Years) **	Varies

The department shall publish the cost in *The Advocate* annually for these publications and will post the costs on the department's website after the cost for each publication is determined.

*Pursuant to R.S. 43:22, the formula for the cost for publishing the Buckram Bound Acts of Legislature is as follows: Printing Estimate + 10 Percent of the Printing Cost +Postage/Quantity of Books Ordered.

**The cost for these publications may vary and is based upon the following: Printing Estimate + Department Staff Costs + Postage/Quantity of Books Ordered.

5. State Archives Division – Archives Reproduction and Research Section [1]

Item	Fee
Digital Imaging—	
600 Pixels Per Inch .TIFF Digital Image (Not for Commercial Use) (For Existing Original Photograph Collections Only) (See Reproduction Rights Fee) 3	$10.00

Item	Fee
Reproduction Rights Fee (Commercial Use Only) (Per Image) 4	$100.00
Legislative Committee Audio Tapes Reproduction --	
For Public (Archives Provides Tape) (Cost Per Tape or Digital Recording)	$20.00
For State Agency (Archives Provides Tape) (Cost Per Tape or Digital Recording)	$10.00
Photocopy Reproduction—	
Confederate Pension Records Applications (Per Individual) (Cost Per One Application)	$20.00
Military Service Records (Confederate Soldiers Military Records From Louisiana and World War I Discharge Records) (Cost Per Individual)	$15.00
Other Historical Documents (Per Act 602 of the 2006 Regular Legislative Session) (Louisiana Governmental Agencies Only) (Cost Per Set)	$10.00
Proces Verbal (Archived Records Only)	
Certification	$20.00
Proces Verbal (Cost Per Page)	$2.00
Self-Service Copy Charges—	
Book Scanner Prints (Cost Per Page)	$0.25
Computer Printouts (Cost Per Page)	$0.25
Microfilm Prints (Cost Per Page)	$0.50
Photocopies (Cost Per Page)	$0.25
Staff Reproduction of Archival Material—	
Document Certification (Cost Per Record)	$20.00
Public Vital Records (Certified) (Cost Per Record)	$10.00
Public Vital Records (Certified Letter of "No Record After Reasonable Search") (Per Individual) (Vital Records Only)	$20.00
Public Vital Records, Photocopy (Non-Certified) (Cost Per Record)	$5.00

[1] Fees are for research and must be collected for both successful and unsuccessful searches. No research will be conducted until payment is received. As such, email requests will only be taken with approved bankcard prepayment.

[2] Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10).

[3] Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10) and Request for Permission to Publicly Display Images for Commercial Use (Form LF12).

a. The following forms will be used when requesting reproduction of archival images and requesting permission to publicly display images for commercial use:

i. Policy on the Reproduction of Archival Images (Form LH10); and/or

ii. Request for Permission to Publicly Display Images for Commercial Use (Form LFP12).

6. State Archives Division—Multi-Media Library[4]

Item	Fee
Audio and Video Fees—	
Staff Research/Production Time Rush Fee	$50.00
Materials Charge (Cost Per Tape)	$10.00
Audio Duplication Fee for Screener—	
Local (Per Hour of Footage)	$100.00
National (Per Hour of Footage)	$100.00
Other Commercial (Per Hour of Footage)	$100.00
Worldwide (Per Hour of Footage)	$100.00
Film and Video Duplication Fee for Screener—	
Local (Per Hour of Footage)	$300.00
National (Per Hour of Footage)	$300.00
Other Commercial/Telecourse (Per Hour of Footage)	$300.00
Worldwide (Per Hour of Footage)	$300.00
Multimedia Archives License Fee Schedule—	
Cable/Satellite Television Transmission Only	
Local	$15.00
Nationwide	$25.00
Captured Audience (i.e. In-Flight, Cruise Ship)	$25.00
In Addition to Any of the Other Media	$5.00
Corporate Presentations, Live Events, Concerts and Museum Exhibits	
Local (One-Location or One-State)	$15.00
Nationwide	$20.00
Worldwide	$25.00
Educational, Non-Commercial Distribution Only (Non-Broadcast)	
Local	$10.00
Nationwide	$15.00
In Addition to Any of the Other Media	$5.00
Film Festivals	
Nationwide	$20.00
Worldwide	$25.00
In Addition to Any of the Other Media	$5.00
Home Video (CD-ROM, DVD) (Distribution Only)	$25.00
In Addition to Any of the Other Media	$10.00
Internet (Files must be protected from download)	$25.00
In Addition to Any of the Other Media	$5.00
Radio Transmission	
Nationwide	$10.00
Worldwide	$15.00
In Addition to Any of the Other Media	$5.00
Television Broadcast and Cable/Satellite Transmission	
Local	$15.00
Nationwide (U.S. and Canada)	$30.00
Worldwide	$45.00
Television Broadcast on Non-Commercial (PBS) Stations Only	
Local	$15.00
Nationwide	$20.00
Television Commercials	
Local (One Market)	$30.00
Nationwide	$45.00
Worldwide	$60.00
Theatrical Distribution	$40.00
Plus Nationwide Television Broadcast and Cable/Satellite Television	$45.00
Plus Worldwide Television Broadcast and Cable/Satellite Television	$50.00
Video-On-Demand/Pay-Per-View (Includes Downloadable Video and Wireless Devices)	$20.00
In Addition to Any of the Other Media	$5.00
All Media, Not Known, Worldwide	$90.00

[4] A $300 minimum license fee applies to all the license fees listed herein and is due and payable at the time the footage is ordered from Louisiana State Archives and is non-refundable in the event of non-usage of the footage.

7. State Archives Division—Micrographics and Storage (Interagency Services Only)

Item	Fee
2nd Diazo Duplicate Reel (16 mm)	$10.00
2nd Diazo Duplicate Reel (35 mm)	$15.00
2nd Silver Original Reel (Dual Reels)	$8.00
Add-on Image to Microfiche Jacket	$0.20
From Paper to Microfilm	$0.07
Load Reel onto Cartridge	$10.00
Microfiche Jacket	$0.50
Microfilm Duplication of Existing Roll (Cost Per Roll)	
16 mm Reel (Includes Shipping and Handling)	$20.00
16 mm Reel (Duplicate Film for State Agencies)	$10.00
35 mm Reel (Includes Shipping and Handling)	$25.00

The microfilm image (16 mm or 35 mm) price includes the following: pickup, make ready, filming, processing, storage of original reel at the Louisiana State Archives Facility, duplicate reel sent to agency, disposal of original documents, and/or return of documents per agency instruction or approval. For more details or job price quotes, please contact the microfilm program at (225) 922-1000.

8. State Archives Division—Storage Facility

Item	Fee
Package of Cubic Foot Boxes (Storage Boxes for State Records Center Storage) (25 Boxes in Package)	Actual Cost

Due to the fluctuation in the department's procurement cost of the storage boxes, the actual cost for boxes will be assessed and will be posted on the department's website.

B. Method of Payment

1. The acceptable methods of payment for fees specified in Subsection A above are credit card (see bankcard convenience fee below), check, money order, or cash. Checks and money orders should be made to the Department of State.

2. There is a service charge for using a bankcard for transactions conducted via internet, postal mail, email, FAX, and telephone requests. If using a credit or debit card for an in-person transaction, there is no service charge. Since the bankcard convenience fee has to be approved by the State Treasurer, the fee will be posted on the department's website. This amount may vary.

3. Payments from state entities are to be processed through authorized state accounting systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1447, R.S. 9:2782, R.S. 18:1293, R.S. 24:172, R.S. 24:173.1, R.S. 25:1282, R.S. 25:1284, R.S. 36:742, R.S. 40:1151.2, R.S. 43:19, R.S. 43:22, R.S. 44:1 et seq., R.S. 44:402, R.S. 44:405, R.S. 44:406, R.S. 44:408, R.S. 44:415, R.S. 44:420, R.S. 44:421, R.S. 49:222(A), R.S. 49:227, R.S. 49:228, Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (22 CFR 96).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:2537 (December 2017), amended LR 44:2222 (December 2018).

§403. Department of State Public Records Request

A. The Department of State processes public records requests during regular business hours (Monday through Friday from 8 a.m. to 4:30 p.m.) each business day. The department does not process requests on Saturdays, Sundays, or state holidays.

B. All requests shall be made in writing and may be made by completing a form that will be provided on the department's website. If the copies are to be certified, the person making the request should notify the department when making his request. Certified copies are not available when transmitting records via email, except for commercial records.

C. When submitting a request in writing or in-person, the requestor should use the following address: Department of State, Attention: Legal Division (Public Records Request), 8585 Archives Blvd., P.O. Box 94125, Baton Rouge, LA 70804-9125. Requests may also be made online by answering all of the questions provided on the form and submitting the request to the following email address: PublicRecordsRequest@sos.la.gov.

D. Every public records request shall provide a detailed description of the documents being requested. In addition, the requestor shall inform the department as to the format (i.e., hard copy, electronic copy, USB drive, CD, tape, etc.) to use when submitting the documents to the requestor. In addition, he must stipulate the delivery method (U.S postal service, express mail, electronic delivery, in-person, or fax) that will be used to submit documents to requestor.

E. After the department processes the request, an estimate of the costs will be submitted to the requestor utilizing the costs specified in §401 above plus the cost of delivery. All payments can be made utilizing a credit card (see §401.B.2 above for convenience fee), check, or money order. Once the department receives the funds from the requestor, the department will release the documents to the requestor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:742, R.S. 44:1 et seq., and R.S. 49:222(A).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:2539 (December 2017).

§405. Louisiana State Archives Facilities

A. Non-Profit Groups and Civic Organizations. There is no rental fee charged for use of the state archives facility during regular business hours (Monday through Friday 8 a.m. to 4 p.m.). These meetings must be free and open to the public. If a non-profit group or civic organization wants to meet after hours, there will be a $50 security fee charged. The state archives facility closes at 9 p.m. for all after hour events.

B. For-Profit and Commercial Groups. These groups will be charged based on the schedule listed below:

1. $75 for half-day rental;

2. $150 for full-day rental during regular business days (Monday to Friday from 8 a.m. to 4 p.m.); and

3. $300 for after-hours events.

C. The state archives facilities will close at 9 p.m. for all after-hours events.

D. Method of Payment. When paying for either the rental cost or the security fee, one-half of the total fee is to be made payable to the Department of State and the other one-half is to be made payable to the Friends of the Louisiana State Archives.

E. In order to rent the state archives facility, all organizations will be required to complete a Louisiana State Archives Event Request Form, which can be found on the department's website. On the form, the organization will be required to acknowledge agreement with the indemnification

provision specified on the form. The completed form should be mailed to the Department of State, Archives Division, P.O. Box 94125, Baton Rouge, LA 70804-9125. The form may also be emailed to the Archives Division. If there are any questions, call the state archives facility at (225) 922-1000.

F. The state archives facility consists of the following:

1. auditorium (95 permanent tiered seats with a capacity of 120 when using folding chairs);

2. gallery (40-seat capacity with no projector option); and

3. lobby.

G. In addition, the organization shall indicate if they need any of the following:

1. microphone;

2. podium;

3. projector;

4. 6-foot tables; and/or

5. additional folding chairs.

H. Every effort will be made to accommodate requests; however, events may have to be postponed or moved to alternate locations due to unforeseen circumstances, such as early voting. The department will notify the organization as soon as possible should any change become necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:742, R.S. 44:408, and R.S. 49:222(A).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:2540 (December 2017).

Chapter 5. Incentive Award Program

§501. Definitions

Agency—any unit within government that employs classified state civil service employees and has an identifiable self-contained budget or has its financial records maintained according to an accounting system which identifies, to the satisfaction of the legislative auditor, the expenditures and receipts properly attributable to that unit.

Agency Employee Incentive Award Committee (agency committee)—a committee created within an agency that has had its structure approved by the State Employee Incentive Award Committee.

Application—the submittal of a suggestion, on the prescribed form, to an incentive award committee.

Cost Savings—an actual dollar savings for an agency of government.

Employee—an individual employed by an agency at the time the suggestion is submitted to an incentive award committee.

Evaluation—the formal process by which a suggestion reviewed. The evaluation process may include:

1. preliminary review by an incentive award committee;

2. review by the legislative auditor;

3. reviewing the idea with the suggester;

4. soliciting opinions and/or recommendations from supervisors or other state entities affected by the idea; and

5. an agency or budget unit documentation of the cost savings or revenue generation.

Implementation—putting to use, putting into operation, and/or placing in effect an employee's suggestion by a budget unit, agency, or governmental entity.

Implemented Suggestion—a suggestion that is actually implemented and results in cost savings or revenue generation.

Incentive Award Program—that program which is established in accordance with R.S. 39:366.1-6.

Louisiana Civil Service League—a private, nonprofit educational organization that is authorized by R.S. 39:366.1 to make awards in the Incentive Award Program.

Revenue Generation—an economy that increases funds available to an agency of government as a direct result of an implemented suggestion.

State Employee Incentive Award Committee (*state committee*)—the committee created within the Division of Administration under the authority of R.S. 39:366.1 that is authorized to do the following:

1. empower agencies to create agency committees;

2. approve the structure of agency committees;

3. provide oversight for agency committees;

4. conduct yearly reviews of agency committees;

5. review incentive award suggestions having a statewide impact;

6. request the legislative auditor to review any incentive award program or suggestion.

Suggester—a budget unit or employee submitting an application to an agency committee or the state committee.

Suggestion—an idea that:

1. poses a problem, or opportunity;

2. presents a solution;

3. has been implemented;

4. has been written up on the suggester's own time;

5. has been submitted to the state committee or an agency committee on the prescribed suggestion form;

6. has been signed by the suggester and has the approval of the department secretary or head of the agency employing the suggester;

7. has been received for processing by an agency or state committee.

Transferability—the feasibility of a suggestion being used in any other budget unit or agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Commissioner's Office, LR 16:29 (January 1990).

§503. Submittal of Suggestions to Committees

A. All applications must be submitted on the prescribed form. It is solely the responsibility of the suggester to fill out the form completely and accurately.

B. Before an application is formally submitted to an agency or state committee, the department secretary or the head of the agency shall sign the application form and list all participating employees from the agency. The committees shall rely on this application to determine employees eligible for an award recommendation. If an award recommendation is made, all participants shall be presumed to share the award equally.

C. To qualify for an incentive award recommendation, a suggestion must result in a cost savings or revenue generation.

D. The suggestion, upon submittal, shall become the exclusive property of the state of Louisiana.

E. All suggestions must be the suggester's idea and should not be the result of professional consultation or upon advice of others.

F. All suggestions shall be thoroughly documented and shall contain detailed information so that a cost-benefit analysis can be done to determine the cost savings or revenue generation. If the application does not contain sufficient information for such determination, a committee may require the suggester to submit supplemental information. If the suggester is unable or unwilling to submit the requested supplemental information, an agency or state committee may recommend that the application be declined.

G. All incentive award applications must be completed on the employee's off-duty time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Commissioner's Office, LR 16:29 (January 1990).

§505. Evaluation of Suggestions

A. Upon receipt of an application, the agency or state committee or its staff shall review the submittal for completeness. If an application is complete, it shall be evaluated to determine if the suggestion is eligible for the program. Whenever the agency or state committee declines an application, the suggester shall be notified in writing.

B. Applications that are accepted by an agency or state committee shall be forwarded to the head of the agency affected by the suggestion for further documentation of the cost savings or revenue generation. The suggestion shall be sent to the head of the agency with a request for specific documentation. The department or agency head's evaluation must be returned within the time-frame established by the agency or state committee and must be in writing.

C. A committee shall make the final recommendation based on the information supplied it by its staff, the applicant, and agency head. The agency or state committee recommendation shall be final; however, the suggester may submit the same suggestion again if he/she believes the committee was incorrect in its recommendation.

D. Committee members shall evaluate each suggestion based on the following criteria:

Evaluation Category		Points
1.	Originality	0 to 10
2.	Transferability to other budget units or agencies	0 to 10
3.	Cost Savings or Revenue Generation	0 to 10
		Points
$ 0	- 4,999	1
5,000	- 14,999	2
15,000	- 29,999	3
30,000	- 49,999	4
50,000	- 74,999	5
75,000	- 104,999	6
105,000	- 139,999	7
140,000	- 179,999	8
180,000	- 224,999	9
225,000	-	10

E. Each committee member shall use the following evaluation form:

(File Number or Suggester Name) _____ Pts.
Originality _____
Transferability _____
Savings/Revenue _____
Total: _____

_____
Signature of Committee Member

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Commissioner's Office, LR 16:30 (January 1990).

§507. Incentive Award Recommendations

A. After a suggestion is evaluated, the committee members' evaluations shall be totaled and averaged and an award recommendation shall be made as follows.

Award Recommendation	Points
$200	4-8
250	9-10
500	11-13
750	14-16
1,000	17-19
$2,000	20-22
4,000	23-25
6,000	26-27
8,000	28-29
10,000	30

B. If a suggestion does not receive enough points for a cash award recommendation, but is, in the opinion of an

agency or state committee, meritorious, the suggester(s) may be recommended for a certificate of special recognition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Commissioner's Office, LR 16:30 (January 1990).

§509. Submission of Recommendations to the Louisiana Civil Service League

A. After the state committee or an agency committee completes evaluation of a suggestion and determines that an award recommendation should be made, a copy of the application and all documentation of the impact of the suggestion should be forwarded to the Louisiana Civil Service League, 535 Gravier Building, Suite 508, New Orleans, LA 70130. The Civil Service League shall review the suggestion and award recommendation and determine the final award. All award determinations made by the Louisiana Civil Service League are final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Commissioner's Office, LR 16:30 (January 1990).

§511. Post Award Activity

A. All files shall be maintained by the appropriate committee for a period of three years after closure in accordance with R.S. 44:36. Suggesters may request to review these records. All scoring tabulations on which an award recommendation is based shall be maintained in the file.

B. After the file is closed the suggester will not be entitled to any further consideration for that suggestion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Commissioner's Office, LR 16:31 (January 1990).

§513. Miscellaneous

A. Any and all determinations made by the agency or State Employee Incentive Award Committee shall be final.

B. The State Employee Incentive Award Committee reserves the right to amend its rules. All suggestions shall be evaluated under the rules in effect at the time of submittal.

C. The agency and state committees reserve the right to modify a suggestion to provide the suggester a greater opportunity to have his or her suggestion receive a recommendation for an award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Commissioner's Office, LR 16:31 (January 1990).

Chapter 7. Implementation of Electronic Signatures in Global and National Commerce Act—P.L. 106-229

§701. Short Title

A. These procedures are in response to the Federal "Electronic Signatures in Global and National Commerce Act" (e-sign) effective October 1, 2000. E-sign applies only to the use of electronic records and signatures in interstate or foreign commerce. These rules may be referred to as the "E-Sign Rules."

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4(c).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 27:524 (April 2001).

§703. Exemptions

A. State agency transactions that are not governed by the Electronic Signatures in Global and National Commerce Act, PL 106-229, hereinafter referred to as the "e-sign," are not subject to these procedures.

B. State agency transactions that have electronic record and signature technology procedures that have been established by statutory and/or regulatory authority approval and do not conflict with e-sign, shall remain in effect.

C. State agency transactions that have electronic record and signature technology procedures that have been established by statutory and/or regulatory authority approval with sections that are in conflict with e-sign, shall have all Sections of these procedures remain in effect that are not in conflict with e-sign.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4(c).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 27:524 (April 2001).

§705. General

A. This Section applies to all written electronic communications which are sent to a state agency over the Internet or other electronic network or by another means that is acceptable to the state agency, for which the identity of the sender or the contents of the message must be authenticated, and for which no prior agreement between the sender and the receiving state agency regarding message authentication existed as of the effective date of this Section. This Section does not apply to or supersede the use and expansion of existing systems which are not in conflict with the Federal "Electronic Signatures in Global and National Commerce Act":

1. for the receipt of electronically filed documents pursuant to applicable Louisiana statutory law and promulgated rules and regulations, where the purpose of the written electronic communication is to comply with statutory filing requirements and the receiving state agency or local government is not a party to the underlying transaction which is the subject of the communication; or

2. for the electronic approval of payment vouchers under rules adopted by the State Treasurer pursuant to applicable law.

B. Prior to accepting a digital signature, a state agency shall ensure that the level of security used to identify the signer of a message and to transmit the signature is sufficient for the transaction being conducted. A state agency that accepts digital signatures may not effectively discourage the use of digital signatures by imposing unreasonable or burdensome requirements on persons wishing to use digital signatures to authenticate written electronic communications sent to the state agency.

C. A state agency that accepts digital signatures shall not be required to accept a digital signature that has been created by means of a particular acceptable technology described in Subsection D of this Section if the state agency:

1. determines that the expense that would necessarily be incurred by the state agency in accepting such a digital signature is excessive and unreasonable;

2. provides reasonable notice to all interested persons of the fact that such digital signatures will not be accepted, and of the basis for the determination that the cost of acceptance is excessive and unreasonable; and

3. files an electronic copy (in html format) of the notice with the Division of Administration. The Division of Administration shall make a copy of such notice available to the general public via the World Wide Web.

D. A state agency shall ensure that all written electronic communications received by the state agency and authenticated by means of a digital signature in accordance with this Section, as well as any information resources necessary to permit access to the written electronic communications, are retained by the state agency as necessary to comply with applicable law pertaining to audit and records retention requirements.

E. Guidelines Agencies Should Use in Adopting an Electronic Signature Technology

1. An agency's determination of which technology is appropriate for a given transaction must include a risk assessment, and an evaluation of targeted customer or user needs. The initial use of the risk assessment is to identify and mitigate risks in the context of available technologies and their relative total costs and effects on the program being analyzed. The assessment also should be used to develop baselines and verifiable performance measures that track the agency's mission, strategic plans, and performance objectives. Agencies must strike a balance, recognizing that achieving absolute security is likely to be in most cases highly improbable and prohibitively expensive.

2. The identity of participants to a transaction may not need to be authenticated. If authentication is required, several options are available: ID and passwords for a web-based transaction may be sufficient, however the user login session should be encrypted using either Secured Sockets Layer (SSL) or Virtual Private Networks (VPN) or an equivalent encryption technology.

3. Digital Signatures/Certificates may offer increased security (positive ID), however this will vary depending on:

a. who issues the certificates;

b. what is the identity-proofing process (e.g., are you using Social Security number, photo IDs, biometrics); and

c. is the certificate issued remotely via software or mail, or is “in person” identification required?

4. In determining whether an electronic signature is required or is sufficiently reliable for a particular purpose, agencies should consider the relationships between the parties, the value of the transaction, and the likely need for accessible, persuasive information regarding the transaction at some later date (e.g., audit or legal evidence). The types of transactions may require different security control measures, based on security risks and legal obligations:

a. transactions involving the transfer of funds;

b. transactions where the parties commit to actions or contracts that may give rise to financial or legal liability;

c. transactions involving information protected under state or federal law or other agency-specific statutes obliging that access to the information be restricted;

d. transactions where the party is fulfilling a legal responsibility which, if not performed, creates a legal liability (criminal or civil);

e. transactions where no funds are transferred, no financial or legal liability is involved and no privacy or confidentiality issues are involved.

5. Agency transactions fall into five general categories, each of which may be vulnerable to different security risks:

a. intra-agency transactions;

b. inter-agency transactions (i.e., those between state agencies);

c. transactions between a state agency and federal or local government agencies;

d. transactions between a state agency and a private organization-contractor, non-profit organization, or other entity;

e. transactions between an agency and a member of the general public.

6. Agencies should follow several privacy tenets:

a. electronic authentication should only be required where needed. Many transactions do not need, and should not require, detailed information about the individual;

b. when electronic authentication is required for a transaction, do not collect more information from the user than is required for the application;

c. the entity initiating a transaction with a state agency should be able to decide the scope of their electronic means of authentication.

7. When agencies evaluate the retention requirements for specific records, they should consider the following if the record was signed with an electronic signature.

a. *Low Risk*—simple electronic signature (e.g., typed name on an e-mail message).

b. *High Risk*—digitally-signed communication, a message that has been processed by a computer in such a manner that ties the message to the individual that signed the message. The digital signature must be linked to the message of the document in such a way that it would be computationally infeasible to change the data in the message or the digital signature without invalidating the digital signature.

8. If the record contains a digital signature, the following additional documents may be required:

a. a copy of the *Public Key*;

b. a copy of the Certificate Revocation List (CRL) showing the validity period of the certificate or a copy of the On-line Certificate Status Protocol (OCSP) results;

c. Certification Practice Statement (CPS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4(c).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 27:525 (April 2001).

§707. Definitions

A. The following words and terms, when used in this Section, shall have the following meanings unless the context expressly indicates otherwise.

Asymmetric Cryptosystem—a computer-based system that employs two different but mathematically related keys with the following characteristics:

a. one key encrypts a given message;

b. one key decrypts a given message; and

c. the keys have the property that, knowing one key, it is computationally infeasible to discover the other key.

Certificate—a message which:

a. identifies the certification authority issuing it;

b. names or identifies its subscriber;

c. contains the subscriber's public key;

d. identifies its operational period;

e. is digitally signed by the certification authority issuing it; and

f. conforms to ISO X.509 Version 3 standards.

Certificate Manufacturer—a person that provides operational services for a certification authority or PKI service provider. The nature and scope of the obligations and functions of a certificate manufacturer depend on contractual arrangements between the certification authority or other PKI service provider and the certificate manufacturer.

Certificate Policy—a document prepared by a policy authority that describes the parties, scope of business, functional operations, and obligations between and among PKI service providers and end entities who engage in electronic transactions in a public key infrastructure.

Certification Authority—a person who issues a certificate.

Certification Practice Statement—documentation of the practices, procedures, and controls employed by a certification authority.

Digital Signature—an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature, and that complies with the requirements of this Section.

Digitally-Signed Communication—a message that has been processed by a computer in such a manner that ties the message to the individual that signed the message.

End Entities—subscribers or signers and relying parties.

Escrow Agent—a person who holds a copy of a private key at the request of the owner of the private key in a trustworthy manner.

Handwriting Measurements—the metrics of the shapes, speeds and/or other distinguishing features of a signature as the person writes it by hand with a pen or stylus on a flat surface.

Key Pair—a private key and its corresponding public key in an asymmetric cryptosystem. The keys have the property that the public key can verify a digital signature that the private key creates.

Local Government—a parish, municipality, special district, or other political subdivision of this state, or a combination of two or more of those entities.

Message—a digital representation of information.

Person—an individual, state agency, local government, corporation, partnership, association, organization, or any other legal entity.

PKI—Public Key Infrastructure.

PKI Service Provider—a certification authority, certificate manufacturer, registrar, or any other person that performs services pertaining to the issuance or verification of certificates.

Policy Authority—a person with final authority and responsibility for specifying a certificate policy.

Private Key—the key of a key pair used to create a digital signature.

Proof of Identification—the document or documents or other evidence presented to a certification authority to establish the identity of a subscriber.

Public Key—the key of a key pair used to verify a digital signature.

Public Key Cryptography—a type of cryptographic technology that employs an asymmetric cryptosystem.

Registrar—a person that gathers evidence necessary to confirm the accuracy of information to be included in a subscriber's certificate.

Relying Party—a state agency that has received an electronic message that has been signed with a digital signature and is in a position to rely on the message and signature.

Role-Based Key—a key pair issued to a person to use when acting in a particular business or organizational capacity.

Signature Digest—the resulting bit-string produced when a signature is tied to a document using signature dynamics.

Signer—the person who signs a digitally signed communication with the use of an acceptable technology to uniquely link the message with the person sending it.

State Agency—a department, commission, board, office, council, or other agency in the executive branch of state government that is created by the constitution, executive order, or a statute of this state. Higher education, the legislature and the judiciary are to be considered state agencies to the extent that the communication is pursuant to a state law applicable to such entities.

Subscriber—a person who:

a. is the subject listed in a certificate;

b. accepts the certificate; and

c. holds a private key which corresponds to a public key listed in that certificate.

Technology—the computer hardware and/or software-based method or process used to create digital signatures.

Written Electronic Communication—a message that is sent by one person to another person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4(c).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 27:526 (April 2001).

§709. Digital Signatures Must Be Created by an Acceptable Technology

A. For a digital signature to be valid for use by a state agency, it must be created by a technology that is accepted for use by the Division of Administration pursuant to guidelines listed in §711 of this document.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4(c).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 27:526 (April 2001).

§711. Acceptable Technology

A. The technology known as Public Key Cryptography is an acceptable technology for use by state agencies, provided that the digital signature is created consistent with the following.

1. A public key-based digital signature must be unique to the person using it. Such a signature may be considered unique to the person using it if:

a. the private key used to create the signature on the message is known only to the signer or, in the case of a role-based key, known only to the signer and an escrow agent acceptable to the signer and the state agency; and

b. the digital signature is created when a person runs a message through a one-way function, creating a message digest, then encrypting the resulting message digest using an asymmetric cryptosystem and the signer's private key; and

c. although not all digitally signed communications will require the signer to obtain a certificate, the signer is capable of being issued a certificate to certify that he or she controls the key pair used to create the signature; and

d. it is computationally infeasible to derive the private key from knowledge of the public key.

2. A public key based digital signature must be capable of independent verification. Such a signature may be considered capable of independent verification if:

a. the relying party can verify the message was digitally signed by using the signer's public key to decrypt the message; and

b. if a certificate is a required component of a transaction with a state agency, the issuing PKI service provider, either through a certification practice statement, certificate policy, or through the content of the certificate itself, has identified what, if any, proof of identification it required of the signer prior to issuing the certificate.

3. The private key of public key based digital signature must remain under the sole control of the person using it, or in the case of a role-based key, that person and an escrow agent acceptable to that person and the state agency. Whether a signature is accompanied by a certificate or not, the person who holds the key pair, or the subscriber identified in the certificate, must exercise reasonable care to retain control of the private key and prevent its disclosure to any person not authorized to create the subscriber's digital signature.

4. The digital signature must be linked to the message of the document in such a way that it would be computationally infeasible to change the data in the message or the digital signature without invalidating the digital signature.

5. Acceptable PKI Service Providers

a. The Division of Administration shall maintain an "Approved List of PKI Service Providers" authorized to issue certificates for digitally signed communications sent to state agencies or otherwise provide services in connection with the issuance of certificates. The list may include, but shall not necessarily be limited to, certification authorities,

certificate manufacturers, registrars, and/or other PKI service providers accepted and approved for use in connection with electronic messages transmitted to other state or federal governmental entities. A copy of such list may be obtained directly from the Division of Administration, or may be obtained electronically via the World Wide Web.

b. State agencies shall only accept certificates from PKI service providers that appear on the "Approved List of PKI Service Providers."

c. The Division of Administration shall place a PKI service provider on the "Approved List of PKI Service Providers" after the PKI service provider provides the Division of Administration with a copy of its current certification practice statement, if any, and a copy of an unqualified performance audit performed in accordance with standards set in the American Institute of Certified Public Accountants (AICPA) Statement on Auditing Standards No. 70 (S.A.S. 70) to ensure that the PKI service provider's practices and policies are consistent with the requirements of the PKI service provider's certification practice statement, if any, and the requirements of this Section.

d. In order to be placed on the "Approved List of PKI Service Providers" a PKI service provider that has been in operation for one year or less shall undergo a SAS 70 Type One audit—A Report of Policies and Procedures Placed in Operation, receiving an unqualified opinion.

e. In order to be placed on the "Approved List of PKI Service Providers" a PKI service provider that has been in operation for longer than one year shall undergo a SAS 70 Type Two audit—A Report of Policies and Procedures Placed in Operation and Test of Operating Effectiveness, receiving an unqualified opinion.

f. In lieu of the audit requirements of Subparagraphs d and e above, a PKI service provider may be placed on the "Approved List of PKI Service Providers" upon providing the Division of Administration with documentation issued by a person independent of the PKI service provider that is indicative of the security policies and procedures actually employed by the PKI service provider and that is acceptable to the Division of Administration in its sole discretion. The Division of Administration may request additional documentation relating to policies and practices employed by the PKI service provider indicating the trustworthiness of the technology employed and compliance with applicable guidelines published by the Division of Administration.

g. To remain on the "Approved List of PKI Service Providers" a certification authority must provide proof of compliance with the audit requirements or other acceptable documentation to the Division of Administration every two years after initially being placed on the list. In addition, a certification authority must provide a copy of any changes to its certification practice statement to the Division of Administration promptly following the adoption by the certification authority of such changes.

h. If the Division of Administration is informed that a PKI service provider has received a qualified or otherwise unacceptable opinion following a required audit or if the Division of Administration obtains credible information that the technology employed by the PKI service provider can no longer reasonably be relied upon, or if the PKI service provider's certification practice statement is substantially amended in a manner that causes the PKI service provider to become no longer in compliance with the audit requirements of this Section, the PKI service provider may be removed from the "Approved List of PKI Service Providers" by the Division of Administration. The effect of the removal of a PKI service provider from the "Approved List of PKI Service Providers" shall be to prohibit state agencies from thereafter accepting digital signatures for which the PKI service provider issued a certificate or provided services in connection with such issuance for so long as the PKI service provider is removed from the list. The removal of a PKI service provider from the "Approved List of PKI Service Providers" shall not, in and of itself, invalidate a digital signature for which a PKI service provider issued the certificate prior to its removal from the list.

B. The state may elect to enact or adopt the Federal Uniform Electronic Transactions Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4(c).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 27:527 (April 2001).

§713. Provisions for Adding New Technologies to the List of Acceptable Technologies

A. Any person may, by providing a written request that includes a full explanation of a proposed technology which meets the requirements of §709 in this rule, petition the Division of Administration to review the technology. If the Division of Administration determines that the technology is acceptable for use by state agencies, the Division of Administration shall draft proposed administrative rules which would add the proposed technology to the list of acceptable technologies in §711 of this rule.

B. The Division of Administration has 90 days from the date of the request to review the petition and either accept or deny it. If the Division of Administration does not approve the request within 90 days, the petitioner's request shall be considered denied. If the Division of Administration denies the petition, it shall notify the petitioner in writing of the reasons for denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4(c).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 27:528 (April 2001).

Title 4
ADMINISTRATION
Part III. Payroll

Chapter 1. Payroll Deductions

§101. Definitions

Administrative Contract—contractual agreement entered into by the state with an entity which meets or exceeds the requirements to manage a flexible benefits plan.

Administrative Coordinator—a statewide vendor designated representative who provides the single authorized contact for communication between the vendor and state departments/agencies, company representatives, the Division of Administration, Office of State Uniform Payroll, payroll systems outside of the LaGov HCM payroll system and any administrative contract(or).

Agency Number—three digit identifier representing a single agency in the LaGov HCM payroll system which serves as a key for processing and reporting.

Annual Renewal Application—the process through which a statewide vendor requests continued deduction authorization by providing verification of company status, employee participation, remittance reconciliation, designated coordinator, etc.

Applicant—any entity which has submitted an application to be approved as a statewide vendor for state payroll deduction or a statewide vendor which has submitted an application for approval of an additional product.

Billing Coordinator—statewide vendor representative appointed by the administrative coordinator to handle the areas of billing, reconciliation problems and refunds.

Data File—the body of information documented by copies of correspondence between the Office of State Uniform Payroll, the Office of Group Benefits, administrative contractor, departments/agencies, vendors, Department of Insurance, and state employees relative to employee solicitation, participation and service from vendors.

Deduction—any voluntary reduction of net pay under written authority of an employee, which is not required by federal or state statute, or by court ordered action.

Department/Agency—as referenced herein shall be any one of the major departments of the executive branch of state government or any subdivision thereof as defined under R.S. 36:4.

Department Head—as referenced herein shall be any elected official, department secretary or their designee for those agencies as defined under R.S. 36:4.

Division of Administration (*DOA*)—the Louisiana state agency under the executive department which provides centralized administrative and support services to state agencies as a whole by developing, promoting, and implementing executive policies and legislative mandates.

Employee Payroll Benefits Committee (EPBC)—the group designated in §103 to review current and prospective payroll deduction benefits.

Entity—the individual or organization which renders service, provides goods, or guarantees delivery.

Flexible Benefits Plan (FBP)—the program initiated by the state under which employees may participate in tax reduction benefits offered under Internal Revenue Code (IRC) §125.

Flexible Benefits Plan Year—the annual period of time designated for participation (e.g., January 1 through December 31).

Governing Board—as referenced herein shall mean any one or all of: Board of Regents; Louisiana State University Board of Supervisors; Southern University Board of Supervisors; University of Louisiana Board of Supervisors; and Board of Supervisors of Community and Technical Colleges.

Guidelines for Review—as referenced herein shall mean the set of criteria established for the annual evaluation process.

Insurable Interest—as referenced herein shall be as defined in R.S. 22:613.C.(1) and (2), e.g., an individual related closely by blood or by law, or a lawful and substantial economic interest in having the life, health or bodily safety of the individual insured continue.

Intra-Agency Deduction—a deduction established by the department/agency for cost effective collection of funds from employees for benefits provided, such as meals, housing, uniforms, etc.

Intra-Agency Vendors—any entity having the Office of State Uniform Payroll's approval for an intra-agency deduction.

LaGov Human Capital Management Payroll System (LaGov HCM)—the statewide system administered by the Division of Administration, Office of State Uniform Payroll to provide uniform payroll services to state agencies.

Louisiana Sales Coordinator—statewide vendor representative appointed by the administrative coordinator to handle the areas of solicitation and educational responsibilities.

New Application—the process through which an entity submits a request to be approved as a statewide vendor to

offer a specific product, or a current statewide vendor requests authorization to offer an additional product, policy form, or service plan.

Office of State Uniform Payroll (*OSUP*)—the section within the Division of Administration primarily responsible for the administration of the rules governing state employee payroll deductions.

Policy Form—referenced herein shall mean a contract of an individual insurance plan, and all its components, which is submitted to the Department of Insurance and subsequently approved for sale in Louisiana by the Commissioner of Insurance.

Premium Due—the amount of money the vendor expects to receive for the product or service provided to the employee.

Product—referenced herein shall mean the specific insurance authorized through the statewide vendor annual renewal or new application process as defined in §106. This may include multiple policy forms and service plans under the product.

***Product Code*—the code assigned by the Office of State Uniform Payroll to specific products authorized through the new application process.**

Reconciliation—referenced herein refers to the resolution of differences resulting from a monthly match or comparison of vendor accounts receivable/invoice records to the state deduction/remittance records at the product level.

SED-3—referenced herein shall be the standard form, Department Request for Payroll Deduction Vendor, required to be submitted with any new application.

SED-4—as used herein shall mean the standard State Employee Payroll Deduction Authorization form developed by the Division of Administration, Office of State Uniform Payroll used to process employee statewide vendor deductions.

Service Plan—plans of insurance where benefits are the actual services rendered to the covered individual rather than a monetary benefit.

Statewide Vendors—any entity having deductions other than statutory or intra-agency specific.

Statutory Vendors—any entity having deductions mandated or permitted by federal or state statute which includes, but is not limited to union dues, credit unions, IRC §457 and §403(b) plans, health and life insurance products sponsored by the Office of Group Benefits, retirement systems, Student Tuition Assistance and Revenue Trust Program (START), and qualified United Way entities.

University—any one of the state higher education facilities which falls under the jurisdiction of appropriate "governing board."

Vendor Representative—as referenced herein shall be any licensed agent or duly appointed representative designated by a vendor to market that vendor's authorized product(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1026 (May 2000), LR 32:84 (January 2006), LR 38:797 (March 2012).

§102. Deduction Rule Authority/Applicability

A. OSUP is responsible for the administration of the rules governing state employee payroll deductions. Products that are authorized through OSUP are for all state employees and all state agencies of the executive branch of state government as defined under R.S. 36:4. There are two exceptions to this.

1. Governing boards of higher education facilities have the authority to approve additional products or remove any product per the boards' established policies.

a. Vendors approved by governing boards must follow the governing boards policy and procedures for renewal and new application submission.

b. Each governing board shall provide a report relative to vendors currently approved for deductions within each system as well as any additional information as requested by OSUP.

2. Intra-agency deductions approved by OSUP are only approved for the agency requesting the deduction and not statewide.

B. The three classifications of vendors covered by this rule are:

1. statutory vendors—applicable Sections of this rule are §122, 131 and 137;

2. intra-agency vendors—applicable Sections of this rule are §§122, 131 and 137; and

3. statewide vendors—applicable Sections of this rule are §§106, 112, 114, 119, 131 and 137. Statewide vendor applications are reviewed and approved by the EPBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:85 (January 2006).

§103. Employee Payroll Benefits Committee (EPBC)

A. A committee comprised of 12 nominated and three ex-officio state employees of the departments of the executive branch of state government or the Office of the Governor, as defined under R.S. 36:4, and may include a representative from higher education, established by the Commissioner of Administration to fulfill the requirements of §106 and §112 of this Rule. Ex-officio members shall be: director or assistant director of OSUP, a designee of the

Commissioner of Insurance, and a representative from the Office of Group Benefits. Ex-officio members shall be non-voting members.

B. The EPBC was established in 1996 by the Uniform Payroll System Payroll Steering Committee. Original members served staggered terms as follows:

1. 4 members, one-year term;

2. 4 members, two-year term; and

3. 4 members, three-year term.

C. Successive committee appointments shall be for a period of three years beginning July 1.

D. There may be more than one committee member per department of the executive branch of state government or the Office of the Governor, as defined under R.S. 36:4.

E. Prior to May 1, annually, the EPBC through OSUP shall submit, to the Commissioner of Administration, nominees for each of the four vacancies which will occur each year.

F. The Commissioner of Administration shall affirm or reject the nominations and submit such to OSUP prior to June 1 each year.

G. Any EPBC vacancy which occurs due to termination of employment or retirement of a member, and which creates a vacancy for a period of 12 months or more, shall be filled by appointment by the Commissioner of Administration.

1. Within 30 days of notice of the vacancy, the EPBC shall submit a nominee for replacement to the Commissioner of Administration.

2. The Commissioner of Administration shall affirm or reject the nomination within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 22:22 (January 1996), amended LR 26:1026 (May 2000), LR 32:85 (January 2006), LR 39:3271 (December 2013).

§106. Statewide Vendor Annual Renewal and New Application Process

A. All currently approved statewide vendors shall file an annual renewal application with the Division of Administration, Office of State Uniform Payroll as scheduled by that office.

B. Written notice of requests for a new statewide vendor payroll deduction or for current vendors to add additional products or to add additional policy forms or service plans under the current products should be sent to OSUP prior to July 1 annually, in order for the vendor to receive an application form from OSUP. Applications for the purpose of providing deductions for IRA's, annuities, noninsurance investment programs or group plans are not permitted.

C. On or before August 1 annually, OSUP will provide deduction application forms along with instructions for completion to each renewal and new entity on file.

D. On or before August 31 annually, renewal and new applications must be completed and submitted to the Division of Administration, Office of State Uniform Payroll, P.O. Box 94095, Baton Rouge, LA 70804 or 1201 North Third Street, Ste. 6-150, 70802.

1. Application shall be made by the entity which is the provider of the product or recipient of monies and shall be signed by two principal officers of the applicant entity.

2. The application shall:

a. be submitted on a currently approved application form provided by OSUP to the vendor;

b. indicate whether the application is an annual application (renewal) or a new application for a product, policy form or service plan not previously approved for deduction;

c. identify each policy form for specific product provided on the application form;

d. include certification (SED-3 form) from the department head of the requesting department for new applications. Department certification attests that said applicant has provided evidence that the vendor meets or exceeds the requirements of R.S.42:455, that said applicant has knowledge of the requirements of this rule, and that the department/agency believes this product/policy/service plan would be a benefit for the employees of the department/agency. Certification does not represent endorsement of product by state or department. Administrative responsibilities of this rule shall preclude the DOA from sponsoring applicants for vendor deduction authorization;

e. indicate whether the request is for participation within a specific department/agency by choice (ability to service or applicability), or for statewide authority limited to certain payroll system(s);

f. designate an "administrative coordinator" to represent the vendor as primary contact. Refer to Statewide Vendor Requirements and Responsibility §114 for complete details;

g. include responses to all applicable items (designated in instructions) on the application form for new and annual renewal applications.

E. On or before October 1 each year, OSUP will conduct a compliance review and shall notify vendors of any products that will be removed due to not meeting the participation requirements in §114.C.3. In a separate letter, the vendor will be notified whether their annual application has been conditionally approved.

F. Between September and April each year, the EPBC shall conduct a thorough review of all products authorized for deduction and new applications.

1. EPBC shall maintain basic guidelines for review to follow in the conduct of the annual review of statewide vendor products. These guidelines are on file at OSUP and available upon request.

2. The EPBC shall utilize the data file maintained by OSUP to evaluate user satisfaction with products and vendors and the guidelines for review to evaluate product quality.

a. OSUP shall maintain a data file of documentation provided each year by user agencies, employees, vendors, and FBP administrator relative to product utilization, services provided, and adherence to department/agency policy and this rule.

b. OSUP shall copy to the data file all correspondence relating to resolution of problems with and between vendors, employees, and departments/agencies.

c. OSUP shall include the basic information from annual application process and from new applications in the data file provided to EPBC.

3. Vendor shall respond to all additional questions as required by EPBC.

G. On or before April 1 annually, the EPBC shall issue a summary report of opinions resulting from the annual review of products and new applications, along with recommended actions to the commissioner of administration.

H. OSUP shall provide the Commissioner of Administration recommendations from EPBC and information relative to vendor/product compliance with all other provisions of this rule.

I. On or before May 1 annually, the commissioner of administration shall advise OSUP whether EPBC recommendations relative to current products and new applications have been accepted or denied.

J. On or before May 31 annually, OSUP will:

1. notify those vendors with new applications whether their requests were approved or denied. Approval of an applicant in no way constitutes endorsement or certification of the applicant/vendor by the state;

2. notify the affected vendors if any problems were identified during the EPBC review and advise on any necessary actions;

3. notify LaGov HCM payroll system user agencies and other departments/agencies and governing boards of authorized deductions by vendor and product name, providing LaGov HCM system information and the effective date. Governing boards shall notify universities.

K. Payroll systems outside of the LaGov HCM payroll system will advise vendors whether the deduction will be established.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:86 (January 2006), amended LR 38:797 (March 2012).

§112. Statewide Vendor Requests for Enhancements/Changes to Products

A. Requests for enhancements to existing statewide vendor products, policies or service plans must be submitted to OSUP for review and approval by April 1 and October 1 annually.

1. Enhancements to policies occur when:

a. a vendor requests to broaden an existing, solicited policy's benefits/coverage;

b. a vendor requests the existing, solicited policy to be replaced by the enhanced policy;

c. the vendor stops soliciting the existing policy;

d. current policyholders may choose to keep the existing policy or convert to the enhanced policy; and

e. new policyholders must purchase the enhanced policy.

2. OSUP and the EPBC will review the request and notify the vendor of approval or denial by June 1 and December 1 annually.

a. If approved, OSUP will include in the approval notification the procedures for implementing the enhancement for July 1 and January 1 annually.

b. If denied, OSUP will add the vendor to the file of vendors for new applications. (See §106 for new application process).

B. Notification of policy changes must be submitted to OSUP by July 1 annually.

1. Changes, including but not limited to, rate changes, co-payment changes and reduction in benefits occur when:

a. a vendor requests an existing, solicited policy to be changed;

b. current policyholders must choose to either accept the changed policy or terminate the policy; and

c. new policyholders must purchase the changed policy.

2. OSUP will review the information submitted and notify the vendor by September 30 annually and provide procedures for implementing the policy change for January 1 annually.

3. Policy changes not submitted to OSUP will not be allowed.

C. Requests that do not meet an enhancement or a change classification, will be reviewed by OSUP to determine what procedures the request will follow.

D. Requests for exceptions to this policy shall be justified, documented and submitted in writing to OSUP for consideration.

E. OSUP will coordinate procedures with vendors on all policy changes that are mandated by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 26:1027 (May 2000), amended LR 32:87 (January 2006), LR 38:798 (March 2012).

§114. Statewide Vendor Requirements and Responsibility

A. Any statewide vendor applicant for deduction, domestic or foreign, regulated by the Department of Insurance shall meet the minimum requirements set forth in R.S. 42:455.

B. Statewide vendor applicants for deductions not regulated by the Department of Insurance shall:

1. possess appropriate license or other required certification for providing the particular product or service for a fee;

2. have been doing business in this state for not less than five years providing the product and/or services anticipated to be offered state employees;

3. be in compliance with all requirements of any regulatory and/or supervisory office or board charged with such responsibility by state statute or federal regulations;

4. provide to the Commissioner of Administration within 30 days of approval an irrevocable letter of credit in the amount of $100,000, or an irrevocable pledge of a certificate of deposit in the amount of $100,000 to protect the state and any officer or employee from loss arising out of participation in the program or plan offered by the vendor.

C. Vendors shall:

1. provide annual renewal application as set forth in §106 of this rule;

2. maintain the requirements set forth in A. and B. of this Section;

3. maintain individual product (product categories as defined by OSUP) participation levels that meet or exceed 100 employees paid through the LaGov HCM payroll system. Vendors will be allowed 12 months after initial product approval to meet the minimum product participation requirements;

4. solicit employees for payroll deduction only:

a. after notification to the vendor and state department/agencies from OSUP that the product has been approved;

b. upon written authorization and within the solicitation policy established by the department/agency; and

c. for those products, policy forms or service plans submitted and approved in the annual renewal or new application process;

5. provide and use the standard deduction authorization form (SED-4) authorized by OSUP using the guidelines below;

a. deduction form is not authorized to be submitted from an employee for the purpose of transmitting any part of that deduction to a non-approved vendor;

b. deduction form shall not be submitted which lists any product or service for which a product code has not been approved;

c. deduction form may include additional information provided that such information shall not represent a disclaimer or escape clause(s) in favor of the vendor. The authorization shall not stipulate any "contract" or "term of participation" requirements;

d. the authorization must specify product name, IRC §125 eligibility, monthly premium or fee, and the semi-monthly (24 annually) premium or fee. Statewide vendor deductions in the LaGov HCM payroll system must be semi-monthly deduction amounts only (to the second decimal place). Payroll systems outside of the LaGov HCM payroll system which permit monthly deductions may continue same;

e. an employee shall have only one deduction authorization (which may cover more than one product/policy) for a single vendor effective at any one time. Total current deduction amount and each component amount that make up that total must be reflected on any successive form(s);

f. vendor shall be responsible for completing authorization forms prior to obtaining employee signature and for submitting forms to the appropriate payroll office designated by each employing department/agency;

g. deduction forms must contain appropriate agency number to support monthly reconciliation process;

h. deduction authorization shall not be processed for any employee which is intended to provide a benefit for any party for whom the employee has no insurable interest;

i. employee deduction authorization shall not be transferred by an approved vendor to another vendor without special approval from the Commissioner of Administration;

j. an employee may discontinue a voluntary statewide vendor policy/service at any time by following OSUP and department/agency policy. Any deduction amount that is committed for participation in a current FBP year will continue to be deducted, but will be paid to the state of Louisiana;

6. follow procedures established by OSUP policy when refunding payroll deducted and remitted premiums to employees and §112 for requesting changes to existing products;

7. use invoice/billing identification structure that is compatible with payroll agency numbers to facilitate the monthly reconciliation;

8. be responsible for preparing a reconciliation of monthly payroll deduction/remittances to vendor's monthly premium due;

a. monthly reconciliation shall include total monthly premium due amount, each product amount and code as assigned by OSUP that makes up the total amount of premium due, total remittance amount, and a listing of all exceptions between the premium due and deduction/remittance by employee within billing/payroll agency numbers;

b. monthly reconciliation exception listing shall identify the employee by Social Security number and payroll agency number and shall be grouped within payroll agency numbers for LaGov HCM payroll system agencies and similarly for payroll systems outside of the LaGov HCM payroll system;

9. furnish evidence of reconciliation to OSUP as requested by that office. Like verification may be required by other payroll systems outside of the LaGov HCM payroll system;

10. provide written notification within ten days of any change in the name, address, entity status, principal officers, designated administrative coordinator, appointed Louisiana sales coordinator and appointed billing coordinator to OSUP;

11. provide written notification of the dismissal of any vendor representative participating in state deduction to OSUP. Any vendor representative who has been debarred by a vendor from state participation shall not be allowed to represent any vendor for deduction for a minimum of two years thereafter.

D. Vendor administrative coordinator shall:

1. be responsible for obtaining solicitation authorization and department policy from the department head or his designee;

2. appoint a vendor representative, if preferred, to be the "Louisiana sales coordinator" to handle the areas of solicitation and educational responsibilities;

3. be responsible for dissemination of information such as the requirements of this rule and department/agency policy and procedures to vendor representatives;

4. act as liaison for the vendor with any administrative contract (or) and the state relative to FBP participation;

5. be the primary contact for resolution of billing, refund, and reconciliation problems; and resolving claims problems for employee;

6. appoint a vendor representative, if preferred, to be the "billing coordinator" to handle the areas of billing, refunds and reconciliation problems.

E. Vendors, applicants, and any representatives thereof shall be prohibited from any action intended to influence the opinion or recommendation of any EPBC member.

F. Vendors may be debarred by a department/agency from solicitation within that department/agency for violation of this section or OSUP policy.

G. Vendors may be debarred from solicitation statewide by OSUP for violation of this section or OSUP policy.

H. Unethical conduct or practices of the vendor will result in the termination of payroll deduction authority for that vendor. Unethical or unprofessional conduct of any vendor representative shall result in that individual being debarred from participation in state deduction for any vendor.

I. Deduction authority shall be revoked for any vendor that fails to maintain compliance with provisions of R.S. 42:455 or the requirements of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:87 (January 2006), amended LR 38:798 (March 2012).

§119. Rule Transition

A. Any statewide vendor receiving payment through payroll deduction on the effective date of this rule shall continue to be approved as a vendor until the next annual renewal process if requirements of §114 are met.

B. Statewide vendors currently participating in deductions which do not meet the minimum participation requirements set forth in §114.C.3 of this rule by December 31, 2005 will be denied deduction privileges.

C. Entities which have submitted requests for consideration of deduction participation shall not be exempted from compliance with any part of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1029 (May 2000), LR 32:89 (January 2006).

§122. Statutory and Intra-Agency Vendor Information

A. Statutory vendors must:

1. provide data such as vendor contact information to OSUP upon request; and

2. upon request, submit to OSUP for approval their deduction authorization agreement (format and content).

a. Employee authorization agreements shall not stipulate any "contract" or "term of participation" requirements. However, employees may designate a 'cap' or annual maximum for a charitable organization deduction authorized by R.S. 42:456.

b. If employee electronic authorization is approved by OSUP, the vendor will be responsible for retaining for audit purposes authorized agreements with employees.

B. Intra-Agency Vendors

1. Department/agency requesting an intra-agency specific deduction must submit a written request to OSUP and include:

a. certification that the collection of funds from employees through payroll deduction for meals, housing, uniforms, etc. is cost effective for the agency; and

b. an explanation of need which is to include the number of employees that will participate.

2. Intra-agency vendors must provide data such as vendor contact information to OSUP upon request.

3. There will be no additional requests for agency associations accepted by OSUP after the effective date of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:89 (January 2006).

§127. Department/Agency Responsibility

A. Department head or his designee shall:

1. approve or reject requests for solicitation authorization presented only by designated coordinators of approved statewide vendors;

2. confirm with the vendor administrative coordinator (and/or Louisiana Department of Insurance when applicable) the credentials of any vendor agent not represented to the department by the vendor administrative coordinator;

3. provide vendor administrative coordinators a copy of department/agency policy relative to receipt, processing, and cancellation of payroll deduction forms, as well as guidelines prior to permitting access to employees;

4. certify the use of any intra-agency deduction, to collect funds from employees for meals, housing, uniforms, etc., is required by and is a benefit to the agency/department; and

5. provide support for participation of selected EPBC members.

B. Department/agency designated personnel shall:

1. accept only authorization forms which conform to the standard deduction format (SED-4) from statewide vendor representatives;

2. verify that the statewide vendor name and product codes on any deduction form submitted are in agreement with the current approved list;

3. accept forms for employee deductions which contain no obvious alterations without employee's written acknowledgment of such change;

4. be responsible for verifying that the deduction amount is in agreement with the monthly amount shown on the authorization if applicable;

5. be responsible for maintaining compliance with employee FBP year contract commitment;

6. process refunds for amounts previously deducted from any vendor which receives LaGov HCM payments only as directed by OSUP policy. Payroll systems outside of the LaGov HCM payroll system shall establish written policy for remittance and refund of deductions taken;

7. be responsible for reporting any infractions of this rule and/or department policy committed by any vendor or vendor representative to OSUP and/or appropriate governing board or boards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1031 (May 2000), LR 32:90 (January 2006), LR 38:798 (March 2012).

§131. Fees

A. Data, information, reports, or any other services provided to any vendor or any other party by the LaGov HCM payroll system or other state payroll system may be subject to payment of a fee for the cost of providing said data, information, reports, and/or services in accordance with the Uniform Fee Schedule established by Rule promulgated by the DOA under R.S. 42:458.

B. Fees assessed shall be satisfied in advance of receipt of the requested data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1031 (May 2000), LR 32:90 (January 2006), LR 38:798 (March 2012).

§137. Appeal Process

A. Any vendor and/or any vendor representative participating in deduction debarred from participating for any reason by a department/agency or OSUP shall have the right to have that action reviewed by filing a written request for review with the department head of the department/agency. This request for review shall be filed within 10 days from the notice of debarment.

B. A written decision shall be rendered on any request for review within 14 days of receipt.

C. Any vendor and/or vendor representative who is not satisfied with this decision has the right to appeal to the Commissioner of Administration. Any such appeal must be in writing and received by the Commissioner of Administration within 10 days of receipt by the vendor. The Commissioner of Administration shall issue a written decision on the matter within 14 days of receipt of the written appeal.

D. The decision of the Commissioner of Administration shall be the final administrative review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1031 (May 2000), LR 32:90 (January 2006).

§139. SED-3 (01/06)

DEPARTMENT REQUEST
FOR
PAYROLL DEDUCTION VENDOR

In accordance with the rule governing payroll deductions, Title 4 (Chapter 1, §106.D.2.d),

I,_____,_____, on behalf of the
NAME (Print) TITLE

employees of _____, hereby request
DEPARTMENT

favorable consideration of a payroll deduction application submitted by:

A. _____
APPLICANT/VENDOR NAME

_____
ADDRESS

_____
CITY/STATE/ZIP

_____
AGENT/REPRESENTATIVE

_____
PHONE (Area/Number/Extension)

To offer:

B.(PRODUCT/SERVICE)

Section 125 Eligible
Yes [__] No [__]

_____

_____

_____

_____

I further certify that the above named company applicant has provided evidence of having met and/or exceeded all requirement of R.S. 42:455; has knowledge of the requirements of the rule governing payroll deductions; and that this department/agency attests that this product/service would be a benefit for employees of this department/agency.

Department _____

Signature _____

Title _____

Date _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), repromulgated LR 26:1033 (May 2000), amended LR 32:91 (January 2006).

Chapter 3. Direct Deposit of Employee Pay

§301. Definitions

Agency—any one of the 20 major departments of state government or any subdivision thereof.

Automated Clearing House (ACH)—the network, operated by the Federal Reserve Bank, which establishes procedures and guidelines regarding electronic transfer of funds.

Compensation—any form of monetary pay issued to an employee for services performed.

Condition of Employment—policy requiring a particular requirement to be met in order for offer of employment to be given.

Department Head—the person responsible for the operation of a department.

Direct Deposit—the automatic deposit, through electronic transfer of funds, of employees' compensation into a checking or savings account at a bank, savings and loan, or credit union of their choice.

Direct Deposit Enrollment Authorization Form—the standard form developed by the Division of Administration, Office of State Uniform Payroll, completed by the employee, giving the employing agency authority to process employee specific direct deposit bank account information in the ISIS Human Resource System for the electronic transfer of funds.

Division of Administration (DOA)—the Louisiana State Agency under the executive department which provides centralized administrative and support services to state agencies as a whole by developing, promoting, and implementing executive policies and legislative mandates.

Electronic Processing—method of automatically transferring data/funds through computers rather than through hard copy.

Employee Administration—the section within an agency responsible for payroll and human resources.

Employing Agency—the agency for which an employee is currently working.

Financial Institution—a bank, savings and loan, or credit union who is established as a receiver of ACH payments.

Geographical Barrier—an obstacle based on the physical location of an employee in relation to the physical location of a financial institution that would impede an employee's ability to obtain funds from the financial institution.

ISIS Human Resource System—the integrated statewide information system administered by the Division of Administration, Office of State Uniform Payroll to provide uniform payroll services to state agencies.

Net Pay—the amount of compensation due to the employee after taking an employees wages and compensation earned and deducting all voluntary and involuntary deductions.

Office of State Uniform Payroll (OSUP)—the section within the Division of Administration primarily responsible for the DOA statewide payroll system and administration of the rules governing state employee payroll deductions.

Physical/Mental Disability Barrier—an obstacle based on a physical or mental impairment that would impede an employee's ability to obtain an account at a financial institution or impede an employee's ability to obtain funds from a financial institution.

Primary Bank Account—an employee's checking or savings account at a financial institution to which net pay is deposited.

Prospective Employee—a person to whom an agency wishes to issue an offer of employment.

Representative—a person appointed by the department head to handle the operation of the department.

Secondary Bank Account—an employee's checking or savings account at a financial institution to which a fixed dollar amount or percentage of net pay is deposited.

Third Party Account—bank account established for a person other than the employee.

Wage—payment for services to an employee.

Waiver—authorization by the Division of Administration, Office of State Uniform Payroll, for an exception to the enforcement of this rule.

Waiver Form—the standard form developed by the Division of Administration, Office of State Uniform Payroll, completed by the employee to request a waiver from the requirement of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:247.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1197 (June 2002).

§303. Direct Deposit of Employee Pay

A. Beginning July 1, 2002, all employees paid through the ISIS Human Resource System are required to receive wage and compensation payments via direct deposit through the Automated Clearing House (ACH). Employees must complete an approved direct deposit enrollment authorization form to establish direct deposit of net pay to the employee's primary bank account at an approved financial institution. Employees may choose to send, via direct deposit, a fixed dollar amount or a percentage of net pay to a secondary bank account by completing an approved direct deposit enrollment authorization form for a secondary

account. These forms can be obtained from the employee administration office of the employing agency. Completed forms must be forwarded to the employee administration office of the employing agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:247.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1198 (June 2002).

§305. Direct Deposit of Employee Pay to a Third Party's Account

A. Direct deposit of employee pay cannot be set up to go to a third party's account. This includes any account where the employee is not named on the account. Exceptions may be made by the employing agency for deposits to a dependent's account or to the account of a parent/guardian, when the employee is a dependent of the parent/guardian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:247.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1198 (June 2002).

§307. Condition of Employment

A. Direct deposit of pay must be considered a condition of employment, and agencies shall not submit job offers to prospective employees who are not willing to receive their wage and compensation payments via direct deposit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:247.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1198 (June 2002).

§309. Request for Direct Deposit Waiver

A. Employees may request a waiver of the requirement for direct deposit by completing and submitting to the employee administration office of the employing agency a request for direct deposit waiver on an approved waiver form. The approved form can be obtained from the employee administration office of the employing agency. The employee administration office is required to submit all requests for waivers to the department head or representative. The department head or representative must approve or deny the waiver based on reasonableness of the request. Approved waivers must be submitted to the Office of State Uniform Payroll for final approval/denial. The Office of State Uniform Payroll will approve, or deny, the request for waiver and return the form to the agency who must then notify the employee of the status of the request for waiver. The agency must maintain a copy of the waiver form with the employee's records with a notation as to when the employee was notified of the waiver status. Waivers may be approved for geographical barriers, physical/mental disability barrier, or inability to establish an account at any financial institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:247.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1199 (June 2002).

§311. Enforcement of Rule

A. Wage and compensation payments will be placed in a holding account until such time that employee completes an approved direct deposit enrollment authorization form and forwards said form to the employee administration office of the employing agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:247.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1199 (June 2002).

§313. Department/Agency Responsibility

A. Departments/Agencies are responsible for incorporating within the hiring process notification of direct deposit as a condition of employment, enforcing compliance with this rule, reviewing and approving/denying employee requests for waivers, forwarding approved waivers to the Office of State Uniform Payroll for final approval/denial of waivers, notifying employees of the final decision on the waivers, maintaining record of waivers, reporting to the Commissioner of Administration any employees not complying with this rule, and withholding job offers to prospective employees failing to comply with this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:247.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1199 (June 2002).

Chapter 5. Direct Deposit of Vendor Payments and Electronic Receipt of Supporting Data

§501. Definitions

Child Support—involuntary employee deduction ordered by a court for payment for support of a child.

Direct Deposit—the automatic deposit, through electronic transfer of funds, of vendor pay into a checking or savings account at a bank, savings and loan, or credit union of their choice.

Direct Deposit Enrollment Authorization Form—the standard form developed by the Division of Administration, Office of State Uniform Payroll, completed by the vendor, giving the Division Of Administration, Office of State Uniform Payroll authority to process vendor specific direct deposit bank account information in the ISIS Human Resource System for the electronic transfer of funds.

Director—the leader responsible for the operation of the Office of State Uniform Payroll.

Division of Administration (DOA)—the Louisiana State Agency under the executive department which provides centralized administrative and support services to state

agencies as a whole by developing, promoting, and implementing executive policies and legislative mandates.

Electronic—method of automatically transferring data/funds through computers rather than through hard copy.

Financial Institution—a bank, savings and loan, or credit union who is established as a receiver of ACH payments.

Garnishment—involuntary employee deduction ordered by a court for payment to a creditor.

Involuntary Payroll Deduction—any reduction of net pay which is required by federal or state statute, or by court ordered action.

ISIS Human Resource System—the integrated statewide information system administered by the Division of Administration, Office of State Uniform Payroll to provide uniform payroll services to state agencies.

Levy—involuntary employee deduction ordered by the court for payment of unpaid federal and/or state taxes.

Office of State Uniform Payroll (OSUP)—the section within the Division of Administration primarily responsible for the DOA statewide payroll system and administration of the rules governing state employee payroll deductions.

Payment Processing Costs—costs associated with establishing bank accounts and receipt of funds and data electronically, including internal costs and financial institution costs.

Prospective Vendor—any company, corporation, or organization which has submitted an application to be approved as a vendor for state payroll deduction or a vendor which has submitted an application for approval of an additional product or a change to an existing product.

Supporting Data—information to support the electronic payment, including employees' amounts and other related data.

Undue Hardship—an unwanted burden placed on a vendor as a result of receiving payment and supporting data electronically.

Vendor—any company, corporation, or organization approved to participate in payroll deduction through the ISIS Human Resource System.

Vendor Payment—payment to vendor for voluntary and involuntary employee payroll deductions with the vendor through the ISIS Human Resource System.

Voluntary Payroll Deduction—any reduction of net pay made under written authority of an employee, which is not required by federal or state statute, or by court ordered action and which the employee is free to accept or decline.

Waiver—authorization by the Division of Administration, Office of State Uniform Payroll, for an exception to the enforcement of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1199 (June 2002).

§503. Direct Deposit of Vendor Payments and Electronic Receipt of Supporting Data

A. Effective July 1, 2002, all vendors having either voluntary or involuntary payroll deductions through the ISIS Human Resource System must accept payments for eductions via direct deposit or other approved electronic means and must accept supporting data via an approved electronic means. Vendors must complete an approved direct deposit enrollment authorization form and forward said form to the Office of State Uniform Payroll to establish direct deposit of vendor payments to the vendor's bank account at an approved financial institution. Approved direct deposit enrollment forms can be obtained from the Office of State Uniform Payroll. Prior to a new vendor being approved and established in the ISIS Human Resource System, the Office of State Uniform Payroll must receive a completed approved direct deposit enrollment authorization form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1200 (June 2002).

§505. Request for Direct Deposit Waiver

A. Vendors may request a waiver of this rule by submitting in writing a formal request to the Director of the Office of State Uniform Payroll. Upon receipt of formal request, the Office of State Uniform Payroll will approve or deny the request for waiver and notify the vendor in writing within 15 days of receipt of request for waiver. Waivers may be approved if the vendor can prove that use of direct deposit and/or electronic receipt of supporting data will cause an undue hardship or will significantly increase payment processing costs.

B. Vendors receiving payments for garnishment, child support, and levies are exempt from the requirements of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1200 (June 2002).

§507. Enforcement of Rule

A. Vendor payments will be placed in a holding account until such time that vendor completes an approved direct deposit enrollment authorization form and forwards said form to the Office of State Uniform Payroll.

B. Failure to adhere to this rule will result in termination of payroll deduction privileges.

C. Current and prospective vendors requesting to receive new payroll deductions through the Payroll Deduction Rule (LAC 4:III.Chapter 1) will be denied acceptance for refusal to receive payments via direct deposit or other approved

electronic means and receive supporting data via an approved electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 28:1200 (June 2002).

Chapter 7. Recoupment of Overpayments

§701. Definitions

Active Employee—employee currently working for the agency that overpaid the employee.

Agency—any one of the 20 major departments of state government and the executive office or any subdivision thereof and any other entity paid through one of the 20 major departments of state government or the executive office. This includes those agencies using ISIS HR for payroll and those agencies not using ISIS HR for payroll.

Deduction—any voluntary/involuntary reduction in net pay (e.g., health insurance, united way, taxes)

Direct Deposit Reversal—a formal request to the financial institution to return funds deposited into an account.

Division of Administration (DOA)—the Louisiana state agency under the executive department which provides centralized administrative and support services to state agencies as a whole by developing, promoting, and implementing executive policies and legislative mandates.

Gaining Agency—the agency to which the overpaid employee is transferring.

ISIS Human Resource System (ISIS HR)—the integrated statewide information system administered by the Division of Administration, Office of State Uniform Payroll to provide uniform payroll services to state agencies.

ISIS HR Non-Paid Agency—a state agency who uses a system other than the ISIS HR system to process payroll.

ISIS HR Paid Agency—a state agency who processes payroll through the ISIS HR system.

Losing Agency—the agency from which the overpaid employee is terminating/separating.

Net Pay—the amount of compensation due to the employee after withholding all voluntary and involuntary deductions from his wages and compensation earned.

Office of State Uniform Payroll (OSUP)—the section within the Division of Administration primarily responsible for the DOA statewide payroll system and administration of the rules governing state employee payroll deductions.

Overpayment—unearned compensation of state funds to employees.

Recoupment—reimbursement of overpayment that was not due an employee.

Separated Employee—employee no longer working for the agency that overpaid the employee.

Wage—payment for services to an employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:644 (March 2005).

§703. Introduction

A. Overpayments occur when compensation that is not owed to the employee is paid in error. This includes but is not limited to overpayment of wages, annual leave paid in error, as well as, erroneous refunds of deductions. Unearned payments to employees are prohibited by Article 7, Section 14 of the Louisiana State Constitution which prohibits the donation of public funds. As a result, state agencies are required to make a reasonable effort to recoup overpayments to both active and separated employees. Agencies must also establish internal controls to prevent overpayments. State agencies are to develop specific policies regarding recoupment of overpayments incorporating these procedures into their policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:644 (March 2005).

§705. Notification to Employee of Overpayment

A. Employees must be notified immediately once an agency determines that an overpayment has been made. Written notification must be provided prior to withholding the recoupment from a future payment(s). The notification to the employee must include the following:

1. pay date(s) the overpayment occurred;
2. amount of the overpayment;
3. reason for overpayment;
4. agency plan of action for recoupment;
5. employee options for reimbursement of overpayment, as appropriate; and
6. agency procedure by which the proposed recoupment can be disputed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:644 (March 2005).

§707. Recoupment from Active Employees

A. The following repayment options are available:

1. direct deposit reversal:

a. agencies paid through ISIS HR must follow OSUP policy for direct deposit reversals;

2. one-time deduction from a subsequent paycheck;
3. payment plan; or

a. recurring deductions can be established for a period not to exceed 12 months. Agencies paid through ISIS HR must obtain approval from OSUP for exceptions to the 12 month period;

4. personal payment from employee (i.e., check, money order):

a. agencies paid through ISIS HR must obtain approval from OSUP to accept a check from an active employee.

B. If an employee who has been overpaid is separating from the agency, the amount of the overpayment must be withheld from the employee's final paycheck. If the full amount is not recovered the agency should follow the guidelines in §711.

C. The amount to be recouped in a one-time payment or in recurring payments cannot bring the employee's biweekly gross hourly wage amount below the federal minimum wage. If the employee agrees to have a larger amount withheld, the agency must obtain written approval from the employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

§709. Recoupment from Employees Transferring to Another State Agency

A. If an overpaid employee is transferring to another state agency, and the losing agency has not completed the recoupment process, the losing agency must notify the gaining agency that the employee has an outstanding balance due the losing agency. The losing agency must provide pertinent documentation regarding the details of the overpayment and the recoupment plan established:

1. employee transferring from ISIS HR paid agency to another ISIS HR paid agency:

a. the gaining agency must continue any payment plan that was established at the losing agency. If a payment plan was not established, the losing agency and gaining agency must coordinate the recoupment of the overpayment through the payroll system. Agencies must follow guidelines established by the Division of Administration for transferring the funds received at the gaining agency back to the losing agency;

2. employee transferring from an ISIS HR paid agency to an ISIS HR non-paid agency, employee transferring from an ISIS HR non-paid agency to an ISIS HR paid agency, or employee transferring between two ISIS HR non-paid agencies:

a. the losing and gaining agencies must work together to determine a reasonable solution for recouping the overpayment from the employee and for transferring funds received at the gaining agency back to the losing agency.

B. If a payment plan is established in the payroll system of the gaining agency, the amount to be recouped in a one-time payment or in recurring payments cannot bring the employee's biweekly gross hourly wage amount below the federal minimum wage. If the employee agrees to have a larger amount withheld, the agency must obtain written approval from the employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

§711. Recoupment from Separated Employees

A. Agencies must notify employee of overpayment according to guidelines in §705. The written notice to the employee must include a demand for repayment.

B. The following repayment options are available:

1. one-time personal payment from employee (i.e., check, money order); or

2. payment plan:

a. employee may submit multiple payments as agreed upon with the agency;

b. the period of recoupment may not exceed 12 months. Agencies paid through ISIS HR must obtain approval from OSUP for exceptions to the 12 month period.

C. If an agency is unable to recover overpayments from a separated employee, the agency must follow agency policies regarding consulting the legal department of the specific overpaying agency to determine if legal recourse is warranted. Items to consider are:

1. total dollar value of the overpayment;

2. period of time for which the overpayment has occurred;

3. period of time that has elapsed since the overpayment;

4. cost of recoupment efforts; and

5. likelihood of success of continued recoupment efforts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

§713. Condition of Employment

A. Prior to submitting job offers to prospective employees, a signed statement must be obtained from the prospective employee acknowledging his/her understanding of the agency recoupment policy and that, if overpaid, the overpayment may be recouped in a future pay period after notification from the agency in accordance with the agency policy. Prospective employees include new hires and employees who have transferred from one agency to another agency.

B. Departments/Agencies are responsible for incorporating this condition of employment within the hiring process and withholding job offers to prospective employees failing to comply with this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

§715. Agency Policies and Procedures

A. Agencies must develop polices with specific procedures to follow when an employee has been overpaid. The procedures in this rule must be incorporated into the agency policy.

1. OSUP shall provide specific details on recoupment procedures as related to the ISIS HR Payroll system via OSUP memoranda.

2. Agencies not paid through ISIS HR must develop policies as related to their payroll system.

3. Agencies must incorporate into their recoupment policy the policies and procedures for the collection and reporting of accounts receivable which are published in the November 20, 2002 edition of the *Louisiana Register*.

4. Agencies must incorporate into their recoupment policy a dispute procedure for an employee to follow if the employee does not agree with the agency claim of overpayment.

B. All employees and agency staff who affect the pay process in an agency including timekeepers, employee administration, payroll, and human resources, are responsible to assist in achieving an overall effective system of control to produce accurate payments Thus, agencies are to prepare internal control policies and maintain an effective system of internal controls to prevent overpayments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

Chapter 9. 403(b) Tax Shelter Annuity Program

§901. Establishment

A. The following identified agencies may sponsor and participate in 403(b) plans for the benefit of their qualified education employees through payroll deductions and services afforded by the ISIS Human Resource System:

1. Board of Supervisors for the University of Louisiana System;

2. Louisiana School for the Deaf (renamed as Louisiana Schools for the Deaf and Visually Impaired);

3. Louisiana School for Math, Science and the Arts;

4. Board of Regents;

5. New Orleans Center for Creative Arts;

6. Louisiana Universities Marine Consortium;

7. Department of Education State Activities;

8. Recovery School District; and

9. any other ISIS HR paid agency which meets the Internal Revenue Code requirements applicable to 403(b) plans.

B. Each agency to sponsor a 403(b) plan shall sign an interagency agreement with the Division of Administration, agreeing to sponsor a 403(b) plan written to the agency's specifications. Each written plan, and any amendments made thereto, shall be approved as to form by the Commissioner of Administration through the Office of State Uniform Payroll and shall comply with this rule and all applicable IRS regulations. All plan agreements must be signed by the agency appointing authority and forwarded to the Office of State Uniform Payroll for review. The following plan options shall not be allowed: 1) Roth 403(b) contributions; 2) employer contributions; and 3) 15 year service catch-up options. Any plan may provide for a distribution option at age 59 1/2. All plans shall allow participation by all eligible employees. Loan repayments shall not be handled through payroll deduction. Each agency, with oversight and approval of the Commissioner of Administration through the Office of State Uniform Payroll, shall administer its written 403(b) plan covering qualified ISIS HR paid education employees according to this rule.

C. The Office of State Uniform Payroll shall serve as the payroll agent/paymaster of the plan responsible for directing payroll deductions to the appropriate vendors. Agencies must work with the Office of State Uniform Payroll if a desired vendor does not have a current payroll deduction. The Office of State Uniform Payroll shall delegate any responsibility for making all eligible employees aware of plan participation ("universal awareness") to each individual agency sponsoring a plan. All plans must be monitored for IRS compliance through a plan monitor approved by the Office of State Uniform Payroll. Any 403(b) plan sponsored shall be voluntary, shall be designated as non-ERISA, and shall be non-contributory on the part of any sponsor, employer or agency of the state.

D. Sponsoring agencies, in cooperation with the Division of Administration, are authorized to enter into contracts with commercially available plan monitors at no cost to the sponsor, employer or agency of the state, to assist in formulating, instituting and monitoring their 403(b) Tax Shelter Annuity plans. Once adopted, any 403(b) plan shall be managed by the sponsor in the best interests of the participating employees, subject to any rule or regulation adopted by the Division of Administration. Nothing shall prevent the Division of Administration from adopting emergency rules from time to time regarding the duties and operation of sponsored plans.

E. The Office of State Uniform Payroll may develop internal policies and forms whenever necessary to regulate the following:

1. submission of 403(b) plans and amendments for approval;

2. approval of 403(b) plan documents and amendments;

3. content and acceptance of interagency agreements;

4. approval of proposed vendors and plan monitors; and

5. payroll deductions.

F. If the Division of Administration determines that continued sponsorship of any 403(b) Tax Shelter Annuity plan for state employees paid through ISIS Human Resource System is not in the best interests of the state, it shall cause the sponsoring agencies to give adequate notice to the participants prior to terminating the plan, and shall cause the sponsoring agencies to comply with all applicable IRS regulations related to dissolving 403(b) plans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455 (A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 37:1404 (May 2011).

Chapter 11. State Combined Charitable Campaign (SCCC) Deductions

§1101. Definitions

Agency Number—three digit identifier representing a single agency in the LaGov HCM payroll system which serves as a key for processing and reporting.

Campaign Period—the period of solicitation by the Principal Combined Fundraising Organization when contributions will be obtained for the State Combined Charitable Campaign. The campaign period will occur annually in the fall.

Campaign Coordinator—the state employee designated by the agency/department head to attend coordinator training, secure campaign materials and support from the Principal Combined Fundraising Organization, prepare and send communications as required to support the annual campaign at his/her location, arrange for a presentation to employees, turn in pledge forms to the Principal Combined Fundraising Organization, maintain confidentiality of pledge information, and complete the campaign evaluation form for their agency.

Charitable Organization—a volunteer, not-for-profit organization under section 501(c)(3) of the Internal Revenue Code which provides health or human services to individuals.

Charity List—a comprehensive listing of charitable organizations approved to be included in the materials prepared for and/or presented in the State Combined Charitable Campaign.

Contribution—biweekly deduction authorized by an employee during the campaign period.

Data File—the body of information documented by copies of correspondence between the Office of State Uniform Payroll, the Principal Combined Fundraising Organization, departments/agencies, charitable organizations, and state employees relative to employee solicitation, participation, contributions, and service from the Principal Combined Fundraising Organization.

Deduction—any voluntary reduction of net pay under written authority of an employee, which is not required by federal or state statute, or by court ordered action.

Department/Agency—as referenced herein shall be any one of the major departments of the executive branch of state government or any subdivision thereof as defined under R.S. 36:4.

Division of Administration (DOA)—the Louisiana state agency under the executive department which provides centralized administrative and support services to state agencies as a whole by developing, promoting, and implementing executive policies and legislative mandates.

Guidelines for Review—as referenced herein shall mean the set of criteria established for the annual evaluation process.

LaGov Human Capital Management Payroll System (LaGov HCM)—the statewide system administered by the Division of Administration, Office of State Uniform Payroll to provide uniform payroll services to state agencies.

Memorandum of Understanding (MOU)—written agreement between the Principal Combined Fundraising Organization and the Division of Administration through the Office of State Uniform Payroll to ensure compliance with rules and other necessary requirements in carrying out annual campaigns.

Office of State Uniform Payroll (OSUP)—the section within the Division of Administration primarily responsible for the administration of the rules governing state employee payroll deductions.

Principal Combined Fundraising Organization (PCFO)—the organization which conducts and manages an annual campaign among state employees on behalf of participating charitable organizations. The Louisiana Association of United Ways (LAUW) shall serve as the principal combined fundraising organization for the Louisiana State Combined Charitable Campaign.

SED-7—as referenced herein shall be the standard form, State Combined Charitable Campaign Application, required to be submitted with any application.

SED-8—as referenced herein shall mean the standard State Combined Charitable Campaign Deduction Authorization form developed by the Division of Administration, Office of State Uniform Payroll used to process employee charitable organization deductions.

State Combined Charitable Campaign (SCCC)—the annual combined charitable fundraising program established by law to receive and distribute voluntary payroll deduction contributions of state employees paid through the LaGov HCM payroll system. The State Combined Charitable Campaign shall be the only authorized payroll deduction charitable fundraising effort among state employees.

Substantial Local Presence—operations of at least 20 hours per week in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3272 (December 2013).

§1103. Deduction Rule Authority

A. OSUP is responsible for the administration of the rules governing state employee payroll deductions. Nonprofit community health and human services charity deductions that are authorized through OSUP are for all state employees and all state agencies of the executive branch of state government as defined under R.S. 36:4 who are paid through the central payroll system, LaGov HCM. The rules established hereunder do not create substantive rights in favor of any charitable organization or PCFO, nor do they create a cause of action in favor of any charitable organization or PCFO against or among themselves, or against the State, any participating agency, a campaign coordinator or any other employee, person or entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3273 (December 2013).

§1105. Fees

A. Fees incurred as a result of the State Combined Charitable Campaign shall be handled in accordance with the procedures agreed upon by OSUP and the PCFO as outlined in the MOU.

1. The PCFO shall deduct all fees from the employee's contribution prior to distributing contributions to charitable organizations.

2. Disclosure of any and all fees shall be included on the standard State Combined Charitable Campaign Deduction form (SED-8) and included in campaign material, and displayed on any electronic enrollment site.

3. The PCFO shall provide OSUP with a breakdown of fees withheld on an annual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3273 (December 2013).

§1107. Charitable Organization Application Process

A. Applications must be submitted annually and will be accepted by OSUP between January and March 1 each year. The standard application form (SED-7) can be obtained from OSUP.

1. Applications must meet all requirements established by OSUP and the PCFO as outlined in §1111.

2. Charitable organizations that do not provide all documentation and/or do not meet all eligibility requirements established by OSUP and the PCFO will not be considered. Charitable organizations who do not meet all requirements will receive written notification from OSUP of denial of their application.

B. OSUP and the PCFO will conduct a review of all applications submitted for compliance and eligibility as stated in this rule. OSUP/PCFO will maintain basic guidelines for review to follow in the conduct of the annual review of charitable organizations. These guidelines are on file at OSUP/PCFO and are available upon request.

C. On or before April 30 annually, OSUP shall provide to the commissioner of administration, or his designee, recommended actions relative to charitable organization compliance with all other provisions of this rule.

D. On or before May 31 annually, the commissioner of administration, or his designee, shall advise OSUP whether recommendations have been accepted or denied.

E. On or before June 30 annually, OSUP will:

1. notify each charitable organization whether their application was approved or denied. Approval of charitable organization in no way constitutes endorsement or certification of the charitable organization by the state;

2. notify the PCFO of the charitable organizations approved to be included on the charity list for the upcoming campaign period.

F. Any charitable organization that was included in the preceding charitable campaign must complete a new application annually in order to be included in the next annual charitable campaign.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3273 (December 2013).

§1109. Definition of Community Health and Human Services Charities

A. Defined as federations or agencies whose primary mission is to directly benefit human beings in a non-discriminatory manner, whether children, youth, adults, the aged, the ill and infirm, or the mentally or physically handicapped.

B. Services must consist of assistance, care, research, or education in the fields of human health or social adjustment or rehabilitation; relief for victims of natural disasters and other emergencies; or assistance to those who are impoverished and in need of food, clothing, shelter, and basic human welfare services.

C. A community health and human services charity may serve Louisiana as a whole, or may serve a targeted geographic area of Louisiana, or may target certain demographics of Louisiana residents with health or medical needs unique or predominating in the defined population.

D. Specific exemptions may be made from time to time for charities that primarily serve the poor overseas in the aftermath of natural or man-made disasters and emergencies.

E. The following are specifically excluded from consideration as health and human services charities.

1. Educational Charities: organizations whose primary purpose is the direct or indirect financial support of a particular institution or affiliated institutions of primary, secondary or higher education. An education-affiliated charity that otherwise meets the definition of a community health and human services charity, which provides those services and which does not divert public support to the financial support of a particular institution or affiliated institutions of primary, secondary or higher eduation, shall not be excluded as a community health and human services charity by virtue of its educational affiliation.

2. Cultural Charities: organizations whose primary purpose is cultural, including those which concern themselves primarily with promoting, assisting, identifying, teaching or empowering individuals, groups, families, or communities to accept, identify with, participate in or learn about particular non-health related characteristics or activities of a state, country or region, or an ethnic, national, religious, ancestry or cultural group, including but not limited to: race, national origin, religion, ancestry, sexual orientation, practices, age, art, crafts, architecture, beliefs, industry, music, dance, sports, literature, food, history or fashion associated with such a group.

3. Religious Charities: organizations whose primary purpose is religious, including those which concern themselves primarily with promoting, assisting or empowering a particular religion or belief system, or which promotes, assists or empowers individuals, groups, families or communities to accept, identify with, participate in, worship under, convert to or learn about the particular beliefs, teachings or practices of a religion. A religious-affiliated charity that otherwise meets the definition of a community health and human services charity, which provides those services, and which does not divert public support to religious purposes or activities, shall not be excluded as a community health and human services charity by virtue of its religious affiliation.

4. Political Purpose Charities: organizations whose primary purpose is political, including those which concern themselves primarily with promoting, assisting or empowering a particular political party, set of political beliefs, set of political ideas, or endorsing a particular candidate or set of candidates or political party, or which promotes, assists or empowers individuals, groups, families and communities to participate in the political process, vote, organize to vote or to support political candidates, or to accept, identify with or learn about the political views of any candidate, group, party or organization. An organization which otherwise meets the definition of a community health and human services charity but which has diverted public support to a political purpose, may be excluded from consideration as a health and human services charity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3274 (December 2013).

§1111. Charitable Organization Requirements and Responsibilities

A. Charitable organization applicants shall meet and maintain the following:

1. provide an annual application as set forth in §1107 of this Rule;

2. comply with R.S. 42:456(A)(3):

a. be a health and human services charity as defined in §1109 of this Rule;

b. not be organized for cultural, educational, religious, or political purposes, as defined in §1109 of this Rule;

3. comply with the following admissions criteria as outlined on the official application form (SED-7):

a. certify compliance with the USA Patriot Act of 2001;

b. certify the organization operates without discrimination in regard to all persons and comply with all requirements of law and regulations respecting non-discrimination and equal employment opportunities with respect to its officers, staff, employees and volunteers;

c. provide documentation that the IRS recognizes the charitable organization as a public charity under §501(c)(3) of the Internal Revenue Code;

d. provide an affidavit stating that there is no outstanding debt owed to a state agency;

e. certify that your organization is in compliance with the Louisiana Legislative Auditors (LLA) Office and is not on the LLA non-compliance list;

f. certify that all amounts collected through the SCCC beginning with the fall campaign in 2015 will be used in the community and will not be used for fundraising and administrative costs (FRA);

g. ensure that an equivalent amount collected as contributions will be spent to provide services and benefits primarily to the citizens of Louisiana unless an exception is granted per §1109.D of this Rule, and certify the dollar value of health and human services provided in the state of Louisiana during the previous calendar year(s);

h. certify a substantial local presence within the state of Louisiana;

i. demonstrate that fundraising and administrative expenses represent no more than 25 percent of total support and revenue according to the submitted copy of its most recent IRS 990 form or a pro forma IRS 990 for organizations not required to file an IRS 990;

j. be registered and in good standing with the Louisiana secretary of state and submit proof of that registration or possess a congressional charter and provide documentation of such;

k. be governed by a board of directors which meets regularly and whose members serve without compensation;

l. provide the organization's most recent annual budget, which must consist of a 12-month period;

m. provide the organization's most recent audited financial statements conducted by a CPA within the last 12 months at the time of the application;

n. indicate the regions served in Louisiana;

4. agree to pay a reasonable annual participation fee assessed by the PCFO and approved by OSUP;

5. solicitation of charitable donations through payroll deduction is only allowed during the annual campaign period, or other time periods approved by OSUP and the PCFO. All solicitation materials must be prepared and approved by OSUP and the PCFO;

6. provide all documentation and meet all deadlines and eligibility requirements established by the PCFO in coordination with OSUP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3274 (December 2013), amended LR 40:2574 (December 2014).

§1113. PCFO Requirements and Responsibilities

A. The PCFO shall:

1. enter into a MOU with the Division of Administration through the Office of State Uniform Payroll;

2. be registered and in good standing with the Louisiana secretary of state;

3. maintain all records as required by federal and state laws;

4. provide to OSUP annually and as requested, reports containing data as required by OSUP;

5. provide the projected campaign budget to OSUP annually for approval;

6. report the fee structure to OSUP for approval. Any changes in the fee structure must be approved by OSUP;

7. disclose to OSUP any and all fees that are associated with the oversight of the campaign period, enrolling charitable organizations in the campaign, accepting funds from the LaGov HCM payroll system on behalf of donor employees, and disbursement of these funds to the participating charitable organizations;

8. submit a report to OSUP of total dollars/number of deductions sent to each charitable organization on a frequency agreed upon, with an option to obtain employee detail as requested;

9. review applications submitted by charitable organizations, ensure applicants meet all requirements and provide recommendations to OSUP;

10. submit campaign materials to OSUP for review and approval prior to the annual campaign period;

11. print and supply annual campaign and publicity materials;

12. include a list of charities in campaign materials that are approved for payroll deduction;

13. ensure campaign materials include disclosure of all fees/administrative costs that will be deducted from contributions. The State of Louisiana shall not be liable for any fees/administrative costs charged in association with the SCCC. All fees and administrative costs shall be assessed in accordance with federal and state law, and shall be consistent with nationwide charitable giving standards;

14. oversee the annual campaign period solicitation;

15. ensure employee solicitations are conducted only during duty hours using methods that permit true voluntary giving and shall reserve to the individual the option of disclosing any gift or keeping it confidential;

16. disburse contributions to charitable organizations in accordance with employee deduction authorizations less any agreed upon fees;

17. maintain records that indicate employee choice of specific charitable organization selected for payroll deduction.

18. provide documentation for audit purposes within 30 days of notification by OSUP or other state entity;

19. ensure that payroll deductions are submitted using the standard State Combined Charitable Campaign Deduction Authorization form (SED-8) approved by OSUP and the PCFO for use by agencies/employees paid through the LaGov HCM payroll system or through other authorized electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3275 (December 2013).

§1115. Deduction Guidelines

A. Deductions must be authorized by employees on the approved deduction form (SED-8) or through other authorized electronic means.

B. An employee shall not make a designation to a charitable organization not listed in the official approved charitable organizations authorized for payroll deduction list.

C. An employee shall be allowed to make a designation to any charitable organization listed in the official approved charitable organizations authorized for payroll deduction list regardless of the region they live or work in.

D. No deduction will be taken in any pay period in which the employee's net pay, after all legal and previously authorized deductions, is insufficient to cover the portion of the employee's pledge which would normally be deducted. No adjustments will be made in subsequent periods to withhold any missed deductions.

E. An employee may cancel their deduction at any time. No refunds will be issued to employees for any amounts withheld from a previous pay period prior to cancellation.

F. Deductions will be withheld from employee's paychecks every payday and funds will be remitted to the PCFO by OSUP on a monthly basis via electronic funds transfer (EFT).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3275 (December 2013).

§1117. Department/Agency Responsibility

A. The department/agency shall:

1. designate a Campaign Coordinator;

2. provide time during normal working hours for volunteers to perform their assigned campaign responsibilities and for campaign presentations to all employees;

3. only accept the standard State Combined Charitable Campaign Deduction Authorization form (SED-8);

4. forward all SED-8 forms to the PCFO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3275 (December 2013).

§1119. Rule Transition

A. All existing United Way entities receiving payment through payroll deduction on the LaGov HCM payroll system on the effective date of this rule shall continue to receive payment separately from the PCFO until January 2015. Beginning January 2015 all payments will go through the PCFO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3276 (December 2013).

§1121. Removal of Charitable Organization from the SCCC for Cause

A. OSUP, in coordination with the Division of Administration's Commissioner's Office, may remove a charitable organization from the SCCC for violating the provisions of this rule, other applicable provisions of law, or any directive or instruction from OSUP.

B. OSUP will consider previous violations, harm to state employee confidence in the SCCC, and any other relevant factors in its decision to remove a charitable organization from the SCCC.

D. A charitable organization will be notified in writing of OSUP's intent to remove them from the current campaign and will have 10 business days from the date of the receipt of the notice to submit a written response.

E. OSUP's final decision will be communicated in writing to the charitable organization, with a copy being sent to the PCFO.

F. A charitable organization removed from the SCCC under any provision of this rule must demonstrate to the satisfaction of OSUP that they have taken corrective action to resolve the reason for removal and they have implemented reasonable and appropriate controls to ensure that the situation will not occur again prior to being allowed to participate in subsequent SCCCs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3276 (December 2013).

§1123. Appeal Process

A. Any charitable organization participating in the SCCC that is removed from the SCCC for any reason shall have the right to have that action reviewed by filing a written request for review with the commissioner of administration.

B. Any charitable organization filing an application to become a participating charitable organization in the annual SCCC that is subsequently denied from participating in the SCCC shall have the right to have that action reviewed by filing a written request for review with the commissioner of administration.

C. Written requests sent to the commissioner of administration must be:

1. filed within 10 days from the notice of removal / denial;

2. a written decision shall be rendered by the commissioner of administration on any request for review within 14 days of receipt of the written appeal;

D. the decision of the commissioner of administration shall be the final administrative review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 39:3276 (December 2013).

§1124. Closure or Merger of Charitable Organizations

A. Any charitable organization, which ceases its operations or merges with another organization, shall be ineligible to receive donations from the SCCC. Exceptions may be requested by the charitable organization and will be reviewed for approval by the PCFO and OSUP.

B. An ineligible charitable organization shall give written notice to OSUP, through the PCFO, within two weeks of the charitable organization's decision to close or merge through governance action. Such notification shall come from the organization's board of directors.

C. OSUP shall notify any ineligible charitable organization that it shall no longer receive donations from the SCCC.

D. OSUP, in coordination with the PCFO, shall establish guidelines for designations/deductions made by employees to an organization deemed ineligible.

E. The PCFO shall notify affected employees in writing of such organizational change and shall provide options for handling the employees' designations/deductions. The PCFO will manage the charitable organization's payouts accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:456(A)(3).

NOTE: HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 45:1069 (August 2019).

Chapter 13. Rulemaking Petitions

§1301. Submission of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition an agency to adopt a new rule, or to amend or repeal an existing rule.

B. To petition an agency within the Division of Administration for changes to the agency's current rules, or for the adoption of new rules within the agency's purview, an interested person shall submit a written petition to the Division of Administration, Office of the Commissioner. The petition shall include:

1. the petitioner's name and address;

2. the name of the promulgating agency for the rule in question;

3. specific text or a description of the proposed language desired for the adoption or amendment of a rule, or the specific rule and language identified for repeal;

4. justification for the proposed action; and

5. the petitioner's signature.

C. The rulemaking petition shall be submitted by certified mail and addressed to:

Office of the Commissioner, Division of Administration

Re: Rulemaking Petition
P.O. Box 94095, Capital Station
Baton Rouge, LA 70804-9095

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455. and 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 46:335 (March 2020).

§1303. Consideration of a Rulemaking Petition

A. Upon receipt, a rulemaking petition shall be forwarded to the promulgating agency for review.

B. Within 90 days of receipt of the rulemaking petition, the agency shall either:

1. initiate rulemaking procedures to adopt a new rule, or to amend or repeal an existing rule; or

2. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefore.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455. and 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 46:335 (March 2020).

Title 4
ADMINISTRATION
Part V. Policy and Procedure Memoranda

Chapter 1. Issuance of Policy and Procedure Memoranda—PPM Number 1

§101. Authority

A. All memoranda setting forth fiscal policy and procedures issued by the Commissioner of the Division of Administration shall be compiled in manual form, with copies provided to each state agency. Copies shall be maintained by the agency head and by the chief fiscal officer for the agency. Two binders will be provided by the Division of Administration for the retention of policy and procedure memoranda.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, March 1, 1966, promulgated LR 1:132 (February 1975).

Chapter 3. Responsibility for Fiscal Approval—PPM Number 7

§301. Fiscal Review of Proposed Disbursements

A. In all instances where responsibility for fiscal review of proposed disbursements has been assigned to an employee subordinate to the agency administrator, and where such employee in practice must act to approve or disapprove proposed disbursements, that employee will be held accountable for his acts of approval. As specific examples:

1. approval or payment should be withheld when known to be contrary to law or regulation as in the cases of compensation for dual employment, split purchase orders to avoid bid procedures, and illegal objects of expenditure;

2. approval and payment of travel reimbursements to an employee, officer, board member, etc., should be given only when in conformity with prescribed travel regulations and approved travel policies;

3. no approval or payment should be given for any services or goods without sufficient evidence that such goods or services were actually received.

B. If an employee is directed by higher authority to approve payments which are considered inappropriate, objection to payment should be noted in writing on the face of the disbursement voucher. Failure to register objection will imply approval and subject the responsible employee to personal liability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, July 19, 1966, promulgated LR 1:81 (February 1975).

Chapter 5. Property Insurance Claims Recover Funds—PPM Number 10

§501. Purpose

A. It is the purpose and intent of this memorandum to establish procedures in handling reimbursement for losses, including automobile physical damages losses, incurred under property insurance policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4 and R.S. 39:1527, et seq.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, October 1, 1996, promulgated LR 1:82 (February 1975), amended LR 14:293, (May 1988).

§503. Funds for Property Claims

A. Funds for all property claims payable to state agencies under property policies, commercially insured or self-insured by the Office of Risk Management, shall be held in the Self-Insurance Fund by the Office of Risk Management, Division of Administration, until the damaged property or equipment has been repaired, reconstructed, or replaced.

B. Agency and state purchasing procedures and policies shall be followed, and invoices submitted to the Office of Risk Management for payment to vendors. In the event an agency has paid for a covered loss, the Office of Risk Management shall reimburse the agency for its payments where paid invoices can be produced, and any agency receiving payments from the Office of Risk Management shall receive such as reimbursement of expenses or available income. Payment by Risk Management to agencies for purposes other than reimbursement of expenses or available income may be made upon an approved BA-7. Should the estimate of repairs or replacement represented on an executed Proof of Loss exceed the actual costs incurred, the excess shall remain with the Self-Insurance Fund within the Department of Treasury and shall not be reflected in the actual loss experience of the affected agency.

C. Commercial and self-insurance fund loss recoveries from policies purchased by the state shall be payable to the state treasury if payment is not otherwise made pursuant to other provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4 and R.S. 39:1527, et seq.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, October 1, 1966, promulgated LR 1:82 (February 1975), amended LR 14:293 (May 1988).

§505. Repair or Replacement of Property

A. Except for state-owned vehicles provided for in Paragraph B, infra, if repair or replacement of damaged, destroyed, or stolen state-owned property, to include buildings and improvements, boiler and machinery equipment, contents, inventories (including mobile equipment and excluding licensed vehicles), and marine hulls 26 feet and under, is not commenced within 36 months of the loss date, or if a proof of loss is not submitted within 36 months of the date of loss, the claim file will be closed. No liability will remain to the insurance fund, and the loss will not be charged to the loss experience of the affected agency.

B. If repair or replacement of damaged, destroyed, or stolen state-owned vehicles is not completed within 18 months of the loss date, or if a proof of loss is not submitted within 18 months of the date of loss, the claim file will be closed. No liability will remain to the insurance fund, and the loss will not be charged to the loss experience of the affected agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4 and R.S. 39:1527, et seq.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, October 1, 1966, promulgated LR 1:82 (February 1975), amended LR 14:294 (May 1988).

Chapter 7. Request for New or Substitute Positions—PPM Number 33

§701. Purpose

A. It is the purpose and intent of this memorandum to incorporate a revised form, BA-8, 10/76.

B. This revised form, BA-8, 10/76, will be used, without exception, to request authorization for any new position not authorized in the executive budget and also to request authorization for any substitution of previously approved positions on the personnel position control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4.

HISTORICAL NOTE: Adopted by the Office of the Governor, Division of Administration, February 21,1969, promulgated LR 1:97 (February 1975), amended LR 12:229 (April 1986).

§703. Instructions

A. In utilizing the revised Form BA-8, 10/76, a request for new positions will be executed as follows:

Column 1. Classification or Title

Column 2. Organizational Unit or New Position (Functional Section or Unit)

Column 3. Date of Occupancy

Column 4. Monthly Salary

Column 5. Cost for Remainder of Current Year

Column 6. Justification—Explain in Detail

B. For substitution of previously approved positions:

Column 1. Classification or Title

Column 2. Organizational Unit or New Position (Functional Section or Unit)

Column 3. Date of Occupancy

Column 4. Monthly Salary

Column 5. Cost for Remainder of Current Year

Column 6. Justification—Explain in Detail

Column 7. Title or Position to be Replaced

Column 8. Organizational Unit (Functional Section or Unit)

C. A separate Form BA-8 must be completed for each and every request submitted for the commissioner's approval and must also indicate whether the position affected is classified (C) or unclassified (U).

D. It must be emphasized that the approval of a classification substitution in no manner changes the numerical position of the control. Approval of a substitution automatically cancels and eliminates the substituted position from the authorized personnel position control in the executive budget and replaces it with the approved change. Under no circumstance will the substituted position be retained on the adjusted control. Also, the approval of a new position automatically advances the numerical position of the control.

E. The personnel position control block must be completed before approval can be granted. In the column "number" the agency must designate the current personnel control by incumbents and vacancies. This will include all previously authorized changes.

F. If the request for change represents a new position, the total adjusted personnel control will show a numerical increase of one position. If the request represents a substitution of a previously budgeted position, the adjusted personnel control will remain the same. In all cases the control block must be completed.

G. In the second block headed "funds—pro rata—amount," the agency will disclose the source of funds intended to defray the additional salary expense. If the cost is to be borne by a joint state-federal participation, indicate the pro rata cost of each source. If the funds are derived from other sources, e.g., self-generating, etc., explain in detail on the reverse side of the form.

H. This memorandum supersedes Policy and Procedure Memorandum Number 3, and all memoranda and manuals in conflict herewith are superseded.

I. Form BA-8 should be duplicated by your agency as future needs arise (see form below).

Rev. 10/76

DIVISION OF ADMINISTRATION
REQUEST FOR NEW OR SUBSTITUTE FULL
TIME EQUIVALENT POSITION

BA-8 Number_____
Agency Date _____
Schedule Number

C or U	(1) Classification or Title	(2) Organizational Unit or New Position	(3) Date of Occupancy	(4) Monthly Salary	(5) Cost Differential for Remainder of Current Year	U or C	(6) Title of Position to be Replaced	(7) Organizational Unit

Justification: Explain in Detail

PERSONNEL POSITION CONTROL

Authorized Personnel-Budgeted	Current Number	Change	Adjusted Personnel Control
Incumbents			
Vacancies			
Total			

Funds	Pro Rate	Amount
State	%	
Federal	%	
Interagency	%	
*Other	%	

*Explain in detail (reverse side)

Certificate: I certify that this request, if approved, will (will not) change the Personnel Position Control (authorized number of employees) as stipulated in the Executive Budget; that the position to be filled is not now or will not be filled prior to receipt of approval; that the substitution requested automatically cancels or eliminates the position substituted and in no manner changes the status of the approved Personnel Position control; that this request, if approved will (will not) impair or exceed the total amount of monies allocated in Salaries (2112) category for Fiscal Year_____.

No. positions funded in other charges over authorized T.O._____.

In all cases use the "justification" column to explain how funds will be made available for the request.

Note: A separate form must be executed on each and every individual request for change.

_____
(Budget Unit Head)

_____
Title

Approved: _____
Commissioner of Administration

Date: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, February 21, 1969, promulgated LR 1:97(February 1975), amended LR 12:229 (April 1986).

Chapter 15. General Travel Regulations—PPM Number 49

§1501. Authorization and Legal Basis

A. In accordance with the authority vested in the Commissioner of Administration by R.S. 39:231 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-968. Notice is hereby given of the revisions to Policy and Procedures Memorandum No. 49 (PPM 49), the state's general travel regulations, effective October 1, 2022. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all state departments, higher education, boards and commissions created by the legislature or executive order and operating from funds appropriated, dedicated, self-generated, federally funded, or funds generated from any other source.

B. R.S. 28:231(A) states: "The Commissioner of Administration, with the approval of the Governor, shall, by rule or regulation, prescribe the conditions under which each of various forms of transportation may be used by state officers and employees in the discharge of the duties of their respective offices and positions in the state service and the conditions under which allowances will be granted for traveling expenses."

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1252 (June 2000), LR 27:802 (June 2001), LR 28:1125 (June 2002), LR 29:822 (June 2003), LR 30:1111 (June 2004), LR 31:1183 (June 2005), LR 32:938 (June 2006), LR 33:966 (June 2007), republished LR 33:1314 (July 2007), amended LR 34:1299 (July 2008), LR 35:1192 (July 2009), LR 36:1647 (July 2010), LR 42:981 (July 2016), LR 43:1110 (June 2017), LR 45:811(June 2019), LR 46:840 (June 2020), LR 47:814 (June 2021), LR 48:1446 (June 2022), LR 48:2515 (October 2022), LR 49:1012 (June 2023).

§1502. Definitions

A. For the purpose of PPM 49, the following words have the meaning indicated.

Agency—any board, commission, department, division, agency, office, or other entity within the executive, judicial, and legislative branches of state government.

Allowance—maximum amount allowed for travel expenses while traveling on official state business.

Authorized Persons—

a. advisors, consultants, contractors, and other persons who are called upon to contribute time and service to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services. (Contractors are not exempted from paying state sales taxes; therefore, if a contractor is working on behalf of an agency, the agency may reimburse them for the state sales taxes.);

b. members of boards, commissions, and advisory councils required by federal or state legislation or regulation;

c. persons authorized to travel for official state business as deemed by the department head or his/her designee;

d. college/university students must be deemed authorized travelers by the higher education entity head or his/her designee to be reimbursed for state business purposes;

Common Carrier—a business or agency that is available to the public for transportation of persons, goods, or messages.

Conference/Convention—a non-routine event for a specific purpose or objective such as a seminar, conference, convention, or training.

Controlled Billed Account (*CBA*)—a credit account issued in an agency's name (no plastic card is issued). These accounts are paid by each agency and are a direct liability of the State. CBA accounts are controlled through an authorized approver to provide a means to purchase airfare, registration, lodging, rental vehicles, pre-paid shuttle service, and any other allowable charges outlined in the State of Louisiana Travel and CBA Policy. Each department head determines the extent of the account's use.

Corporate Travel Card—credit cards issued in a state of Louisiana employee's name used for specific, high cost travel expenses. Corporate Travel Cards are State liability cards paid by each agency.

Extended Stays—any assignment made for a period of 30 or more consecutive days at a place other than the traveler's official domicile.

GSA per Diem Rates—U.S. General Services Administration per diem rates: https://www.gsa.gov/travel/plan-book/per-diem-rates

High Cost Travel—airfare, lodging, vehicle rental, and conference registrations.

Higher Education Entities—entities listed under Schedule 19 Higher Education of the general appropriations bill.

In-State Travel—all travel within the borders of Louisiana or travel through adjacent states between points within Louisiana when it is the most efficient route.

International Travel—all travel to destinations outside of the 50 United States, District of Columbia, Puerto Rico, the US Virgin Islands, American Samoa, Guam, and Saipan.

Lowest Logical Airfare—the lowest logical airfare is the cheapest available flight at the time of booking without causing undue inconvenience. These types of airfare are typically non-refundable.

Official Domicile—

a. except where fixed by law, official domicile of a state officer or employee assigned to an office shall be the parish in which the office is located. The department head or his/her designee should determine the extent of any surrounding area to be included, such as a region. As a guideline, a radius of at least 30 miles is recommended;

b. the official domicile of a person that works in the field shall be the parish where most work is performed. The department head may designate this area or region. In all cases, the designation must be in the agency's best interest and not for the person's convenience.

Out-of-State Travel—travel to any other 49 states plus District of Columbia, Puerto Rico, the US Virgin Islands, American Samoa, Guam, and Saipan.

Passport—an official document issued by a government, certifying the holder's identity and citizenship and entitling them to travel under its protection to and from foreign countries.

Per Diem—daily allowance to cover meals and incidentals while on official state business.

Routine Travel—travel required in the course of performing his/her regular job duties. This does not include non-routine meetings, conferences, and out-of-state travel.

Sub Recipient—a non-federal entity that receives a sub award from a pass-through entity to carry out part of a Federal program.

Temporary Assignment—any assignment made for a period of less than 30 consecutive days at a place other than the official domicile.

Travel Period—the period between the time of departure and the time of return.

Visa—an endorsement on a passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1252 (June 2000), LR 27:802 (June 2001), LR 28:1125 (June 2002), LR 29:822 (June 2003), LR 30:1111 (June 2004), LR 31:1183 (June 2005), LR 32:938 (June 2006), LR 33:966 (June 2007), republished LR 33:1314 (July 2007), amended LR 34:1299 (July 2008), LR 35:1192 (July 2009), LR 36:1647 (July 2010), LR 43:1110 (June 2017), LR 45:811 (June 2019), LR 46:840 (June 2020), LR 47:814 (June 2021), LR 48:1446 (June 2022), repromulgated LR 48:2515 (October 2022), amended LR 49:1012 (June 2023).

§1503. General Specifications

A. General Travel Policies

1. Department heads may establish travel regulations within their respective agencies, but agency regulations shall not exceed the maximum limitations set by the Commissioner of Administration. A final draft and a draft highlighting any deviations from PPM 49 must be submitted via email to StateTravel@LA.Gov for prior review and approval by the Commissioner of Administration.

2. Department heads will take actions necessary to minimize all travel in order to carry on the department's mission.

3. Agencies must place all high-cost expenditures on the LaCarte Purchasing Card, Travel Card, or agency CBA account unless prior approval is granted by the Commissioner of Administration.

4. Department heads or their designee must submit fiscal year exemption requests annually. No exemption requests are granted on a permanent basis.

5. Grant Funds- Any agency that receives grant funds must follow PPM 49 rules and regulations and any travel regulations contained in the grant. Sub recipients that are not classified as a state agency are not subject to PPM49.

> EXAMPLE: DOTD receives a federal grant and the City of New Orleans is a sub recipient of that grant, the City of New Orleans is not required to follow PPM49 but must follow their established policies and any regulations contained in the grant.

6. Travel Scholarships. If any scholarship for travel is received by a state traveler, it is the agency's and employee's responsibility to comply with all ethics laws and requirements.

7. Contracted Travel Services. The state has a mandatory travel agency contract to book airfare unless prior exemptions have been granted by the Office of State Travel before the airfare purchase. The contracted travel agency has an online booking system which should be used by all travelers to book airfare. Use of the online booking systems can drastically reduce the State's agent fee paid per transaction for airfare purchases.

8. Contracted Hotel Services. The state has a contract for hotel booking services with HotelPlanner. Travelers are encouraged to use HotelPlanner. Travelers are responsible for adhering to the hotel's cancellation policy when booking through HotelPlanner. If a traveler does not cancel a hotel stay within the cancellation period set by the hotel, the traveler will be responsible for payment or reimbursing the agency. Any exceptions for hotel rates or cancellation reimbursements must be approved by the Commissioner of Administration. Use of HotelPlanner does not exempt a traveler from adhering to U.S. General Services Administration (GSA) lodging rates, U.S. Department of State rates, or rates within PPM49 for the applicable travel location.

9. Contracted Vehicles Rentals. The state has mandatory contracts for all in-state and out-of-state business travel through Enterprise, National, and Hertz. These contracts are applicable to all authorized travelers and contractors.

10. When a state agency enters into a contract with an out-of-state government entity, the out-of-state government entity may have the authority to conduct any related travel in accordance with their published travel regulations.

11. Authorization to Travel

a. All non-routine travel must be authorized with prior approvals, in writing, by the department head or his/her designee, from whose funds the traveler is paid. Agencies must maintain a file on all approved travel authorizations. Electronic files and approvals are acceptable using certified electronic signatures.

b. Annual travel authorizations for routine travel are allowed if determined to be in your agency's best interest. If annual travel authorizations are used, prior approved travel authorizations are still required for non-routine meetings, conferences, and out-of-state travel. Annual travel authorizations cannot be used for non-routine meetings, conferences, and out-of-state travel.

c. The Commissioner of Administration must sign all authorizations for travel and expenses for the Governor of Louisiana.

12. A department head or his/her designee may approve a traveler's reimbursement request for a communicable disease test if the employee will be traveling on official state business. Receipts are required to be reimbursed. Hotel, meals, and internet expenses are allowed to be reimbursed per the published rates when quarantine is required for a certain period.

B. Funds for Travel Expenses

1. State Issued Credit Cards and CBA Accounts. All high cost travel expenditures must be placed on the LaCarte Purchasing Card, Travel Card, or agency CBA account unless prior approval is granted from the Commissioner of Administration. The State Travel Office maintains the contract for the State's corporate card program to establish one source of payment for travel expenditures. If a supervisor recommends an employee be issued a state travel card, the employee should make the request through their agency travel program administrator.

a. The employee's corporate travel card is for official state business travel only. Personal use on the travel card shall result in disciplinary action.

b. If a vendor does not accept credit card payment for registration or lodging expenses, the department head may approve for payment(s) to be made by other means. Travelers must submit supporting documentation from the vendor stating they do not accept credit card payments. The supporting documentation must be kept with the travel expense form.

2. Persons traveling on official state business will provide themselves with sufficient funds for all travel expenses that are not covered by the Corporate Travel Card, LaCarte Purchasing Card, and/or agency's CBA account.

3. For agencies participating in the LaCarte, Travel, and/or CBA card programs, group/athletic travel must be placed on one of the card programs. This does not eliminate any approvals that must be granted from the Commissioner of Administration and/or the Office of State Travel.

4. Advance of funds for travel shall only be made in extraordinary circumstances and any excess funds should be promptly repaid upon return. Cash advances meeting the exception requirement(s) listed below must have an original and itemized receipt to support all expenditures in which a cash advance was given, including meals. At the Agency's discretion, cash advances may be allowed for:

a. state traveler whose salary is less than $30,000/year;

b. state travelers who accompany and/or are responsible for students or athletes for group travel. For group travel advancements, a roster with signatures of each group member along with the amount of funds received by each group member may be substituted for individual receipts;

c. state travelers who accompany and/or are responsible for client travel;

d. new employee who has not had time to apply for and receive the state's corporate travel card;

e. employees traveling for extended periods, defined as a period exceeding 30 or more consecutive days;

f. employees traveling to remote destinations in foreign countries;

g. lodging costs if the hotel(s) will not allow direct bill or charges to agency's CBA and the traveler's salary is less than $30,000/year;

h. registration for seminars, conferences, and conventions.

5. Sponsored or Scholarship Travel- Travel expenses paid by a sponsor or scholarship are considered a gift per R.S. 42:1115 and requires completion of Ethics Disclosure Form 413. It is the traveler's responsibility to properly complete and submit to the Board of Ethics in the time required. The form can be downloaded at: http://ethics.la.gov/pub/CampFinan/Forms/Form413f.pdf?20190402

a. Reimbursements are not allowed when the traveler does not incur any expense. This includes, but is not limited to, reimbursements for any lodging or meals provided at a state institution or agency or provided by any other party at no cost to the traveler.

6. Travel expenses shall be limited to the necessary expenses incurred by a traveler and must be within the limitations set by PPM 49.

C. Requests for Reimbursement

1. Official domicile/temporary assignment. travelers are eligible to receive reimbursement for travel only when they are away from their "official domicile" or on a temporary assignment unless exemption is granted in accordance with these regulations. Temporary assignments will end after a period of thirty consecutive calendar days. After thirty days, the place of assignment shall be deemed his/her official domicile. The traveler shall not be allowed travel and subsistence reimbursement unless permission to extend the 30-day period has been previously approved by the Commissioner of Administration.

a. Travelers cannot be reimbursed while traveling within their official domicile.

b. Travelers cannot be reimbursed when traveling to/from their residence when their residence location is different from their official domicile.

c. At the discretion of the department head or his/her designee, an exception may be allowed for mileage to/from airports as stated in §1504.E.3.

d. The department head or his/her designee may approve an authorization for routine travel for an employee who must travel to perform his/her regular job duties. This may include traveling within the employee's official domicile if it is a regular and necessary part of the employee's duties. Attending infrequent/irregular meetings and conferences within their official domicile are not reimbursable.

2. All claims for travel reimbursement shall be submitted on the State's Travel Expense Form, BA-12, or in your agency's travel expense management system. Travel Expense Forms must include all travel details and be signed by the person claiming reimbursement and approved by his/her immediate supervisor. In all cases, the date and hour of departure and return to domicile must be shown along with each final destination throughout the trip clearly defined on the form. Agencies must get an exemption from the Commissioner of Administration to use a Travel Expense form other than the BA-12. For every travel authorization request, the purpose of the trip for travel must be stated in the space provided on the front of the form. The second page of the BA-12 must be completed with the breakdown of the travel expenses. This is required for every trip. Form BA-12 can be found at: https://www.doa.la.gov/media/apro1q2x/travelexpense.docx

3. Air transportation, registration, lodging, rental vehicles, shuttle service, and all other allowable charges outlined in section II(F)(4) of the State of Louisiana State Liability Travel and CBA policy should be invoiced directly to the agency, or charged to a state liability card. The traveler must provide receipts for all items charged or billed directly to the agency.

4. Cost of meals shall be paid by the traveler and claimed on the travel expense form for reimbursement.

5. Travel Expense Forms must include all expenses related to the trip, which includes expenses paid by the agency and reimbursable expenses paid by the traveler. Expenses paid by the agency must be noted on the Travel Expense Form or marked "prepaid" on the LaGov expense statement and these expenses must be excluded from the traveler's reimbursable costs.

6. Travelers should submit claims within 30 days of the travelers' return date. If a travel reimbursement is less than $25, it is recommended that the traveler wait until a minimum of $25 is reimbursable to submit the request unless there is no travel scheduled for the traveler in the future. Department heads may make the 30-day submittal mandatory on a department wide basis.

7. Any person who submits a claim pursuant to these regulations and who willfully makes any claim which he/she does not believe to be true and correct or who willfully aids, procures, counsels, or advises the preparation of a false or fraudulent claim, shall be guilty of official misconduct. If a traveler receives an allowance or reimbursement by means of a false or fraudulent claim, the traveler(s) involved shall be subject to disciplinary actions as well as being criminally and civilly liable within the provisions of state law.

8. Agencies shall review travel reimbursements to verify the documentation and complete processing within 30 days of receiving the final reimbursement submission.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1253 (June 2000), LR 27:803 (June 2001), LR 28:1126 (June 2002), LR 29:823 (June 2003), LR 30:1112 (June 2004), LR 31:1184 (June 2005), LR 33:966 (June 2007), republished LR 33:1315 (July 2007), amended LR 34:1300 (July 2008), republished LR 35:1193 (July 2009), amended LR 36:1648 (July 2010), LR 42:982 (July 2016), LR 43:1111 (June 2017), LR 45:841 (June 2019), LR 47:815 (June 2021), LR 48:1447 (June 2022), LR 48:2516 (October 2022), LR 49:1013 (June 2023).

§1504. Methods of Transportation

The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Official state travelers must use the most direct travel route. Among the factors to be considered are the length of travel time, vehicle operation cost, and cost/availability of common carrier services. Common carriers shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost efficient or practical and approved in accordance with these regulations.

A. Air Travel

1. Privately Owned or Charter Planes. Prior approval is required by the department head when traveling by privately-owned or chartered aircraft. The traveler must certify:

1. at least two hours of working time will be saved by such travel; and

2. no other form of transportation such as commercial air travel or a state plane will serve the same purpose.

a. Chartering a privately owned aircraft must be in accordance with the Procurement Code.

b. Reimbursement for using a chartered or un-chartered privately owned aircraft under the above guidelines will be made per the published GSA rate or the cost of coach economy airfare, whichever is the lesser. GSA Airplane mileage rate: https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates

c. If there are extenuating circumstances requiring reimbursement not listed above, approval must be granted by the Commissioner of Administration.

d. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be requested and if a state aircraft is not available, the file shall be documented to show non-availability of a common carrier and state aircraft. The documentation shall be readily available in the department's travel reimbursement files.

2. Commercial Airlines

a. All state travelers are to purchase commercial airline tickets through the state contracted travel agency. This requirement is mandatory unless approval is granted from the Office of State Travel. In the event travelers seek approval to book without using the state's travel agency, the traveler shall submit their request through their agency's travel program administrator, who will determine if the request should be submitted to the Office of State Travel.

b. State contractors are not required to use the state's contracted travel agency when purchasing airfare, but it is the agency's responsibility to monitor costs to ensure the contractors are purchasing the lowest, most logical airfare.

c. The State supports purchasing the lowest logical ticket. Once all rates are received, the traveler must compare costs and options to determine which fare will be the best value ticket for their trip. To make this determination, the traveler must consider whether or not there is a likelihood the itinerary will change or be cancelled. Depending on this assessment, the traveler must determine if the additional costs associated with changing a non-refundable ticket alters the determination of the lowest logical ticket.

d. Travelers should advise the agent of their flexibility with dates and/or time of travel to ensure the most cost-effective rate.

e. Travelers are to seek airfare allowing a sufficient amount of lead-time prior to departure date. The lead-time should be no less than 10 to 14 days in advance of travel dates to ensure the lowest fares are available.

f. Commercial air travel will not be reimbursed in excess of the lowest logical airfare. Receipts are required for reimbursement for commercial air travel. Upgrades above economy at the expense of the State are not permitted without prior approval from the Commissioner of Administration or in accordance with Subparagraph h of this Subsection. If an upgrade is not approved prior to the travel date and the traveler chooses to upgrade, the cost associated with the upgrade must be paid separately by the traveler. If space is not available in economy in enough time to carry out the purpose of the travel, the traveler must obtain a statement from the airline or contracted travel agency with this information. The certification is required for travel reimbursement.

g. The state will pay for the airfare and/or penalty incurred for a change in plans or cancellation when the change or cancellation is required by the State or there are unavoidable circumstances approved by the agency's department head. Justification for the change or cancellation by the traveler's department head is required on the travel expense form.

h. When an international flight segment is more than 10 hours in duration, the state will allow the business class rate provided it does not exceed the economy rate by more than 10 percent. The traveler's itinerary, provided by the travel agency, must document the flight segment as more than 10 hours and must be attached to the travel expense form.

i. Travelers may retain frequent flyer miles earned on official state travel unless an agency deems the points as property of the state. If a traveler makes travel arrangements that favor a preferred airline/supplier to receive these reward points and this circumvents purchasing the lowest logical airfare, they are in violation of this travel policy. Any costs in excess of the lowest logical airfare resulting from this violation are not reimbursable.

B. Unused Tickets

1. A lost or unused airline ticket is the responsibility of the person to whom the ticket was issued. Unused tickets should always be monitored by the traveler and the agency. Travelers should ensure that any unused ticket is considered when planning future travel arrangements. Some airlines have a policy that will allow for a name change to another traveler within the agency. A view of the latest airline policies regarding unused tickets are available at the Office of State Travel's website: https://www.doa.la.gov/doa/ost/transportation/airfare-airport/

2. Upon initial notification, it is the traveler's responsibility to determine if the ticket will be used in the future. Unused tickets are to be monitored every 30 days. If it is determined that the ticket will not be used prior to expiration and there is a possibility to transfer the ticket, the traveler must immediately advise the agency's travel administrator that the ticket is available for use by another traveler, section, or agency. The travel administrator should attempt to use the ticket for another traveler within the agency.

3. Department heads must review all unused airfare and the traveler's justification to determine if reimbursement

from the traveler must be made to the agency for the cost of the unused ticket. All files must be properly documented.

4. Monitoring unused tickets can be accomplished with the unused ticket report sent to the agency's program administrator each month from the contracted travel agency. This report, in conjunction with traveler notifications while booking other flights and traveler email notifications every 120, 90, 60, 30 and 14 days prior to ticket expiration should be sufficient to reduce the loss of unused airfare.

C. Motor Vehicle

1. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having a valid U.S. driver's license in his/her possession. All occupants must use safety restraints. Accidents, major or minor, shall be reported first to the local police department or appropriate law enforcement agency. An accident report form, available from the Division of Administration's Office of Risk Management (ORM), should be completed as soon as possible and must be returned to ORM with names, addresses, and phone numbers of principals and witnesses. Contact ORM with questions regarding this report.

2. Operating a state-owned, non-state owned, state-rented, or state leased vehicle for business while intoxicated, as set forth in R.S. 14:98 and 14:98.1, is strictly prohibited, unauthorized, and expressly violates the terms and conditions of use. In the event such operation results in the traveler being convicted of, pleading nolo contendere to, or pleading guilty to driving while intoxicated under R.S. 14:98 or 14:98.1, would constitute evidence of the traveler:

a. violating the terms and conditions of use of the vehicle

b. violating the direction of his/her employer, and

c. acting beyond the course and scope of his/her employment with the State of Louisiana.

3. A person should not be authorized to operate or travel in a state-owned or state-rented vehicle unless the person is an employee of the State of Louisiana or deemed an authorized traveler. All authorized traveler approvals must be kept on file at the agency.

4. Students and non-state employees are not authorized to drive state-owned or state-rented vehicle unless deemed an "authorized traveler" on behalf of the State by the department head or his/her designee. Authorized travelers can be reimbursed for their travel expenses. Anyone who is not an employee of the State of Louisiana must sign the Acknowledgement of Non-State Employees Utilizing State Vehicles form, located on the Office of State Travel's website, https://www.doa.la.gov/media/jcfji2il/nse-acknowledgement.pdf, prior to riding in or driving a state-owned or state-rented vehicle. Each agency is responsible for ensuring that this form and any other necessary requirements are completed and made part of the travel file prior to travel dates.

5. Persons operating a state-owned, state-rented, or personal vehicle on official state business are responsible for all traffic, driving, and parking violations. This does not include vehicle violations for registration or inspection sticker for state-owned or state rented-vehicles, as the State and/or rental company would be liable for any cost associated with these types of violations.

6. For official in-state business, travelers must use the options below in sequential order:

a. first: a traveler should utilize a state vehicle when available;

b. second: a traveler should rent a vehicle from the State's in-state contracts with Enterprise, National, or Hertz for travel over 99 miles;

c. third: a traveler must receive prior approval from their department head to use his/her personal vehicle and be reimbursed more than 99 miles. Reimbursements must be based on the GSA rate for mileage rounded down to the penny. The current GSA mileage rate can be found here: https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates

7. Motorcycles/bicycles/mopeds/motorized scooters (including e-scooters) shall not be used for official State travel. No passengers may be transported, at any time on official State Travel, on motorcycles/bicycles/mopeds/ motorized scooters (including e-scooters).

D. State-Owned Vehicles

1. Travelers in state-owned automobiles who purchase fuel, repairs, and equipment needed while in travel status shall make use of the Statewide Fleet Fuel and Repair/Maintenance and bulk fuel contracts, when applicable. Purchases require receipts and only the lowest manufacturer recommended fuel should be reimbursed.

2. Department heads must give prior approval for State-owned vehicles to be used for out-of-state travel. If a state-owned vehicle is used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel must be kept in the department's travel reimbursement files. When the use of a state-owned vehicle has been approved by the department head for out-of-state travel for the traveler's convenience, the traveler is personally responsible for any other expense en route to and from their destination, which includes meals and lodging.

3. If a state vehicle is needed or requested to be kept at the home of a state traveler overnight, the agency and traveler should ensure it is in accordance with requirements outlined in R.S. 39:361-364.

E. Personally Owned Vehicles

1. Personal vehicle mileage is reimbursed at the published GSA rate for mileage rounded down to the penny. Personal vehicle mileage reimbursements should be based on actual physical addresses and require an odometer reading or website mileage calculator. The current GSA mileage rate can be found here: https://www.gsa.gov/

travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates.

2. When two or more persons travel in the same personally owned vehicle, only one reimbursement is allowed for the expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers on the travel expense form.

3. At the discretion of the department head or his/her designee, mileage to and from airport(s) may be allowed while on official state business. This approval may include reimbursement for a traveler who is being dropped off and/or picked up from the airport.

4. Mileage reimbursements must not exceed the cost of the lowest logical airfare for the same trip. Travelers are personally responsible for any other expenses en route to and from the destination, which includes meals and lodging.

5. If a traveler is requested to take his/her personally owned vehicle out-of- state for a purpose that will benefit the agency, then the department head may, on a case- by-case basis, determine to pay a traveler for all or part of en route travel expenses (for example – lodging, meals, and mileage). Documentation must be kept on file to show cost savings or justification as to why personal vehicle mileage, lodging, and meals while in transit were approved for out-of-state travel exceeding 99 miles.

6. A traveler shall never receive any benefits or reimbursements because his/her residence is different from his/her official domicile. A traveler may be reimbursed mileage when starting travel from his/her residence if the mileage is less than starting travel in the traveler's official domicile. If a traveler is leaving on a non-work day or leaving before or after work hours, the department head may determine to pay the actual mileage from the traveler's residence.

7. When a traveler is required to regularly use his/her personally owned vehicle for agency activities, the agency head may request prior authorization from the Commissioner of Administration for a vehicle allowance. Requests for vehicle allowances must contain a detailed account of routine travel listing exact mileage for each route and justification as to why a rental vehicle is not feasible. Justifications should include a three-month travel history with a complete mileage log for all travel incurred, showing all points traveled to/from and the exact mileage. Requests for vehicle allowances are granted for one fiscal year and must be requested again each fiscal year if there is still a need. A centralized file must be kept containing all approvals.

a. If an employee is granted a vehicle allowance then mileage, fuel, and rental vehicle reimbursements or charges are not allowed for that employee. Rental vehicles are allowed for these employees when traveling out-of-state.

8. Travelers are required to pay all operating expenses for his/her personal vehicle including fuel, repairs, and insurance.

F. State-Rented Vehicles

1. The state has mandatory contracts for in-state and out-of-state vehicle rentals for business travel with Enterprise, National, and Hertz. These contracts also apply to all authorized travelers and contractors. The state does not have international vehicle rental contracts.

2. Employees receiving a vehicle allowance are only allowed to rent a vehicle when traveling out-of-state.

3. In-State and Out-of-State Vehicle Rentals

a. A rental vehicle should be used if a state owned vehicle is not available for all travel over 99 miles. In the event that an agency or traveler chooses to use a personal vehicle, refer to §150.E, of this policy, Personally Owned Vehicles.

b. All state contractors who have entered into a contract with the State of Louisiana on or after March 1, 2013, and whose contracts are required to follow PPM 49 for travel reimbursements, must use the state's mandatory contracts while conducting business on behalf of the State.

c. In-state rental vehicle reservations shall not be made at an airport location for daily routine travel unless prior approval is granted by the department head. Airport rental locations charge extra fees that will add unnecessary costs to your rental charges.

d. Charges added to the vehicle rental price must be in accordance with the mandatory rental vehicle contracts.

4. Payments. Rentals through the vehicle rental contracts shall be made using the "LaCarte" purchasing card, an agency's CBA account, an employee's state corporate travel card, or through direct bill to the agency. Agencies may decide which of these forms of payment to be used.

5. Approvals. Travel authorization forms must be approved by the department head or his/her designee prior to renting a vehicle. Agencies are allowed to approve rental vehicles on an annual basis if the travel is routine and a regular part of an employee's job duties.

6. Vehicle Rental Size

a. Only the cost of an economy, compact, intermediate, or standard vehicle is reimbursable, unless:

i. non-availability is documented; or

ii. the vehicle will be used to transport more than two persons.

iii. if a larger vehicle is necessary to carry equipment or multiple passengers, the vehicle shall be upgraded only to the next smallest size and lowest price necessary to accommodate the need. The file must include a justification approved by the department head or his/her designee.

b. A department head or his/her designee may authorize a larger vehicle on a case-by-case basis and provide detailed justification in the file. Justification could include, but is not limited to, specific medical requirements

when supported by a doctor's recommendation or traveling with equipment.

7. Personal use of a State-rented vehicle is not allowed.

8. Fuel

a. Fuel should be placed on an agency's fuel card for rental vehicles. If your agency does not have a fuel card, reimbursements require an original receipt. If you are not able to obtain a receipt from the pump or cashier, a time stamped photo of the pump showing the number of gallons purchased and total price will suffice.

b. A traveler must purchase fuel with the State's Fuel Card, other approved credit card, or with personal funds at reasonable cost from a fuel station prior to returning the rental. Pre-paid fuel options or replacement of gasoline from the rental company is not allowed. If a traveler purchases any fuel options or programs allowing the rental vehicle company to replace gasoline without justification and prior approval from the department head, the traveler must reimburse the agency. Each agency shall familiarize itself with the Statewide Fleet Fuel and Repair/Maintenance and bulk fuel contracts. Agencies and travelers should review the terms, conditions, and locations of vendors for each contract.

9. Insurance for Vehicle Rentals within the United States

a. State rental contracts include Collision and Damage Waiver (CDW) insurance and $1,000,000 Liability Protection Coverage. Additional insurance billed by car rental companies is not reimbursable and must not be billed to an agency.

b. Should a collision occur while on official state business, the accident should immediately be reported to the Office of Risk Management and the rental company. Any damage involving a third party must be reported to the appropriate law enforcement agency to obtain a police report.

c. Lost keys and unlocking services for rental vehicles are not covered under the damage waiver policy and can be costly. Agencies should establish an internal procedure regarding the liability of these costs.

10. Insurance for Vehicle Rentals Outside of the United States

a. The Office of Risk Management (ORM) recommends the appropriate insurance (liability and physical damage) provided through the car rental companies be purchased when the traveler is renting a vehicle outside of the United States. With the approval of the department head or his/her designee, required insurance costs must have receipts and may be reimbursed for travel outside of the United States only.

b. The following insurance packages are available by rental vehicle companies which are reimbursable:

i. collision damage waiver (CDW), should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and submit a reimbursement claim on a travel expense form. The accident must also be reported to the Office of Risk Management;

ii. loss damage waiver (LDW);

iii. auto tow protection (ATP);

iv. supplementary liability insurance (SLI);

v. theft and/or super theft protection (coverage of contents lost during a theft or fire);

vi. vehicle coverage for attempted theft or partial damage due to fire by the car rental company.

c. The following are examples of insurance packages available by rental vehicle companies that are not reimbursable:

i. personal accident coverage insurance (PAC);

ii. emergency sickness protection (ESP).

d. Insurance is only allowed to be charged or reimbursed when renting outside of the United States.

11. Navigation Equipment (GPS System). Must be rented, not purchased, from a rental car company and may only be reimbursed if the traveler justifies the need for such equipment. Prior approval from the department head or his/her designee must be obtained and included with the travel file.

G. Ground Transportation

1. The cost of public ground transportation such as buses, subways, airport shuttles/limousines, ferries, tolls, and taxis are reimbursable when the expenses are incurred as part of approved State travel. Credit card fees charged by these services are reimbursable.

2. Public transportation to and from the airport may be reimbursed with a receipt while on official state business.

3. If utilizing Uber or Lyft type services, only a standard size vehicle is reimbursable with an itemized receipt. Premium or larger vehicles are not reimbursable. Agencies may reimburse tolls, surcharges, and fees (excluding wait time fees) when it is determined that these services are the most cost effective option. Wait time fees are not a reimbursable expense. Travelers should try to utilize the most economic ground transportation without incurring additional fees or surge pricing.

a. Uber Black, Uber Black XL, and Uber Premier are not reimbursable

b. Lyft Lux, Lyft Lux Black, and Lyft Lux Black XL are not reimbursable

4. When travelers utilize a free shuttle service, a $5 tip may be allowed (no receipt is required).

5. Airport shuttles, taxis, and all other public transportation require a receipt for reimbursement. A driver's tip may be given and the tip must not exceed 20 percent of the total charge. The tip amount must be included on the receipt received from the driver/company.

6. All other forms of public ground transportation other than those listed above are limited to $10 per day when a receipt is not possible. Claims in excess of $10 per day require a receipt. At an agency's discretion, the department head may implement an agency policy requiring receipts for all public transportation requests less than $10 per day.

7. To assist agencies with verification of taxi fares, you may contact the taxi company for an estimate or visit an online taxi fare estimator. A traveler should obtain prior approval if multiple taxis will be used during a trip (not just to and from an airport). It may be in the agency's best interest to rent a vehicle rather than reimbursing multiple taxi expenses.

H. Parking and Related Parking Expenses

1. Baton Rouge Airport. The State has contracted rates for parking in the indoor parking garage and the outside fenced parking lot at the Baton Rouge Airport. The airport parking certificate and State Employee ID must be presented to receive the contract price. If the agency does not issue a State ID, the traveler will need a business card and a driver's license along with the certificate to be eligible for the state contracted rate. Receipts are required for reimbursement of the contracted rates listed in the resource section. The airport certificate may be found on the State Travel Office's website at: https://www.doa.la.gov/doa/ost/parking/

2. New Orleans Airport Parking. Travelers have the option to park at New Orleans Airport in the Surface Lot or the Airline Economy Garage. Receipts are required for reimbursement for the allowable rates listed in the resource section.

3. Travelers using motor vehicles on official state business may be reimbursed for all other parking, including airport parking except as listed in A and B above, ferry fares, and road/bridge tolls. For each transaction over $5, a receipt is required.

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§1505. Lodging (Formerly §1506)

A. General Lodging Information

1. Lodging rates for the 48 contiguous states are based on the GSA lodging rates for the applicable location. The GSA lodging rates can be found at https://www.gsa.gov/travel/plan-book/per-diem-rates.

2. Alaska, Hawaii, and U.S. Territories shall follow the rate below:

a. Lodging Rate- $175 per night

3. The State has contracted with HotelPlanner for hotel booking (use is not mandatory). Lodging rate, plus tax (other than Louisiana Sales Tax) and any mandatory surcharges are allowed.

4. When traveling in-state on official state business and expenses are being charged to an employee's State Corporate Travel Card, State's LaCarte Card, or the agency's CBA account, it is the employee's responsibility to ensure state sales taxes are not charged.

5. When two or more employees, on official state business, share a lodging room, the State will allow the actual cost of the room; subject to a maximum amount allowed for an individual traveler multiplied by the number of employees per room.

B. Conference Lodging Allowance

1. Travelers may be allowed the conference lodging rates, plus tax (other than Louisiana Sales Tax) and any mandatory surcharge. Receipts are required along with documentation showing the actual conference rate. Department heads or his/her designee have the authority to approve the actual cost of conference lodging for a single occupancy or standard room when the traveler is staying at the designated conference hotel. If there are multiple designated conference hotels, the lower cost conference hotel should be booked, if available. In the event the designated conference hotel(s) have no room availability, a department head or his/her designee may approve to pay the actual hotel cost not to exceed the conference lodging rates for other hotels in the immediate vicinity of the conference hotel. Rates exceeding the Conference Lodging Rate must be approved by the Commissioner of Administration. This allowance does not include Agency Hosted Conference Lodging Allowances. Documentation required is a formal agenda, program, letter of invitation, or registration fee. Participation as an exhibiting vendor in an exhibit /trade show also qualifies as a conference. For a hotel to qualify for conference rate lodging, it requires that the hotel is hosting or is in conjunction with hosting the meeting.

2. Training courses held over several consecutive days and have a designated hotel and rate, could be considered a "conference hotel."

3. If staying at a designated conference hotel or an overflow hotel(s), you may not rent a vehicle unless prior approval is granted from the department head. Rental vehicles must be for official state business needs and supporting documentation must be maintained in the file.

4. No reimbursements are allowed for functions not related to a conference. Examples include tours, dances, and golf tournaments.

C. Extended Stays

1. For travel assignments approved by the Commissioner of Administration involving duty for extended periods (30 or more consecutive days) at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Claims for meals and lodging may be reimbursed on a per diem basis supported by a lodging receipt.

2. The only exemptions which do not require the Commissioner of Administration's approval when traveling 30 days or more are students, professors, or other state travelers which are traveling on a grant, scholarship, studying aboard or any other occasion where funds utilized are not state funds. Department head approval is required for these travelers.

D. Lodging Fees

1. Non-Conference Related Fees. Many hotels charge mandatory fees variously termed *resort fees*, *amenity fees*, *urban destination fees*, *facilities fees* and *daily destination fees*, among others. Agencies should review these fees and see what they include before authorizing reimbursement, as they can vary from simply covering internet access to including items that may be considered gifts, like tours or tickets. If the fees do not include an item that can be considered a gift, these fees are reimbursable but should not exceed the applicable lodging rate when combined with the daily room rate. These fees require department head approval if the additional cost is less than a 50 percent increase of the daily lodging rate. Increases above 50 percent require prior approval from the Commissioner of Administration.

2. Added value charges which include, but are not limited to, early check-in fees, additional person fees, mini-bar/snack fees, gym fees, and spa fees are not reimbursable.

3. Tax recovery charges are not allowed when booking through companies other than the State of Louisiana's travel agency or its affiliated company.

E. Louisiana Sales Tax

1. Travelers are responsible for reimbursing the agency for any Louisiana sales taxes when the agency's tax exemption form is not presented at time of check-in at hotel. Contractors are subject to Louisiana sales tax and can be reimbursed for this expense.

2. Travelers should use the tax-exempt form located on the State Travel Office website for all in-state lodging: https://www.doa.la.gov/media/er0b2lwj/travelexemption-travelexpense.pdf

F. Lodging with Relative or Friends

1. May not be reimbursed unless the host can substantiate costs for accommodating the traveler. The reimbursement will be at the actual cost of lodging but must not exceed the lodging rate for the applicable area. The host must show proof of the added costs for water, electricity, and other expenses.

G. Hotel Reward Points

1. Travelers may retain hotel reward points earned on official state travel unless an agency deems the points as property of the state.

H. Lodging Exceptions

1. Non-Conference Lodging Overage Allowances. Department head or his/her designee has the authority to approve actual costs for routine lodging on a case by case basis, but shall not exceed 50 percent over the lodging rate for the applicable travel location. (This authority is for routine lodging only and not for conference lodging or any other area of PPM 49). Receipts, justification, and approval must be maintained in the file to show that attempts were made with hotels in the area to receive the best rate.

a. Travelers are responsible for reimbursing the agency for lodging rates that exceed the published lodging rates for the travel location unless prior approval is granted by the Commissioner of Administration.

2. In areas where the Governor has declared an emergency, a department head or his/her designee has the authority to approve actual routine lodging provisions on a case-by-case basis, but shall not exceed 75 percent over the lodging rate for the applicable travel location. Each case must be documented to justify necessity (e.g. proximity to meeting place) and cost effectiveness. Documentation, including receipts, must be readily available in the agency's travel reimbursement files and kept in accordance with record retention policies.

3. Lodging overages in excess of 1 and 2 of this Section require approval from the Commissioner of Administration prior to being paid or reimbursed by the agency. Requests for approval must contain justification and estimated costs. If prior approval is not obtained, overages must be repaid to the agency by the traveler.

4. Actual expenses for Elected Officials, Board Members (if allowed by the Board), State Officers, persons authorized by statute, or any individual with a preapproved exception will be reimbursed on an actual expense basis, for meals and lodging only, while in travel status, except in cases where other provisions for reimbursement have been made by statute. Itemized receipts are required for reimbursement. Requests must be reasonable in relation to the purpose of travel. Travelers entitled to actual expense reimbursement are only exempt from meals and lodging rates; they are subject to all other requirements as listed in these travel regulations.

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LR 33:1320 (July 2007), amended LR 34:1305 (July 2008), LR 35:1198 (July 2009), LR 36:1654 (July 2010), LR 42:990 (July 2016), LR 43:1119 (June 2017), LR 45:821 (June 2019), LR 46:849 (June 2020), LR 46:1484 (October 2020), LR 47:823 (June 2021), LR 48:1453 (June 2022), LR 48:2522 (October 2022)., LR 49:1019 (June 2023).

§1506. Meals and Incidentals (M and IE)

A. Meals and Incidentals While In Travel Status

1. Meal and incidental rates based on the GSA meal rates for the 48 contiguous states. The GSA meal and incidental rates can be found at https://www.gsa.gov/travel/plan-book/per-diem-rates

2. Alaska, Hawaii, and U.S. Territories shall follow the rates below.

a. Meals—Breakfast $17, Lunch $18, Dinner $34.

b. Incidentals— $5 per day.

c. First and Last day meal and incidental reimbursements shall not exceed $55.50.

3. Meal rates include taxes and tips, travelers cannot be reimbursed separately for those items. Receipts are not required for meals within these rates unless a cash advance was received.

4. Meal and Incidental Reimbursement for Single Day Travel. Meals are not eligible for reimbursement on single day travel. When an authorized traveler of the State is in travel status where no overnight stay is required, meals are not eligible for reimbursement. However, the department head is allowed to authorize single day meal reimbursements on a case-by-case basis or by types(s) of single day travel when it is determined to be in the best interest of the agency. In those cases, the agency must keep the approvals in the travel file and agencies are responsible for reporting the reimbursement as taxable wages to the traveler. Each department head or his/her designee is to determine whether the travel is best suited for single day or overnight.

a. If a department head or his/her designee determines that single day meals will be reimbursed, they must adhere to the following allowances: To receive meal reimbursements on single day travel, a traveler must be in travel status for more than 12 but less than 24 hours. Reimbursements for single day travel must not exceed 75 percent of the total M and IE rate for the applicable travel location meal rates. This rate is listed as the first and last day of travel on the M and IE rates page of the applicable location.

5. Meal and Incidental Reimbursement for Travel with Over Night Stay

a. On the first and last travel day, employees are only eligible for 75 percent of the total M and IE rate for the applicable travel location. The Meals and Incidental Expense breakdown page has a table showing the calculated amount for the "First and Last Day of Travel."

b. Student group trips (including athletic travel) are eligible for the full M and IE rate on the first and last day of travel for the applicable travel location when travel begins prior to 8:00am and ends beyond 8:00pm.

c. Incidental expenses are limited to $5 per day for domestic travel. Domestic incidental expenses include tips for valet, porters, baggage carriers, and hotel staff.

6. Reimbursement for alcohol is prohibited.

7. If meals are included in a conference schedule and are part of the registration fee, the traveler cannot request/receive additional reimbursement for that meal. If a traveler has dietary restrictions, agencies may allow the traveler to claim reimbursements for any meals provided at a conference, meeting, or other work function that may pose a health risk to the traveler if consumed.

8. Meals provided by relatives and/or friends may not be reimbursed unless the host can substantiate costs for providing meals to the traveler. The reimbursement amount for the traveler's portion of the meal must be reimbursed at the actual cost but shall not exceed the published meal rate for the applicable travel location. The traveler must provide documentation and obtain approval from the department head.

B. Special Meals

1. Special meal needs are infrequent, extraordinary, and/or emergency situations when state employees are required by their supervisor to work more than a twelve-hour weekday or six-hours on a weekend. Special meals also includes meals provided during working meetings of department staff. Special meals do not include normal visits, meetings, or reviews.

2. Special meals must have prior approval from the Commissioner of Administration for all state agencies other than higher education. The entity head of higher education institutions or his/her designee may approve special meals prior to the meal date. Special meals should be placed on a state issued credit card.

3. All special meals must have a sign-in sheet.

4. Requests for one-time special meals must be signed by the department head and require prior approval by the Commissioner of Administration. These requests must include:

a. date of event;

b. name of each recipient;

c. total number of attendees;

d. estimated cost of meal;

e. estimated cost per person;

f. justification for special meal.

5. The Commissioner of Administration may delegate approval to a department head on a fiscal year basis. Requests must be submitted every fiscal year the delegation is needed. Once approval is received, the department head may authorize a special meal within the published meal rate

of the meeting location. A reasonable delivery fee and tip may be allowed if ordered from an outside vendor. Tips should never exceed 20 percent of the meal cost.

a. Requests to the Commissioner of Administration for special meal delegations must:

i. be submitted on agency letterhead and signed by the department head

ii. include clear justification of the necessity and appropriateness of the request

iii. include a statement that rates for meal reimbursements will be in accordance with ppm49

iv. unless specific approval is received from the Commissioner of Administration to exceed meal rates.

6. Agencies with a special meals delegation must report all special meals on a quarterly basis to StateTravel@LA.Gov. Higher education institutions must send the special meals report to the entity's management board. The Special Meals Report template can be found here: https://www.doa.la.gov/media/s43etwyx/special-meals-report-template.xlsx The special meals report must include:

a. year and quarter being reported;

b. agency name;

c. name of report preparer;

d. phone number and email address of report preparer;

e. date of event;

f. event title;

g. name and title of person(s) receiving reimbursement, if applicable;

h. if a state credit card was used, the name and title of the cardholder must be reported;

i. name and title of each recipient;

j. total number of attendees;

k. total cost of meal;

l. cost per person;

m. justification for special meal.

7. In order for an agency's special meals delegation renewal to be considered for approval, the special meals quarterly reports must be submitted.

8. Special meals also apply to visiting dignitaries or executive-level persons from other governmental units.

9. Special meal documentation must be kept on file and must include:

a. a detailed breakdown of all expenses incurred, with appropriate receipts(s);

b. subtraction of any alcoholic beverage costs.

c. copy of prior written approval from the Commissioner of Administration or for higher education, the entity head or his/her designee.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1256 (June 2000), LR 27:807 (June 2001), republished LR 27:1495 (September 2001), LR 28:1130 (June 2002), LR 30:1116 (June 2004 LR 31:1189 (June 2005), LR 32:939 (June 2006), LR 33:967 (June 2007), republished LR 33:1320 (July 2007), amended LR 34:1305 (July 2008), LR 35:1198 (July 2009), LR 36:1654 (July 2010), LR 42:990 (July 2016), LR 43:1119 (June 2017), LR 45:821 (June 2019), LR 46:849 (June 2020), LR 46:1484 (October 2020), LR 47:823 (June 2021), LR 48:1454 (June 2022), LR 48:2523 (October 2022), LR 49:0000 (June 2023), LR 48:2523 (October 2022), LR 49:1020 (June 2023).

§1507. Reimbursement for Other Expenses while in Travel Status (Formerly §1508)

A. Communication and Internet Expenses

1. Travelers with a state issued phone or receiving a monthly stipend are not allowed communication reimbursements.

2. State business communication costs may be reimbursed with receipts.

3. For international travel: up to $10 for personal calls upon arrival at each destination and up to $10 for personal calls every second night after the first night, if the travel extends several days.

4. Internet access charges for official state business from hotels or other travel locations are reimbursable with receipts.

B. Storage and Handling Charges

1. Storage and handling charges for state equipment/materials are allowed to be placed on the agency's CBA account. Receipts are required for these transactions.

C. Luggage Allowances

1. Department head or his/her designee may approve reimbursement to a traveler for airline charges for one checked bag for a business trip of five days or less and for two checked bags for business trips exceeding five days. Additional luggage or equipment required for the business travel may be reimbursed with justification and receipts.

2. Travelers will be reimbursed for excess baggage charges (overweight baggage) only in the following circumstances:

a. when traveling with heavy or bulky materials or equipment necessary for business.

b. the excess baggage contains agency records or property.

3. The traveler should always consider shipping material to the final destination or splitting material into additional pieces of luggage to determine the most cost-effective method for the State.

4. Laundry Services (Domestic Travel Only). If traveling for more than seven days, laundry services may be reimbursed with the department head or his/her designee's prior approval. Receipts are required and may be reimbursed up to the actual cost.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:808 (June 2001), LR 28:1131 (June 2002), LR 30:1118 (June 2004), LR 31:1190 (June 2005), LR 32:941 (June 2006), republished LR 33:1322 (July 2007), amended LR 34:1307 (July 2008), LR 35:1200 (July 2009), LR 36:1656 (July 2010), LR 42:992 (July 2016), LR 43:1121 (June 2017), LR 45:823 (June 2019), LR 46:852 (June 2020), LR 47:826 (June 2021), LR 48:1456 (June 2022), LR 48:2525 (October 2022)., LR 49:1022 (June 2023).

§1508. Agency-Hosted Conferences (Formerly §1510)

A. Applies to both in-state and out-of-state. State Sponsored Conferences: agencies must solicit three bona fide competitive quotes in accordance with the current Governor's Small Purchase Executive Order.

1. Attendee Verification. All state sponsored conferences must have a sign-in sheet or some type of attendee acknowledgment to justify the number of meals charged.

2. Conference Lunch Allowance. Lunch directly billed to an agency in conjunction with a state sponsored conference shall not exceed the combined breakfast and lunch rates of the conference location. Any gratuity not required by the caterer must not exceed 20 percent of the total meal cost.

EXAMPLE: If the GSA meal rates for New Orleans are $17 for breakfast and $18 for lunch, the conference lunch allowance will be $35.

3. Breakfast and dinner require approval from the Commissioner of Administration. Approvals for higher education entities can be made by the entity head or his/her designee.

4. Conference Refreshment Allowance. Cost for break allowances for meetings, conferences, or conventions are not to exceed $5.50 per person. Refreshments are allowed twice per day, morning and afternoon. Gratuity may be added if refreshments are being catered.

5. Conference Lodging Allowances. Conference lodging rates should be within the published PPM 49 lodging rates for the conference location but cannot exceed 50 percent over the published rate without prior approval from the Commissioner of Administration.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1256 (June 2000), LR 27:807 (June 2001), republished LR 27:1495 (September 2001), LR 28:1130 (June 2002), LR 30:1116 (June 2004), LR 31:1191 (June 2005), LR 32:941 (June 2006), republished LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), LR 35:1201 (July 2009), LR 36:1657 (July 2010), LR 42:993 (July 2016), LR 43:1122 (June 2017), LR 45:824 (June 2019), LR 46:853 (June 2020), LR 47:827 (June 2021), LR 48:1456 (June 2022), LR 48:2525 (October 2022), LR 49:1022 (June 2023).

§1509. International Travel (Formerly §1511)

A. International travel must be approved by the Commissioner of Administration for all state agencies other than higher education.

B. The entity head of higher education institutions or his/her designee may approve international travel prior to the departure date.

C. All requests for approval must be accompanied by a detailed account of expected expenditures including airfare, room rates, dates, meals, local transportation, and any other known travel costs.

D. International travelers will be reimbursed based on the U.S. Department of State per diem rates for meals and lodging.

U.S. Department of State Per Diem Rates - https://aoprals.state.gov/web920/per_diem.asp

U.S. Department of State Meal Per Diem Breakdown - https://aoprals.state.gov/content.asp?content_id=114 and menu_id=75

E. Agencies may decide to allow state travelers to be reimbursed for a Visa and/or immunizations when the traveler is traveling on behalf of the agency/university on official state business and must keep justification with the travel file. Passport reimbursements must be submitted to the department head for approval along with detailed justification as to why this reimbursement is being requested/approved.

F. Incidentals for international travel cannot exceed the listed allowance issued by the U.S. Department of State.

1. Incidentals for international travel are reimbursable at $5 per day without receipts.

2. Incidentals exceeding $5 require receipts and/or supporting documentation. (Not to exceed U.S. Department of State Allowance)

3. Incidental expenses for international travel are fees for laundry services and tips given to valets, porters, baggage carriers, and hotel staff.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1119 (June 2004), LR 31:1192 (June 2005), republished LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), LR 35:1201 (July 2009), LR 36:1657 (July 2010), LR 42:994 (July 2016), LR 43:1123 (June 2017), LR 45:824 (June 2019), LR 46:853 (June 2020), LR 47:827 (June 2021), LR 48:1457 (June 2022), LR 48:2526 (October 2022), LR 49:1023 (June 2023).

§1510. Waivers (Formerly §1512)

A. The Commissioner of Administration may waive, in writing, any provision in these regulations when the State's best interest will be served. All waivers of PPM 49 must receive prior approval from the Commissioner of Administration, except in declared emergencies.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1118 (June 2004), LR 31:1191 (June 2005), republished LR 1322 (July 2007), amended LR 34:1307 (July 2008), LR 35:1200 (July 2009), LR 36:1656 (July 2010), LR 42:993 (July 2016), LR 43:1122 (June 2017), LR 45:825 (June 2019), LR 46:854 (June 2020), LR 47:829 (June 2021), LR 48:1457 (June 2022), LR 48:2526 (October 2022), LR 49:1023 (June 2023).

Chapter 17. Contracts for Maintenance, Equipment, and Services—PPM Number 51

§1701. Introduction

A. This Policy and Procedure Memorandum rescinds Policy and Procedure Memorandum Number 51 that was promulgated February 1983.

B. Except as otherwise provided in this Chapter, the Commissioner of Administration, hereinafter referred to as "the commissioner," shall have the authority and responsibility to promulgate regulations, consistent with this Chapter, governing the procurement, management, and control of any and all supplies, services, and major repairs required to be procured by the state. The commissioner shall consider and decide matters of policy within the provisions of this Chapter, including those referred to him/her by the state chief procurement officer. The commissioner shall have the power to audit and review the implementations of the procurement regulations and requirements of this Chapter.

C. Therefore, pursuant to the above authority, in order to discharge my duty and responsibility as directed by the above quoted Section of the state statutes, it is hereby ordered that all state of Louisiana agencies shall abide by the following rules and regulations, except where specific authority has been delegated, in writing, by the Commissioner of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561.

HISTORICAL NOTE: Revised by the Office of the Governor, Division of Administration, June 1,1973, promulgated LR 1:131 (February 1975), amended LR 9:48 (February 1983), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 43:1105 (June 2017).

§1703. Purpose and Scope

A. The policies and procedures contained herein shall apply to all agencies of the state government as required by the Louisiana Procurement Code, R.S. 39:1551 et seq., the current Executive Order of the Governor for small purchases, and the official rules and regulations of the Procurement Section, Division of Administration, as contained in the State Procurement Manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561.

HISTORICAL NOTE: Revised by the Office of the Governor, Division of Administration, June 1, 1973, promulgated LR 1:131 (February 1975), amended LR 9:48 (February 1983), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 43:1105 (June 2017).

§1705. Definitions of Contractual Services

A. Contractual services include all contracts, interagency agreements, or other documents for the maintenance and service of equipment, buildings, or any other facilities and the lease and rental of equipment of any state agency under the jurisdiction of the Division of Administration, as noted in §1703.

B. The following is a listing of contracts referred to in this memorandum. Any other type of contract needs prior approval from the state chief procurement officer.

C. It is emphasized that this directive applies to contractual service for maintenance and contractual agreements for leases and rentals of equipment. Listed below are some commodities that fall into this category:

1. janitorial services;
2. garbage disposal services;
3. water treatment services;
4. office machine maintenance;
5. thermostatic and temperature control;
6. laundry services;

7. pest control services;

8. office equipment;

9. communication equipment;

10. heavy equipment;

11. concession leases;

12. vending; and/or

13. any other category with prior approval of the state chief procurement officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561.

HISTORICAL NOTE: Revised by the Office of the Governor, Division of Administration, June 1, 1973, promulgated LR 1:131 (February 1975), amended LR 9:48 (February 1983), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 43:1105 (June 2017).

§1707. Procedures

A. In accordance with R.S. 39:1561(B), all agencies of the state government are hereby delegated the authority to purchase all contractual services up to their delegation of authority as issued by the state chief procurement officer, as defined above, in accordance with the current Governor's Executive Order for small purchases and procurement rules and regulations.

B. Agencies are authorized to annually prepay preventive maintenance contracts on equipment only when there exists at least a 10 percent savings over paying on a monthly basis, or a competitive bid is requested that provides for preventive maintenance on a monthly basis and on a prepaid annual basis. A savings of 10 percent or more is required to award on a prepaid annual basis.

C. A sample checklist is attached for use on each contract.

D. One complete copy of each file shall be forwarded to the Procurement Section of the Division of Administration upon completion. These files will consist of:

1. copy of purchase requisition;

2. complete agency purchase order;

3. BA-22 RL for leases or rental of equipment;

4. copy of all bids received;

5. proof of advertisement;

6. tabulation of bids received; and

7. copy of the list of vendors solicited.

E. Please note: no purchase order is to be released until approval has been granted by the state chief procurement officer.

F. Approved copies of the purchase order will be returned to the agency. One copy of the purchase order and the remainder of the file will remain on file in the Division of Administration. Agencies are authorized to handle at agency level, without forwarding to the Procurement Section of the Division of Administration, those files within their delegated purchasing authority.

G. Any questions concerning this matter should be directed to the Procurement Section of the Division of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561.

HISTORICAL NOTE: Revised by the Office of the Governor, Division of Administration, June 1, 1973, promulgated LR 1:131 (February 1975), amended LR 9:48 (February 1983), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 43:1105 (June 2017).

Chapter 19. Changes in Approved Budget—PPM Number 52

§1901. Procedures

A. Pursuant to the above authority, in order to discharge my duty and responsibility as directed by the statutes, it is hereby ordered that all state budget units shall abide by the statutes and the following rules and regulations.

1. All requests shall be fully documented to include the following information.

a. What is the source of funding [if other than General Fund (Direct)]? Specifically identify any grant or public law and purposes of the funds, if applicable. A copy of any grant application and the notice of approved grant or appropriations must accompany the BA-7. What are the expenditure restrictions of the funds? Include the date the grant was applied for, the date approval from the federal granting authority was received, and the duration of the grant.

b. What is the financial impact in the current year and the next four fiscal years? That is, if the funds are being used to start a new program or enrich an ongoing program, what will the impact be in future years? Will the grant decline either in funds available or in ratio of participation?

c. What programmatic impact (positive or negative) will occur as a result of the approval of this request? In other words, who will benefit, how, and to what extent? If expenditure authority is being moved from one program to another, what is the impact on the program giving up the expenditure authority? List performance indicators affected.

d. What strategy will be used in accomplishing your agency's mission and goals? Include your resource allocation plan (i.e., how, and on what, will money be spent?).

e. Will this action require additional personnel? Explain in detail.

Failure to answer all questions completely will be cause to return this document without action.

2. All requests for appropriation changes initiated after over-expenditures have been made will be summarily denied unless certification is made to the Division of Administration and the Joint Legislative Committee on the Budget, attesting that the change was of an emergency nature. Emergency is defined as being a condition

detrimental to the protection of employees and/or the general public and to state property.

3. All requests shall also comply with the current appropriation bill restrictions.

AUTHORITY NOTE: Promulgated in accordance with Act 14, 1973, R.S. 39:7.

HISTORICAL NOTE: Revised by the Office of the Governor, Division of Administration, December 18, 1974, promulgated LR 1:132 (February 1975), amended LR 17:758 (August 1991).

§1903. Form BA-7

FORM BA-7 Revised 7/91	State of Louisiana Division of Administration Office of Planning and Budget Request for Changes in Appropriation					
DEPARTMENT NAME:_____ AGENCY NAME:_____ SCHEDULE NUMBER:_____ HEAD OF BUDGET UNIT:_____ TITLE:_____				DATE:_____ AGENCY BA-7 NO:_____		
OPB LOG NO.						
CATEGORY OF MEANS OF FINANCING OR EXPENDITURE	BUDGETED 19_____19_____		ADJUSTMENT (+) / (-)		REVISED 19_____19_____	
MEANS OF FINANCING						
GENERAL FUND BY:						
DIRECT						
INTERAGENCY TRANSFERS						
FEES AND SELF-GENERATED						
STATUTORY DEDICATIONS						
INTERIM EMERGENCY BOARD						
FEDERAL						
TOTAL MEANS OF FINANCING						
EXPENDITURES BY PROGRAM	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS
PROGRAM NAME:						
PROGRAM NAME:						
PROGRAM NAME:						
PROGRAM NAME:						
PROGRAM NAME:						
PROGRAM NAME:						
PROGRAM NAME:						
PROGRAM NAME:						
TOTAL						
				FOR OPB USE ONLY		
				AGENDA NO.		

Policy and Procedure Memorandum No. 52, Revised, requires that all Request for Changes in Appropriations be fully documented. At a minimum, the following questions and statements must be answered. Use Continuation Sheets as needed. Failure to answer all questions completely will be cause to return this document without action.

What is the source of funding [If other than General Fund (Direct)]? Specifically identify any grant or public law and the purposes of the funds, if applicable. A copy of any grant application and the notice of approved grant or appropriation must accompany the BA-7. What are the expenditure restrictions of the fund?
What is the financial impact in the current year and the next four fiscal years?

Means of Financing General Fund By:	Current Year	Year 1	Year 2	Year 3	Year 4
Direct					
Interagency Transfers					
Fees and Self-Generated					
Statutory Dedications					
Interim EmergencyBoard					
Federal					
Total Means of Financing					

What programmatic impact (positive or negative) will occur as a result of the approval of this request?
What strategy will be used in accomplishing your agency's mission and goals?
Will this action require additional personnel? Explain in detail.

AUTHORITY NOTE: Promulgated in accordance with Act 14, 1973, R.S. 39:7.

HISTORICAL NOTE: Revised by the Office of the Governor, Division of Administration, December 18, 1974, promulgated LR 1:132 (February 1975), amended LR 17:759 (August 1991).

Chapter 21. Repair and Replacement of Damaged Property Covered under the State's Risk Management Program—PPM Number 53

§2101. Responsibilities and Rights

A. The Office of Risk Management, Division of Administration, has the responsibility to manage all state insurance covering property and liability exposure through commercial underwriters or by self-insuring. Personnel benefits, group health, and life coverage are excepted. In discharging this responsibility, the Office of Risk Management has the right of access to all information relating to the state's Self-Insurance and Loss Control Program. This will be accomplished by affording the Office of Risk Management opportunity of inspections of all locations throughout the state.

B. The Office of Risk Management has most rights normally afforded a commercial insurance company. Among these rights is the opportunity to inspect any damage to insured property prior to repair or disposal. Therefore, the Office of Risk Management must be contacted before any repairs or disposal of insured, damaged material is accomplished. Submit all appropriate information relative to incurred losses to the Office of Risk Management at the following address: Office of Risk Management, Division of Administration, P.O. Box 91106, 1201 N. Third Street, Baton Rouge, LA 70821-9106, Phone (225) 342-8500.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:171.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, July 1, 1973, promulgated LR 1:132 (February 1975), amended LR 12:231 (April 1986), amended by the Office of the Governor, Division of Administration, Office of Risk Management, LR 31:56 (January 2005).

Chapter 27. Printing and Mailing Procedures—PPM Number 64

Subchapter A. Introduction

§2701. General Applicability; Effective Date

A. This Policy and Procedure Memorandum rescinds, supersedes, and cancels revised Policy and Procedure Memorandum Number 64 dated July 1988. This memorandum also cancels all previous delegation of authority, delegated under R.S. 43:1(B)(2), and special exemption previously granted prior to January 2022, for any printing under R.S. 43:31(A) and R.S. 39:245(A).

B. The provisions of this Policy and Procedure Memorandum Number 64 shall take effect with the approval of the Commissioner of Administration, on November 1, 2022.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:1, R.S. 43:31(A), and R.S. 39:245(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:429 (July 1988), amended LR 41:882 (May 2015), amended LR 48:2527 (October 2022).

Subchapter B. Purchase of Printing and Engraving; Central Purchasing; Louisiana Procurement Code; Power and Authority of State Chief Information Officer (R.S. 43:1)

§2703. Provisions

A. Procurement of Printing, Engraving, and Mailing

1. All administrative boards, commissions, departments, agencies, institutions, and offices within the executive branch of the state government shall purchase all printing, mailing, and printing and mailing services through

the Division of Administration, Office of Technology Services (OTS), Production Support Services (PSS) section. This provision, however, shall not apply to postsecondary institutions of education and their management boards, including the Board of Regents; to secondary institutions of education, special schools, and other institutions under the supervision of the State Board of Elementary and Secondary Education; to the port authorities of the state; to the legislature, the legislative fiscal officer, and other instrumentalities of the legislature; to the office of the State Bond Commission in the Department of the Treasury; or to the judiciary. All procurement of such printing, mailing, and printing and mailing services for the executive departments of state government shall be done under, and in accordance with, the provisions of the Louisiana Procurement Code.

2. The provisions of this Section shall be construed to apply to the Board of Elementary and Secondary Education, excepting institutions under supervision of the same; to the Department of Education, and to the state superintendent; and to the Department of Treasury, except as otherwise exempted.

B. Power and Duties of the State Chief Information Officer. In order to carry out the duties and functions imposed by this Chapter, in conjunction with the Louisiana Procurement Code, the state chief information officer shall have the power and authority:

1. to consult, review, and make recommendations with regard to all printing requirements in order that the best and most economical methods may be employed, and to delegate authority for the same to competent authority;

2. to delegate the purchase of printing to any instrumentality covered by this Chapter whenever, in the state chief information officer's written opinion, the best interests of the state will be served thereby; and

3. to use any and all powers and authority granted to the state chief information officer by law or otherwise delegated to the state chief information officer by competent authority.

C. Centralized Procurement of Printing, Engraving, and Mailing. All requirements for printing, mailing, printing services, and mailing services shall be submitted directly by the agency to the Office of Technology Services and shall not be handled at the agency level through printing or mailing vendors or their representatives. All printing requests shall be forwarded to the OTS Production Support Services (PSS) section for processing, except that:

1. the state chief information officer, or the state chief information officer's designee, may return a printing request to the submitting agency with delegated purchasing authority under Subchapter E of this Chapter, for solicitation of competitive pricing by the Office of State Procurement, in accordance with the Louisiana Procurement Code; or

2. if the state chief information officer, or the state chief information officer's designee, notifies a requesting agency in writing that the Office of Technology Services is unable to process an individual printing request, for any reason, the agency should forward to the Office of State Procurement that request and associated delegation of purchasing authority; and

3. at all times and in all cases, the right is reserved for the state chief information officer and the state chief information officer's designee to approve for processing at the agency level, in accordance with all laws, rules and regulations, and executive orders, any request for printing, mailing, or printing or mailing services. The dollar level at which this delegation may occur shall be described in writing by the state chief information officer or the state chief information officer's designee.

a. The right is reserved for any state board, commission, department, institution, or office covered by this Section to obtain any printing, copying, folding, binding, pressure-sealing, envelope inserting, or similar work using a device owned, rented, leased, or otherwise provisioned to and operated by employees of that entity.

b. The right is reserved to use state facilities as designated by the Commissioner of Administration for all printing, mailing, and similar work for all state departments, boards, commissions, and any other state agencies to which this Chapter applies.

c. To effect a uniform, consolidated print and mailroom for the benefit of all state agencies, the right is reserved for the state chief information officer to designate mail equipment operated by any state department, board, commission, or other state agency covered by this Chapter for discontinuation and may direct the processing of mail and mailing services performed using equipment so designated to the Office of Technology Services.

i. This Subsection shall not apply to state colleges and universities, their management boards, or to the Board of Regents, unless the state chief information officer verifies that inclusion of such state colleges and universities, their management boards, or the Board of Regents would result in a savings to that respective college, university, or board.

D. Requests for Printing

1. Standard Form DA-200 (Request for Printing). All requests for printing and printing services shall be submitted to the Office of Technology Services using a Form DA-200 (Request for Printing) in hard copy format, via fax, or via email. Form DA-200 shall be created, maintained, and promulgated to all agencies on the website of the Office of Technology Services, and which shall be furnished to agencies upon request to the Office of Technology Services. Agencies may request common types of printed materials with similar specifications on the same DA-200, but agencies should not combine different types of printed materials on the same DA-200, except upon approval by the Office of Technology Services. Examples of types of printing covered by this subpart include without limitation:

a. books of any size and any binding type, including leaflets, catalogs, periodicals, and newsprints)

b. business cards;

c. brochures, including flyers, multi-panel materials, and maps;

d. multi-part forms, including carbonless replication forms;

e. flat printing, including collated copies;

f. post cards and self-mailer forms;

g. rack cards;

h. variable data and transactional prints, including letters, notices, and statements;

i. variable data and transactional negotiable instruments, such as bank checks; and

j. wide format printing, including signage, decals, stickers, banners, and posters.

2. Each request for printing must be accompanied by complete specifications (size, color, and kind of paper, construction, numbering information, etc.) and, if possible, original sample(s) or, preferentially, an electronic print layout in a format approved by PSS. For reprints of existing documents, buyers should reference a previous request for printing from the Office of Technology Services by including a prior job number.

3. The standard file format for receipt by PSS of matter for printing is PDF, and PSS shall provide specifications for this and other file formats upon request.

E. Delegation of Authority for Printing and Mailing

1. The state chief information officer may directly delegate the purchase of printing and mailing to any instrumentality, when the best interests of the state are thereby served. The amount of this delegation shall be described in writing by the state chief information officer, or the state chief information officer's designee.

2. Where unusual problems are encountered and a public agency considers additional delegated authority necessary, the requesting agency shall submit to the state chief information officer, or to the state chief information officer's designee, an application presenting qualifying supporting information about the request for printing and justification for exception to this Memorandum. The application for additional delegated purchasing authority, and written disposition by the chief information officer responsive to such requests, shall be public documents and shall be open for public inspection and copying as provided by R.S. 44:1 et seq.

3. Authority is delegated to all agencies covered by this Chapter to purchase printed materials in the following circumstances, without prior approval by the state chief information officer or the state chief information officer's designee.

a. Agencies have unlimited authority to purchase existing publications, such as textbooks, newspapers, subscriptions, periodicals, or foreign publications, when purchased directly from the publisher, and not from an agent or authorized reseller, of such publications. All procurement files shall include documentation proving that the furnishing contractor is the publisher.

i. No employee, agent, officer, agency, board, commission, or other instrumentality of the state covered by this Chapter shall publish or cause to be published any copywritten matter solely for the purposes of obtaining such material directly from a publisher or to circumvent the requirements of this Chapter or of the Louisiana State Procurement Code.

b. Agencies may purchase within their designated purchasing authority for office supply commodities, and in accordance with proper procurement procedures, the following types of items:

i. blueprints, including wide-format and plotter prints referred to as "blueprints";

ii. award plaques, name plates, award pins, and cast, carved, engraved, or 3D printed items bearing the agency logo or other such information;

iii. stock item labels, which are blank stock items inventoried by suppliers and which are not printed;

iv. standard xerographic paper, fine printing papers, and other printing media available on a state contract, if the materials are purchased from that state contract

4. All purchases, whether made by the Office of Technology Services, by the Office of State Procurement, or by an agency under the delegated authority provisions of this Chapter, shall be made in compliance with R.S. 39:245, R.S. 43, and with the Louisiana Procurement Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:245, R.S. 43:1, R.S. 43:29, and R.S. 43:31.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:429 (July 1988), amended LR 41:883(May 2015), amended LR 48:2527 (October 2022).

Subchapter C. Printed Matter Prohibitions, Uniform Standards, and Needs Assessment

§2705. Requirements for Public Documents

A. Printed Matter Prohibitions

1. No branch, department, agency, official, employee, or other entity of state government shall print or cause to be printed any bulletin, leaflet, Christmas card, personalized memorandum stationery, or other similar communication, circular, book, report, or similar publication, except those required by law. The state department, board, commission, or agency submitting a request for print or printing services shall be responsible for ensuring compliance with all provisions of this Subchapter.

2. All printed matter shall be effected in a uniform manner as to basic content, size, quality of paper, and use of

color as contained in standards established and promulgated by the Office of Technology Services. The state chief information officer, or the state chief information officer's designee, is empowered to make such exceptions to the provisions of this Subchapter affecting the executive branch of state government, as may be in the state's best interests.

3. No public official of any branch, department, agency, or other entity of state or local government shall affix his or her name or picture on drivers' licenses, except their own personal driver's license, issued by the state, or any publicly owned motor vehicle; nor shall any such official cause his name or picture to be so affixed.

4. Exceptions. The provisions of this Section shall not be construed to prohibit the printing or publication of any printed matter required by any federal law or regulation in order that the state or any department or agency thereof may obtain or receive federal funds, grants, or assistance.

a. The provisions of this Section shall apply to printed matter printed pursuant to any such federal law or regulation to the extent that this Section does not conflict with any such law or regulation.

b. The Louisiana Workforce Commission is not prohibited from printing, or causing to be printed, any statistical or other information, including legal publications, relating to employment conditions of workers or other publications, not required by law that would be helpful to any person affected by laws or rules and regulations of the commission.

c. The Department of Culture, Recreation and Tourism is not prohibited from printing, or causing to be printed, any new promotional materials that enhance the development and implementation of cultural, recreational, and tourism programs when funds have been appropriated for that purpose.

d. The Department of Wildlife and Fisheries is not prohibited from printing, or causing to be printed, any new promotional materials that enhance the development and implementation of natural, recreational, and tourism programs when funds have been appropriated for that purpose.

B. Needs Assessment

1. Any department, agency, branch, official, employee, or other entity of state government seeking to print or have printed any public document shall perform a needs assessment to determine the basis of requirement for such publication, prior to the commencement of work the publication.

2. The needs assessment shall include information relative to the content of the matter to be printed, the reason for printing, the number of copies to be printed, the distribution and mailing list for the printing, and any other relevant specifications such as paper weight and color.

3. If the printed matter is to include a picture of a public official or employee, the needs assessment shall further include a specific reason for the inclusion of the picture in the publication.

4. The needs assessment shall be provided to and approved by the appropriate administrative head or department secretary prior to the expenditure of any funds for the printing of such document. The Needs Assessment shall be a public document and shall be open for public inspection and copying as provided by R.S. 44:1 et seq.

5. The provisions of Subsection B shall not apply to colleges, universities, or any other higher education institutions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:31 and R.S. 43:31.1

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 48:2529 (October 2022).

Subchapter D. Uniform Requirements for Printing and Mailing

§2707. Uniform Standards for Printing

A. Cost Statement Requirement. All printed matter, except documentation in connection with proceedings of the executive branch of state government, printed, or caused to be printed, by any department, agency, official, employee, or other entity of the executive branch of state government shall contain the following statement, hereafter referred to as the "cost statement," with required information inserted, printed on the publication adjacent to the identification of the agency responsible for publication:

> This public document was published at a total cost of $(total cost of one unit of this printing). (Number of copies in this issue) copies of this public document were published in this (number: first, second, third, etc.) printing at a cost of $(total cost of all copies in this printing). The total cost of all printing of this document including reprint is $(total cost of all printings). This document was published by (OTS Production Support Services, 627 N 4th Street, Baton Rouge, LA 70802, or information of company delegated this printing) on behalf of (name of entity requesting the printing) in order to (concise statement of purpose) under authority of (citation of law requiring publication, or of special exception by Division of Administration pursuant to Subchapter C, Section 2705.A, Paragraph 2). This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31.

1. If the printing of the material was not done by a state agency, the above statement shall include the following additional language.

> Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

2. The provisions of this Subsection shall not apply to printed matter used by the following entities: the Department of Economic Development, for the purpose of attracting new industry to locate within the state of Louisiana; the Office of Tourism in the Department of Culture, Recreation and Tourism, relative only to new promotional materials; and public colleges and universities, and vocational and technical schools. The following three factors shall be utilized in computing cost data:

a. preparation of the public document for publication, including authorship and editorial services, design, and composition;

b. printing, including all expenditures for reproduction, whether on bid or in-house;

c. circulation, including all estimated expenditures for postage or distribution of the public document.

B. Preparation of Cost Statements for Public Documents. Cost statements shall be prepared according to the following procedure.

1. All printed matter referred to in Subsection A is assumed by the Office of Technology Services to refer to types of printing material described in R.S. 43:31(A).2. When practical, the cost statement shall be printed in the same size type as the body copy of the document and shall be set in a box composed of a one-point rule.

a. Where design limitations constrain the foregoing requirements, the cost statement shall be printed in Arial, or a similar sans-serif font, at a point size sufficient for legibility, and shall be contained in a box of not less than one point rule.

b. The required cost statement may be placed on the title page, fly leaf, or rear cover of books. On leaflets, brochures and other publications, the cost statement should be placed in a position of conspicuity or prominence to the layout, below the logo or name of the agency requesting the printing.

2. Preparation of the cost statement is detailed below:

> This public document is published at a total cost of $(a)_____. (b)_____ copies of this public document were published in this (c)_____printing at a cost of $(d)_____. The total cost of all printings of this document, including reprints is $(e)_____. This document was published by (f)_____to (g)_____ under authority of (h)_____. This material was printed in accordance with standards for printing by stateagencies established pursuant to R.S. 43.31. (i) Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statues.

a. total cost of one unit of this printing;

b. number of copies printed in this issue;

c. number of times this exact document has been published (number: first, second, third, etc.), where substantive changes to copy or composition are excluded;

d. this figure should reflect only the printing cost for this issue;

e. this figure should include a total of all factors set forth in R.S. 43:31(c) for all printings. (If this is the first printing, the figures for (d) and (e) should be the same. If this is a reprint, then this figure should include the total cost for all publications from the beginning;

f. OTS Production Support Services, PO Box 94095, Baton Rouge, LA 70804-9095, or the name of company delegated the printing of this issue, followed by the name and address of the agency requesting the printing of this issue;

g. the reason for publishing this public document;

h. the law that authorized the printing of the public document; or, absent such a state or federal law, the following language: "under special exception by the Division of Administration" if exception has been so obtained;

i. this language shall be included only if the printing of this issue was not performed by the Office of Technology Services.

C. The Division of Administration assumes that the intent of the legislature was not to increase either administrative or printing costs with the passage of R.S. 43:31; therefore, in computing cost data, estimated costs may be used. The estimated costs should include:

1. printing costs given by printer, whether in-house, and inclusive of raw materials and setup costs; or printing costs given by the Office of Technology Services; or

2. if printed by an agency using devices and materials owned by that agency, an estimated portion of the salaries, benefits, and other administrative expenses of all agency personnel involved in preparing, printing, finishing, and distributing the public document; an estimated cost of all materials, including media, supplies, and consumables; any other agency costs directly attributable to the publication; and

3. estimated handling and postage or freight charges for distribution of the issue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:31 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:431 (July 1988), amended LR 41:883 (May 2015), LR 48:2529 (October 2022).

§2708. Uniform Standards for Mailing

A. Statewide Uniform Consolidated Mailroom. The Office of Technology Services shall establish a uniform, consolidated mailroom operation to provide messenger, mail processing, and presorting services for the benefit of public agencies statewide.

B. Powers and Duties of the State Chief Information Officer

1. The state chief information officer, or the state chief information officer's designee, shall establish a set of specifications for mailed matter, to be used by all state agencies, including:

a. type of envelopes;

b. sizes of envelopes; and

c. address print requirements.

2. The state chief information officer is authorized to adopt all necessary standards and guidelines to implement a

uniform consolidated mailroom operation and is authorized to promulgate all rules and regulations necessary and proper toward that end, pursuant to the provisions of the Administrative Procedure Act.

C. Production Support Services Mailroom

1. All departments, agencies, officials, employees, and other entities of state government shall source all requirements for mail and mailing services from the uniform, consolidated mailroom operation provided by the Office of Technology Services, Production Support Services section.

2. The provisions of this Section shall not apply to colleges and universities, their management boards, and the Board of Regents, unless it can be verified that inclusion would result in a savings to the respective college, university, or board.

3. Subject to the requirements of the Administrative Procedure Act, the state chief information officer may establish a procedure for verification that inclusion of a college, university, or board would result in a savings to that respective college, university, or board.

D. Appointment of Mail Coordinators

1. The head of each department, agency, board, commission, or other public entity subject to this Section shall identify and designate to the Office of Technology Services specific persons with responsibility for coordinating requests for mailing services on behalf of the public entity.

2. At least one full-time employee of the public entity must be designated the primary mail coordinator, with authority on behalf of the agency:

a. to receive and possess mail items both inbound and outbound;

b. to request mailing services from the Office of Technology Services, and to encumber funds for the same;

c. to prepare and submit to the Office of Technology Services outbound mail items for processing;

d. to administer the agency's mailing account with the Office of Technology Services; and

e. to designate additional persons to serve as secondary mail coordinator.

3. At least one other person shall be designated as secondary mail coordinator with authority on behalf of the agency:

a. to receive and possess mail items both inbound and outbound;

b. to request mailing services from the Office of Technology Services, and to encumber funds for the same;

c. to prepare and submit to the Office of Technology Services outbound mail items for processing; and

d. at the election of the primary mail coordinator, to act with full authority on behalf on the primary mail coordinator.

E. Mailing Standard. Items submitted to the Office of Technology Services shall be suitable for mailing in accordance with the provisions of this Section and with the United States Postal Service® Domestic Mail Manual, hereafter referred to as the DMM. The Office of Technology Services may reject for processing any items not prepared in accordance with the DMM or not consistent with the standards for state mailings established by the state chief information officer.

F. Standard Form DA-300, Request for Mail Service. All public entities requesting mailing services shall submit to the Office of Technology Services a completed Form DA-300 (request for mail service) for each such request, unless otherwise instructed by the Office of Technology Services.

G. Messenger Mail. The Office of Technology Services shall provide interdepartmental messenger services for the benefit of participating public agencies.

1. Items submitted for mailing via messenger mail shall be enclosed in an approved courier envelope, with the recipient's name and service location plainly indicated and legible, and shall make use of any service labels as the Office of Technology Services might require.

2. The Office of Technology Services shall create and make available for use by public agencies one or more approved types of courier envelopes for use with messenger mail services.

3. Public agencies shall not mark, imprint, damage, or otherwise impair the circulation of courier envelopes provided by the Office of Technology Services, unless otherwise directed by the Office of Technology Services.

4. Parcel matter submitted for mailing via messenger mail shall be sealed in a rigid container, such as a corrugated paperboard box, suitable for shipping and with the recipient's name and service location plainly indicated and legible on a label provided by the Office of Technology Services. The maximum weight of a parcel of such matter, including all shipping materials, shall be 40 pounds, unless otherwise exempted by the Office of Technology Services.

5. The Division of Administration, the Office of Technology Services, and all employees, contractors, agents, and assigns of the same shall be fully indemnified and held harmless from, and shall not be liable for, any service delays, lost or damaged matter, or other damages arising from the use by agencies of messenger mail services.

H. Content Standards for Messenger Mail

1. Public agencies may utilize messenger mail for delivery services among participating public agencies for any general correspondence, bills or statements of accounts, checks or negotiable instrument, or other matter, including supplies, goods, and property, which serve a specific public purpose, and which would be otherwise suitable for mailing by the United States Postal Service.

2. The right is at all times reserved for the Office of Technology Services to return, halt, and open with cause for inspection messenger mail items, such as to ascertain the intended recipient when the outer packaging is unlabeled or the labeling illegible, and in the case of suspicious matter. The Office of Technology Services shall establish a policy for the appropriate handling by employees of the Office of Technology Services of Messenger Mail matter.

G. Transmission by Messenger Mail of Federal Taxpayer Information

1. Public agencies may transmit by messenger mail matter containing restricted data, including Federal Taxpayer Information (FTI), provided that all FTI is transmitted in accordance with the provisions of IRS Publication 1075, Tax Information Security Guidelines for Federal, State, and Local Agencies, with the State of Louisiana Information Security Policy, and with all applicable laws, rules, and agency procedures for the handling of FTI.

2. Requests for shipment by messenger mail of paper or electronic FTI, including without limitation printed, type-written, written, or other physical matter, compact disks (CD), digital video disks (DVD), thumb drives, hard drives, tapes, microfilm, or any other media, shall be made only via written application by a duly authorized public official. All such matter shall be plainly and fully documented on a Form DA-300, or using a transmittal approved by the state chief information officer, or the state chief officer's designee; and delivery of such matter shall be made only upon signature of a designated and duly authorized recipient.

3. All FTI matter transported through messenger mail shall be double-sealed; that is, one envelope within another envelope. The innermost envelope containing the FTI must be marked "confidential," with some indication that only the designated official or delegate is authorized to receive and open its contents. The outermost envelope should not be labeled as FTI, or otherwise provide any indication that the contents contain FTI. Using appropriately sealed boxes serves the same purpose as double-sealing and prevents anyone from viewing the contents thereof.

H. First-Class Mail. Items submitted for mailing at first-class postage rates shall meet the minimum requirements for mail pieces designated in the DMM.

I. Content Standards for First-Class Letters

1. Public agencies shall utilize first-class letter mail for all general correspondence, bills and statements of accounts, checks and negotiable instruments, material containing information specific to the addressee, and material containing information derived from any database or mailing list owned, leased, rented, or otherwise used by a state agency covered by this Chapter, unless otherwise provided for in federal or state law.

2. All matter containing FTI, all matter containing information subject to the Health Information Portability and Accountability Act (HIPAA), and all personally identifiable information (PII), with the exception of information like name and address information necessary for mailing, must be transmitted via first-class mail, unless otherwise provided for by federal or state law.

3. Items submitted for mailing as first-class letters shall bear a return address or other marking that readily and clearly identifies the public entity submitting the matter. Items submitted for mailing as first-class letters must bear a legible recipient address that includes a correct ZIP Code or ZIP+4 Code. The mailing address block shall not include any barcodes or other graphics, unless approved by the Office of Technology Services.

4. Items submitted for mailing at first-class automation postage rates shall additionally adhere to the standards for such matter established in DMM 201.3.0

5. Matter submitted in accordance with this subparagraph shall be processed by the Office of Technology Services using automation postage rates whenever possible, and the discounts derived therefrom shall be applied equally to the benefit of all public agencies covered by this Subchapter.

6. First-class letters shall be mailed with the return service requested postal ancillary endorsement, unless otherwise required by the requesting public agency.

7. The Office of Technology Services may provide for available other ancillary services, including endorsement of outbound matter, at as close to the actual cost of such service as can be determined.

8. The use of registered and certified mail optional services shall be restricted to such matter as required by federal or state law; and the state chief information officer may require public agencies to submit written justification for the use of registered or certified mail services. Such justification shall identify the applicable federal or state law that requires the matter be mailed with registered or certified mail.

9. Public agencies should minimize or eliminate wherever practicable any use of hand-written addressing methods for mailed matter.

10. The state chief information officer may establish a procedure for the identification and minimization of inaccurate and undeliverable addresses to which public agencies transmit First-Class Letters. Upon request by a public agency, the Office of Technology Services may obtain from the United States Postal Service, or a duly authorized designee thereof, corrected address records on behalf of the mailing agency; and upon authorization by a public agency, the Office of Technology Services may forward first-class lettersto addresses corrected using USPS-approved methods.

11. All first-class matter not suitable for mailing at card or letter rates may be mailed as first-class flats.

12. Flats-sized matter submitted for mailing at first-class postage rates shall adhere to the standards for mail pieces described in DMM 200.4.0.

13. Presortation of First-Class Flats. Wherever practicable, when mailing flats, public agencies should

utilize printed address labels using opaque, white stock. Addresses should be imprinted in a type no smaller than 14 point and only in black or blue ink.

14. Public agencies mailing flats should minimize the use of hand-written addressing methods.

15. Public agencies may request priority mail or priority mail express service for any qualified matter, in the following circumstances:

a. as required by federal or state law, or when first-class service parameters are unsuitable for a particular item presented for mailing;

b. via shipping services furnished by PSS in lieu of third-party carriers, provided such matter adheres to the standards for priority mail specified in DMM 123.1.4.2;

c. as needed for a specific, urgent public purpose;

d. by special exemption from the state chief information officer, of the state chief information officer's designee, when the best interests of the state are served thereby

J. Standards for Other Mail Classes. The state chief information officer, or the state chief information officer's designee, may establish a set of standards for matter mailed using other USPS mail classes, pursuant to the Administrative Procedure Act.

K. Mail Information Notices. The state chief information officer may promulgate mail information notices to all public agencies, their secretaries, undersecretaries, primary and secondary mail coordinators, and other interested parties, to apprise public mailers of important information affecting mailing services. Such notices shall also be retained and made available for public inspection on the website of the Office of Technology Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:245, R.S. 43:1, R.S. 43:29, and R.S. 43:31 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 48:2530 (October 2022).

§2709. Election Material

A. Prohibition on Printing of Certain Election Materials. No branch, department, agency, official, employee, or other entity of state government shall expend funds of, administered by, or under the control of any branch, department, agency, employee, official, or other entity of state government to print, mail, or distribute material or otherwise to urge any elector to vote for or against any candidate or proposition on an election ballot, nor shall such funds be used to lobby for or against any proposition or matter having the effect of law being considered by the legislature or any local governing authority. This provision shall not prevent the normal dissemination of factual information relative to a proposition on any election ballot or a proposition or matter having the effect of law being considered by the legislature or any local governing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:245 R.S. 43:31.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:431 (July 1988), amended LR 41:884 (May 2015), LR 48:2532 (October 2022).

§2711. Violations

A. Any administrative head of any branch, department, agency, or entity who violates any provision of this Chapter and any employee who, without the authorization of his administrative superior, violates any provision of this Chapter shall be personally liable for the cost of any printing in violation of this Chapter. Any funds of, administered by, or under the control of any branch, department, agency, official, employee, or other entity of state government expended on any printing in violation of this Chapter may be recovered by the state in a civil action instituted by the attorney general or any taxpayer. In addition, any person who violates the provisions of this Section shall be assessed a fine by the court of not more than five hundred dollars.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:31.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:431 (July 1988), amended LR 41:885 (May 2015), LR 48:2533 (October 2022).

Subchapter D. Standard Specifications

§2713. State Publications [43:31 (A)(2)]

A. Books, Booklets, Pamphlets, and Brochures

1. Size: 5 1/2 inch x 8 1/2 inch, 6 inch x 9 inch, 8 1/2 inch x 11 inch, or 9 inch x 12 inch

2. Paper

a. Text: 50 lb. or 60 lb. white offset, 60 lb. or 70 lb. enamel (gloss and dull)

b. Cover: 65 lb. Number 1 Antique cover (white and standard colors), 65 lb. embossed cover (white and colors), or 65 lb. or 80 lb. coated covers (white only)

3. Ink

a. Text: one color

b. Cover: one or two colors

4. Binding

a. Saddle

b. Side stitch;

c. Perfect bind, etc., on individual basis

5. Copy

a. Can be typeset composition or camera ready copy.

B. Newsletters, Leaflets, etc.

1. Size: 8 1/2 inch x 11 inch, 17 inch x 11 inch or 25 inch x 11 inch

2. Stock

a. 15 lb. to 20 lb. Bond, (white and color)

b. 50 lb. to 80 lb. offset text, (white and color)

c. 60 lb. to 70 lb. enamel text, gloss and dull (white)

d. 65 lb. cover stock (white and colors)

e. 60 lb. to 80 lb. coated covers (white)

3. Ink

a. One or two colors (both sides)

4. Fold

a. Fold to meet agency's need

5. Copy

a. Can be typeset composition or camera ready.

C. Agency may select type face and size from those available. Size of type will depend on amount of copy and the number of photographs that will be used in the newsletter, leaflet, etc. Photographs should be held to a limited number.

D. Alteration Requirement Procedures

1. Any document that warrants printing warrants the efforts necessary to present that document to the printer properly compiled, organized, complete, and error free.

2. Since changes made in manuscripts, layout, color, type style, etc., which are all considered alterations, are very costly to the state once the printer has begun work, the following guidelines are hereby imposed:

a. galley proofs—any changes made in the galley proof stage that total more than 25 percent of the total original lines set, will require a letter of authorization from the secretary of the department;

b. page proofs (following galleys)—any changes made in the page proof stage that total more than 10 percent of the total lines and 25 percent of the total pages, will require a letter of authorization from the secretary of the department;

c. page proofs (no galleys)—any changes made in the page proof stage that total more than 25 percent of the total lines and 33 percent of the total pages, will require a letter of authorization from the secretary of the department;

d. blueline proofs—at this stage it is extremely expensive to make changes. Therefore no changes will be allowed without a letter of authorization from the secretary of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:31(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:432 (July 1988).

Subchapter E. Distribution of Printed Matter

§2715. Distribution of Printed Matter (R.S. 43:32)

A. Except for interagency distribution and distribution otherwise required by law, and except for distribution of printed material by any public college or university to potential students for recruitment purposes, no state department, agency, or other instrumentality of state government shall distribute by mail or third-party courier any printed materials in excess of 10 pages in length, unless the availability of such printed materials has been announced by written notice stating the title and subject matter of the printed material and only upon receipt of a written request to such written notice for the materials. The publishing agency may solicit such written notice the names on the regular mailing list and to any others deemed by the publishing agency to be interested parties.

B. Each branch, department, agency, official, employee, or other entity of state government shall maintain a separate mailing list for each publication printed by such branch, department, agency, official, employee, or entity. Each mailing list shall be purged at least once every two years, and, except for mailings required by law, shall be replaced by a list of persons actively requesting receipt of a particular publication.

C. This Section shall not apply to address update requirements that conflict with existing state or federal laws or regulations.

D. The provisions of this Section shall not apply to the distribution of printed material by any public college or university to potential students for recruitment purposes.

E. This Section shall not apply to any printed publication for which federal funds have been provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:245, R.S. 43:1, R.S. 43:31 (A) (2), R.S. 43:32, and R.S. 43:33.1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration,0 LR 14:432 (July 1988), amended LR 41:885 (May 2015), LR 48:2533 (October 2022).

§2717. Printed Matter; Missing Children Information (R.S. 43:33)

A. As a public service, each state department and agency that publishes a periodical of an informational nature that has as its intent public distribution rather than solely internal or interagency distribution is authorized to have published in each issue of such periodical the picture and name of one or more Louisiana children believed to be missing, or children from other states believed to be missing in Louisiana. The periodical may also include the toll-free telephone number provided by the National Center for Missing and Exploited Children for the purpose of receiving information related to a missing child or children.

B.1. Each state department and agency shall identify and provide to the Division of Administration a list of their periodicals that have public distribution and such other department or agency publications that have wide enough

circulation to be useful for the purpose of disseminating information about such missing children.

2. The Division of Administration and the Office of State Police shall develop such policies, rules, and regulations as shall be necessary to implement this Section including, but not limited to, policies, rules, and regulations concerning the nature and number of department or agency publications that shall be used for this purpose, the number of such missing child identities that may be published in each periodical, and the provision of any other information deemed pertinent to this purpose.

3. The Division of Administration is hereby authorized to consult and coordinate with the National Center for Missing and Exploited Children, any other public, quasi-public, or private organization, or agency, the purpose of which is to provide information and assistance related to missing children, and local law enforcement agencies in order to implement the provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:433 (July 1988).

§2719. Requests for Information

A. All requests for information shall be directed to:

Division of Administration
Office of Technology Services
PO Box 94095
Baton Rouge, LA 70804-9095

B. Questions regarding specifications, deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the Division of Administration via the Office of Technology Services, PO Box 94095, Baton Rouge, LA 70804-9095, and shall not be handled by public agencies through representatives or vendors.

C. Public Document Needs Assessment Form Example

EXHIBIT A
EXAMPLE PUBLIC DOCUMENT NEEDS ASSESSMENT FORM

Name of Agency:
Agency Mailing Address:
Quantity:
Estimated Amount $
Description of Public Document(s):
Size:
Number of Pages:
Number of Sheets:
Paper Cover:
Text:
Ink(s) Cover:
Ink(s) Text:
Binding:
Finishing:
Give a brief statement of why this publication needs to be printed.
In the absence of legislation specifying the printing of a particular public document, include the following statement, adjusted as necessary, and inclusive of the required signature:

I hereby certify that the above public document(s) is (are) essential to the fulfillment of the programs approved for this agency by the Appropriation Act and that funds are available to print (and/or distribute) this (these) document(s).

I am, therefore, requesting an exception as provided for in R.S. 43:31(A).

/S/ Department Undersecretary or Undersecretary's Designee

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:433 (July 1988), amended LR 41:885 (May 2015), LR 48:2533 (October 2022).

Chapter 29. Travel in State-Owned Aircraft—PPM Number 67

Subchapter A. Introduction

§2901. Authority and Legal Basis

A. In accordance with the authority vested in the Commissioner of Administration by §231 of Title 39 of the *Revised Statutes* of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-970, as amended, notice is hereby given of this intent to issue Policy and Procedure Memorandum Number 67, Travel in State-Owned Aircraft Policy, effective March 20, 1984. These regulations are both substantive and technical in nature and are intended to specify the conditions under which aircraft owned and operated by the state of Louisiana may be utilized to transport state personnel, to identify personnel of state government who may utilize state-owned and operated aircraft, and to specify the rates to be charged for usage of state-owned and operated aircraft. These regulations apply to all state departments, boards, and commissions created by the legislature or executive order, with the exceptions noted below, and operating from funds appropriated, dedicated, or self-sustaining; federal funds, or funds generated from any other source.

B. Legal Basis: R.S. 39:231: "The commissioner, with the approval of the governor, shall, by rule or regulation, prescribe the conditions under which each of the various forms of transportation may be used by state officers and employees in the discharge of the duties of their respective offices and positions in the state service and the conditions under which allowances will be granted for traveling expenses."

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:200 (March 1984).

Subchapter B. Definitions

§2903. Aircraft

A. When used in these regulations, the following terms shall have meanings as set forth below.

General Transportation Aircraft—aircraft owned and operated by any state agency routinely for the general transportation of state officers or state employees in the conduct of official state business.

Special Purpose Aircraft—aircraft owned and operated by any state agency which has been:

a. specially designed or modified to perform specific technical functions; or

b. specifically assigned to the performance of a specialized technical function, and which is being utilized in the performance of its designated special purpose.

State-Owned Aircraft—all aircraft owned and operated by any agency of state government. Unless otherwise indicated, this term shall be deemed synonymous to general transportation aircraft as defined above.

B. When designated special purpose aircraft are being utilized for the general transportation of personnel, such aircraft shall be considered general transportation aircraft under this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:201 (March 1984).

§2905. Classes of Travelers

A. State Officer

1. Statewide elected officials—Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture, Commissioner of Elections, Commissioner of Insurance.

2. Duly elected members of the Louisiana Legislature.

3. Department head as defined by Title 36 of the *Louisiana Revised Statutes* (secretary, deputy secretary, undersecretary, assistant secretary, and the equivalent positions in higher education and the offices of elected officials). For the purposes of this policy, the Speaker of the House of Representatives and the President of the Senate shall be considered as being equivalent to secretary of their respective chambers. No additional hierarchical levels of the chambers shall assume department head status for the legislature without prior written approval of the Commissioner of Administration.

B. State Employee

1. All employees below the level of state officer.

C. Advisors and consultants who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, consulting services in accordance with R.S. 39:1481 et seq.

D. Members of boards, commissions, and advisory councils required by federal or state legislation or regulation.

E. Sponsored Travelers

1. Industrial inducement prospects, when accompanied by a sponsoring state officer or employee, when engaged in official state business.

2. Spouses of statewide elected officials and other state officers to the level of secretary of departments, when accompanied by the sponsoring state officer, and when engaged in official state business. Spouses may only be transported on state-owned and operated aircraft on a space-available, standby basis. The provisions of this Part shall not apply to the spouse of the duly elected governor of the state of Louisiana, when same is performing travel instead of or on behalf of the governor, and thus is engaged in official business of the state.

F. Sponsoring State Traveler

1. The state officer or employee who assumes responsibility for the travel of a sponsored traveler in state-owned and operated aircraft by physically accompanying that sponsored traveler.

G. Other persons performing official state business who have prior written approval for travel from the Commissioner of Administration, subject to the general provisions of air travel authorization provided in Subchapter D, §2915; Subchapter E, §2919; and Subchapter F, §2925 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:201 (March 1984).

Subchapter C. Usage of State-Owned Aircraft

§2907. Official State Business

A. Any state officer or state employee may utilize the aircraft owned and operated by the state for general transportation purposes in the conduct of official state business, in connection with the function of the department of the state officer or employee, subject to the provisions of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:201 (March 1984).

§2909. Personal Usage

A. Aircraft owned and operated by the agency may be utilized for the personal transport of state officers or employees on a space-available standby basis, subject to the following conditions:

1. such travel shall be approved, in writing, by the appropriate department head on an individual trip basis prior to commencement of travel, and normal air travel authorization requirements shall be observed;

2. such travel shall occur only on flights already scheduled by the agency to the desired destination of the requesting state officer or employee;

3. such travel shall occur only in the event that vacant seats are available on the desired flight;

4. such travel shall not occur in the event that previously vacant seats become required for travel by other personnel on official state business; and

5. payment for such travel shall be the personal responsibility of the state officer or employee requesting the travel, at rates established in §2923 of these rules. Charges for such travel shall in no way be the responsibility of the department of the state officer or employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:201 (March 1984).

§2911. Political Usage

A. State-owned aircraft shall not be utilized to transport state officers or state employees covered by these policies to any event, meeting, function, or other occasion which is primarily political in nature, or for any other political purpose.

B. Any statewide elected official who determines, under the authority of R.S. 39:231(B), that personal or political usage of state-owned and operated aircraft is necessary in performing the duties of his/her office and should, therefore, be conducted at public expense, is specifically exempted from the provisions of §2923, pertaining to personal responsibility for costs of such flights. For the purposes of fee determination to the agency, flights of political nature scheduled by statewide elected officials shall be billed in accordance with the schedule established for personal flights in §2923 of this policy. All other provisions of this policy shall be applicable to travel in state-owned and operated aircraft by statewide elected officials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:201 (March 1984).

§2913. Purpose of Flight

A. In order to effect these provisions of this policy, all passengers in state-owned aircraft shall provide specific information on the purpose of their travel at the time of reserving space and/or during check-in procedures. In the event that there is any question about the purpose of the flight for any particular passenger, it shall be assumed to be a personal usage request and shall be billed accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:201 (March 1984).

Subchapter D. Reserved.

Subchapter E. Aircraft Owned and Operated by Other State Agencies Utilized for General Transport

§2919. Authorization for Air Travel

A. All general transport air travel in aircraft owned and operated by state agencies must be authorized and approved, in writing, by the head of the department, board, or commission from whose funds the traveler is paid, on forms designed or approved by the Division of Administration. Additionally, all air travel must be authorized and approved, in writing, by the head of the agency operating the aircraft. A file shall be maintained on all approved air travel authorizations. These authorities shall not be delegated by the department or agency heads to any other person within the department.

B. The department head may approve an authorization for routine air travel for an employee who must travel in the course of performing his/her duties. This routine air travel authorization must be renewed each fiscal year, and must be maintained by the department in its files.

C. An authorization for routine air travel shall not cover travel out-of-state, travel to conferences and conventions, nor sponsored travel. All such air travel must receive prior, written approval from the department head on a case-by-case individual basis.

D. Prior to departure, all passengers must have presented proper written authorization from the relevant department head to the head of the agency operating the aircraft.

E. Travelers for whom no authorization is received shall not be transported in state-owned and operated aircraft.

F. State officers may be transported upon their own written authorization, subject to approval of the particular travel by the head of the agency operating the aircraft. State officers must observe the travel authorization requirements of the general state travel regulations.

G. In no case shall any sponsored traveler be transported on any state-owned and operated aircraft when unaccompanied by the sponsoring traveler. The provisions of this Part shall not apply to the spouse of the elected governor of the state of Louisiana when same is acting instead of or on behalf of the governor and is therefore engaged in official business of the state. All sponsored travel shall be in connection with official state business.

H. Each passenger to be transported in state-owned and operated aircraft shall be required to sign in for his/her flight prior to departure, identifying him/herself by name, position and agency, as well as the purpose of travel and destination.

I. Each state agency owning and operating aircraft may devise procedures for identification and authorization of all passengers on its aircraft. Such procedures and policies shall be subject to the review and approval of the Commissioner of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:202 (March 1984).

§2923. Payment for Usage of State-Owned Aircraft

A. All passengers in aircraft owned and operated by state agencies shall be billed for air travel in accordance with a fee schedule established by the agency supplying the aircraft. Fees should cover the cost of operation for the particular type of aircraft utilized for both official state business and personal business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:203 (March 1984).

Subchapter F. Special Purpose Aircraft

§2925. Authorizations

A. All air travel in special purpose aircraft owned and operated by the state must be authorized and approved, in writing, by the head of the department, board, or commission from whose funds the traveler is paid, on forms designed or approved by the Division of Administration. A file shall be maintained on all approved air travel authorizations.

B. Those state personnel who must regularly use special purpose aircraft for the special purpose for which the aircraft was designed/modified in the performance of their job duties may be authorized to do so via a routine air travel authorization approved by the appropriate department head. This routine air travel authorization must be renewed at least once each fiscal year and must be maintained by the department in its files.

C. Other state travelers who must utilize special purpose aircraft in the performance of their job duties for the special purpose for which the aircraft was designed/modified must receive prior written authorization from the appropriate department head on a case-by-case individual trip basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:203 (March 1984).

§2927. Restrictions on Usage

A. Special purpose aircraft shall not be utilized for general transportation purposes without the prior, written approval of such usage by the head of the agency owning and operating the aircraft. Complete justification for such usage of these aircraft must be submitted and maintained by the agency owning and operating the aircraft.

B. Sponsored travelers shall not be transported in special purpose aircraft without prior written approval of such travel by the Commissioner of Administration. Full justification of usage of the special aircraft must be provided with any request for such approval, to include name(s) of sponsored traveler, name(s) of sponsor and agency, time and date of flight, purpose of flight, and reason why alternate aircraft cannot be utilized.

C. Special purpose aircraft shall not be utilized for any transportation of state travelers which is personal or political in nature, nor shall they be utilized for conference or convention travel. Special purpose aircraft may be utilized for out-of-state travel only if such travel is conducted as an integral part of the special purpose for which the aircraft was designed/modified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:203 (March 1984).

§2929. Official State Business Charges

A. All passengers in aircraft owned and operated by state agencies shall be billed for air travel in accordance with a fee schedule established by the agency supplying the aircraft. Fees should cover the cost of operation for the particular type of aircraft utilized for both official state business and personal business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:203 (March 1984).

Subchapter G. Waiver of Provisions

§2931. Authority of Commissioner of Administration

A. The Commissioner of Administration may waive, in writing, any provision of these regulations when the best interest of the state will be served. Such waiver shall be based upon adequate written documentation from the requesting agency. The request from the agency must be received by the commissioner at least seven working days prior to the anticipated date of the travel, and must contain full particulars on the specific exception requested, including the name(s) of affected traveler(s), date of travel, purpose of travel, and an explanation of how the requested exception will serve the best interest of the state. Late or after-the-fact requests shall not be considered, except under the most unusual of circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:203 (March 1984).

Chapter 31. Revenue and Expenditure Accounting—PPM Number 68

§3101. Authorization

A. Title 39, Section 91: Uniform System of Accounting. The Commissioner of Administration shall, under authority of the governor and consistent with the provisions of this Chapter, prescribe and cause to be installed and maintained a uniform system of accounting in all state agencies. Should the legislative auditor find that these accounting procedures do not adequately reflect the financial activities of the state agencies, he shall so advise the legislature at its next regular session in a detailed report outlining said inadequacies.

B. Title 39, Section 92: Fiscal Reporting. Within six months after the close of each fiscal year, the Commissioner of Administration shall cause to be prepared a comprehensive annual financial report containing those financial statements, including notes thereto, which are necessary for a fair presentation of the financial position and results of operations of the state in conformity with generally accepted accounting principles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:91, R.S. 39:92.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:449 (June 1984).

§3103. Introduction

A. Pursuant to the above authority, it is hereby ordered that all boards, commissions, departments, agencies, institutions, and offices within the Executive branch of state government shall abide by the following financial reporting procedures, except where specific authority has been granted in writing by the Commissioner of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:91, R.S. 39:92.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:450 (June 1984).

§3105. Purpose and Scope

A. The purpose of this policy and procedure memorandum is to establish criteria to be applied in the accrual of revenues and expenditures for governmental fund types of the general and special revenue nature for financial reporting purposes in accordance with generally accepted accounting and financial reporting principles. As of the effective date of this memorandum all boards, commissions, departments, agencies, institutions, and offices within the executive branch of state government shall report financial activity on a modified accrual accounting basis as described herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:91, R.S. 39:92.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:450 (June 1984).

§3107. Revenues

A. Revenues associated with the economic activity of a particular fiscal year must be recognized (accrued) and reported in that fiscal year:

1. when the revenues are collected during the fiscal year to which they are associated; or

2. when the revenues are collected within 45 days after the end of the fiscal year to which they are associated.

B. Certain revenues may be excluded from the accrual requirements outlined in §3107.A, provided:

1. the amount is not material or the cost of attaining the data for accruing the revenue exceeds the benefits derived from its accrual. For purposes of the state of Louisiana's financial statement materiality is generally defined as less than 1/2 of 1 percent of the total estimated revenues of that fund;

2. the amount is not measurable and cannot be reasonably estimated with an acceptable degree of accuracy;

3. the revenue will not be available (collected) within the fiscal year or soon enough after the fiscal year end to be used to pay liabilities of that fiscal year.

C. Specified exceptions to the 45 day cut-off rule (§3107.A.2) to be included are as follows:

1. gas royalties for the month of June when the revenue from this source is material and predictable or measurable;

2. natural gas franchise tax due for the quarter ending June 30 of each year but does not become delinquent until 60 days thereafter.

D. Refunds of revenue are to be paid from current year receipts; however, refunds paid during the 45-day period at the end of each fiscal year, which are attributable to prior year activities, must be accumulated separately and reported as a liability on the appropriate fiscal year end financial statement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:91, R.S. 39:92.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:450 (June 1984).

§3109. Expenditures

A. Expenditures, with the exception of payroll and payroll-related items, shall be recognized in the fiscal year in which the liability for the expenditure was incurred. Payroll and payroll-related expenditures shall remain on the appropriated basis.

B. Obligations outstanding at the end of a fiscal year must be separated so there is a clear distinction between encumbrances and accounts payable.

C. Encumbrances are defined as obligations for which the state is committed, but for which goods and/or services have not yet been received or rendered and accepted. An encumbrance becomes a liability when the goods are received and accepted or the services are rendered in accordance with terms of the service agreement or contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:91, R.S. 39:92.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:450 (June 1984).

§3111. Requests for Information

A. Any questions concerning this memorandum should be directed to the State Accounting Office of the Division of Administration, Box 44095, Baton Rouge, LA 70804.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:91, R.S. 39:92.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 10:450 (June 1984).

Chapter 33. Unemployment Compensation—PPM Number 69

§3301. Payment of Unemployment Compensation

A. Expenditures occasioned as a result of the payment of unemployment compensation liabilities by state agencies will be paid from the appropriate source of funding. More specifically, charges attributable to compensation paid from non-general-fund sources will not be proper charges against general fund direct appropriations.

B. The unemployment compensation reporting units, in making the unemployment compensation reimbursement payments, shall make such payments from the same source(s) of funding as the ex-employer claimant had been paid while employed by the state.

C. Therefore, all unemployment compensation claims arising as a result of separation from state employment of employees funded from dedicated revenues, self-generated revenues, federal funds, interagency transfers, ancillary funds, endowments, and other non-state general fund sources, shall be paid from such sources in the manner prescribed by the Commissioner of Administration.

AUTHORITY NOTE: Promulgated in accordance with Title 39, Section 4 of the R.S. of 1950.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 11:834 (September 1985).

Chapter 41. Taxable Compensation—PPM Number 73

§4101. Purpose and Scope

A. The purpose of this memorandum is to establish a policy for the reporting of all taxable compensation provided to employees, withholding of applicable amounts to meet the employee's tax liability associated with the taxable compensation, to provide guidelines for establishing a value for taxable compensation, and to provide guidelines for inclusion or exclusion of fringe benefits as taxable compensation.

B. All boards, commissions, departments, agencies, institutions, and offices of the executive branch of state government shall comply with this memorandum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:78 and Executive Order Number 85-52.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15:528 (July 1989), repromulgated LR 20:374 (April 1994), amended LR 25:1406 (August 1999).

§4103. Definitions

A. For purposes of this memorandum the following definitions shall apply.

Compensation—includes wages, salaries, bonuses, tips, commissions, fringe benefits, termination or severance pay, commission, per diem, and any and all similar items.

Fair Market Value (FMV)—that amount of compensation that would be paid between unrelated third parties to obtain a service or benefit.

Fringe Benefits—meals, lodging, allowances, vehicle personal usage, moving expenses, etc.

Inkind—noncash compensation, may include meals, lodging, vehicle personal use, moving expenses, etc.

Reimbursed Expenses—items of expenditure incurred by an employee in the performance of his job.

Tax Liability—includes federal and state tax withholding, FICA and Medicaid withholding, and any penalty or interest payment due as a result of noncompliance.

Taxable Compensation—all compensation items not excludable as income under a specific IRS Code Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:78 and Executive Order Number 85-52.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15:528 (July 1989), repromulgated LR 20:375 (April 1994), amended LR 25:1406 (August 1999).

§4105. Policy

A. It shall be the policy of the state of Louisiana to report all taxable compensation and withhold all applicable taxes for such compensation as required by the Internal Revenue Code on each scheduled pay period.

B. Effective July 1, 1989 for calendar year 1989 and for each calendar year thereafter, all taxable compensation shall be reported and a withhold of applicable taxes shall be processed each pay period. For the period of January 1, 1989 through June 30, 1989 all taxable compensation not reported on a pay period basis shall be included on the employee's Form W-2 Wage and Tax Statement for calendar year 1989.

C. Applicable taxes for taxable compensation received in the form of cash during the period of January 1, 1989 through June 30, 1989 must be withheld during calendar year 1989.

D. Values for state owned housing taxable to the employee should be based on the values provided by the Office of Statewide Reporting and Accounting Policy. Agencies must also include the value of utilities, such as electricity, gas, water and sewerage service, as these costs are not included in the values provided by the Office of Statewide Reporting and Accounting Policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:78 and Executive Order Number 85-52.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15:528 (July 1989), repromulgated LR 20:375 (April 1994), amended LR 25:1406 (August 1999).

§4107. Reporting Requirements

A. Each board, commission, department, agency, institution or office must develop a plan each calendar year delineating those conditions under which an employee shall receive any compensation other than salary, wages, per diem for board members and those benefits provided by the State Employees' Group Benefits Program and the various retirement systems. The plan must include the specific employee receiving compensation, the valuation method of the compensation, the value of the compensation and any reason the compensation is partially or fully nontaxable to the employee. Such plan shall be submitted for approval to the Commissioner of Administration by February 1, each calendar year for the immediately preceding calendar year.

B. Department heads who fail to adequately value, report, or withhold applicable taxes for compensation provided employees shall be responsible for payment of any tax liability from the avails of the respective budget units appropriations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:78 and Executive Order Number 85-52.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15:529 (July 1989), repromulgated LR 20:375 (April 1994), amended LR 25:1406 (August 1999).

§4109. Reimbursed Expenses

A. Payments to employees in accordance with General Travel Regulations—PPM Number 49 for reimbursement of actual business travel expenses shall be treated as a noncompensation item.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:78 and Executive Order Number 85-52.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15:529 (July 1989), repromulgated LR 20:375 (April 1994), amended LR 25:1406 (August 1999).

§4111. Employment Contracts

A. For purpose of computing taxable compensation, the provisions of an employment contract, or state law fixing the terms of employment cannot be considered in determining if fringe benefits are intended as compensation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:78 and Executive Order Number 85-52.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15:529 (July 1989), repromulgated LR 20:375 (April 1994), amended LR 25:1406 (August 1999).

§4113. Valuation Method

A. The general valuation rule will be FMV. Taxable cash compensation items, regardless of source, are to be reported and withheld at the dollar value paid. Taxable inkind noncash compensation, including fringe benefits, are to be included at FMV of the property transferred, excluding any payment offsets at the time of the transfer, unless excluded or adjusted under a specific Internal Revenue Code Section. There is no taxable compensation if the employee pays 100 percent of the FMV of the benefit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:78 and Executive Order Number 85-52.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15:529 (July 1989), repromulgated LR 20:375 (April 1994), amended LR 25:1406 (August 1999).

§4115. Evaluation Tests for Exclusion from Taxable Compensation

A. The general rules of evaluation to be used in determining if and when a fringe benefit is exempt from inclusion as taxable compensation are as follows.

1. Meals

a. The value of meals furnished to an employee by and on behalf of the state will be excludable from the employee's gross compensation if two tests are met:

i. the meals are furnished on the premises of the employer; and

ii. the meals are furnished for the convenience of the employer.

b. Meals furnished by the state without charge will be considered furnished for the convenience of the employer if the meals are furnished for substantial noncompensatory business reasons of the state rather than as a means of providing additional compensation to the employee.

c. On the premises will be interpreted to mean either:

i. quarters that constitute an integral part of the business property; or

ii. premises on which the entity carries on some of its business activities.

2. Lodging

a. The value of lodging furnished to an employee by or on behalf of the state will be excluded from the employee's gross income, if three tests are met:

i. the lodging is furnished on the business premises of the employer;

ii. the lodging is furnished for the convenience of the employer; and

iii. the employee is required to accept such lodging as a condition of his employment. The third requirement means that the employee must be required to accept the lodging on the business premises in order to enable him to properly perform the duties of his employment, which in turn will mean that the lodging is furnished because the employee is required to be available for duty at all times or because the employee could not perform the services required of him unless he was furnished such lodging.

b. On the business premises will be interpreted to mean either:

i. living quarters that constitute an integral part of the business property; or

ii. premises on which the entity carries on some of its business activities.

c. Ownership or control by the state of the premises furnished is not a test criteria.

d. Lodging includes utilities and associated related items such as lawn maintenance, maid service, etc. The value of utilities, etc., furnished to the employee for the convenience of the state is excludable, unless the employee contracts directly with the utility, etc., for the service.

3. Transportation

a. The value of personal use of a state vehicle must be included as taxable compensation.

b. The value for use of a state vehicle for commuting purposes shall be a flat $1.50 per one way commute trip ($3 per day for round trip) if the following conditions are met:

i. the vehicle is owned or leased by the state and is provided for and used for state business;

ii. for bona fide noncompensatory business reasons the state requires the employee to commute to and from work in the vehicle;

iii. the department, agency, etc., has a written policy which disallows personal use of the vehicle by the employee, or any individual whose use would be taxable to

the employee, except for de minimus personal use such as a lunch stop between business meetings;

iv. neither the employee nor any individual whose use would be taxable to the employee uses the vehicle for any personal purpose other than commuting and de minimus personal use; and

v. the employee using the vehicle is not a control employee as defined in Temporary Regulation Section 1.61-2T(f)(5),(6).

c. For valuation of personal use of a vehicle for those employees who use a state vehicle to commute, but do not meet the conditions enumerated above, and those employees who have personal use of other modes of transportation, alternative valuation methods are available in the Internal Revenue Code and Regulations.

d. the alternative valuation methods, including the cents-per-mile rule or lease valuation method, may be utilized only upon prior approval of the Commissioner of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:78 and Executive Order Number 85-52.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15:529 (July 1989), repromulgated LR 20:375 (April 1994), amended LR 25:1406 (August 1999).

§4117. Parking—Taxable Benefits

A. The Energy Policy Act of 1992 amended the Internal Revenue Code provisions on taxing employer provided transportation benefits. Under these provisions, employer provided parking in a public parking facility valued up to $175 per month may be excluded from taxable income. Any amounts of $175 or higher must be considered taxable fringes and are to be included in taxable income, unless the employee pays amounts in excess of the $175 per month.

B. The value of the parking cost is to be based on the cost an employee would incur in an arm's-length transaction to obtain parking at the same site. If this cost cannot be determined, value should be based on the cost incurred in an arm's-length transaction to obtain other space in the same lot or a comparable lot in the same general area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:78 and Executive Order Number 85-52.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 20:376 (April 1994), amended LR 25:1407 (August 1999).

Chapter 47. Attorney Case Handling Guidelines and Billing Procedures—PPM Number 50

§4701. Goal

A. This Policy and Procedure Memorandum rescinds Policy and Procedure Memorandum Number 50 that was promulgated September 2014.

B. For executive branch agencies that hire attorneys under professional services contracts controlled by Chapter 17 of Title 39 of the *Louisiana Revised Statutes*, the Commissioner of Administration and the Division of Administration (DOA) expects to work with those agencies to hire and to retain attorneys in an efficient and cost conscious manner consistent with ethical obligations. Nothing contained herein is intended to restrict an agency or its contract counsel's exercise of professional judgment in rendering legal services. Contract counsel bears ultimate responsibility for all work performed pursuant to the contract and/or billed to the file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:258 and R.S. 39:1561 and 1564.C; Act 864 of 2014 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 40:1646 (September 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 43:1106 (June 2017).

§4702. Authorization and Legal Basis

A.1. R.S. 39:1561 authorizes the commissioner of administration, or his/her designee, to consider and decide all matters of policy relative to professional, personal, consulting and social services, and to audit and review the implementation of regulations, and policy determinations regarding professional, personal, consulting and social services contracts. Unless otherwise specified by law, in accordance with R.S. 39:1564(C), the state chief procurement officer shall, within the limitations of regulations promulgated by the Commissioner of Administration, shall, in part, also:

a. procure or supervise the procurement of professional, consulting and social services needed by the state;

b. establish and maintain programs for the inspection, testing and acceptance of these services; and

c. provide for contractual forms and specifications to be used in the confection of all contracts provided for in this Chapter.

2. Notice is hereby given as to the amendment of the established and implemented existing Policy and Procedure Memorandum No. 50—Attorney Case Handling Guidelines and Billing Procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 1564.C; Act 864 of 2014 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 40:1646 (September 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 43:1106 (June 2017).

§4703. Policy

A. To control costs, to increase efficiencies and to insure quality and standard billing practices, in addition to all legal requirements, any agency that contracts for attorney services under Title 39 of the *Louisiana Revised Statutes*, shall, by January 1, 2015, institute case handling guidelines and billing procedures to be incorporated by reference into all professional contracts for attorney services entered into.

B. Effective September 20, 2014, all professional contracts entered into for attorney services under Title 39 of the *Louisiana Revised Statutes* after September 20, 2014, and all case handling guidelines and billing procedures in existence or which shall be thereafter instituted, shall include the following minimum requirements which may be referred to by reference by citing PPM 50.

1. Attachment to all Attorney Contracts. These case handling guidelines and billing procedures supplement, but do not replace, an agency's existing attorney case handing and billing procedures, and shall not supersede any rules or regulations in effect for legal contracts. To the extent that these requirements are more stringent than an agency's existing requirements, they shall supersede those requirements.

2. Attorney Rates. Unless justification is provided and approval is received, all attorney billing rates shall conform to the standard rates set by the attorney general.

3. Billing Management. Each contracting agency shall designate in writing the employee authorized to approve work and travel performed pursuant to the contract, and who is responsible for ensuring that attorney case handling guidelines and billing procedures are followed.

4. Budgeting. Within 60 days of entering into a contract for attorney services, the contracting attorney shall prepare a legal budget after assessing the underlying case. If it is anticipated that the budget will exceed the maximum value of the contract, then the agency shall immediately take the necessary steps to increase the contract's maximum value. An agency shall prepare a report when 80 percent of the established budget has been expended which shall project the final cost of the attorney services expected to be provided under the contract.

5. Clerical Work. Clerical work, including work performed by law clerks, paralegals and secretaries shall not be billed unless written justification is submitted and approved.

6. Depositions/Inspections/Hearings on Motions. Unless approved in advance by the contracting agency, only one attorney shall attend and bill for depositions, inspections and hearings on motions.

7. Documentation of Reimbursed Expenses. The contracting attorney must retain and provide all receipts and other documentation of expenses where reimbursement has been preapproved. Advanced court costs by state agencies is not required under the law in most situations. Payment of advanced court costs will not be reimbursed until a lawsuit is completed unless preapproval for the payment of same is obtained.

8. Dual or Overlapping Billing. Billing for work for other clients or for unrelated state matters simultaneously while performing work under the billed contract shall be prohibited. Billing by two approved attorneys simultaneously should be avoided unless or approved by the agency in advance.

9. Duplication of Work. Duplication or repetition of effort among attorneys shall be avoided.

10. Maximum Amount. All contracts for attorney services entered into shall provide for a maximum value which shall not be exceeded through addendum, amendment, or renewal without the contractor and the agency documenting the justification in writing.

11. Minimum Billing Increments. All billing items shall be billed at increments of .10 (six minute increments). No block billing shall be accepted.

12. Non-Conforming Bills. Any bill which does not conform to these billing requirements shall not be paid until such time as it is determined that the non-conforming items have been corrected. Any payment dispute under a contract for attorney services shall be administratively determined pursuant to Chapter 17, Title 39 of the *Louisiana Revised Statutes*.

13. Office Overhead; Copying, Phone Charges, etc. All office overhead, including costs for copying, facsimile, email, internet or phone charges shall not be billed unless an agency has agreed in advance under the terms and conditions of its contract approved by the Office of State Procurement (OSP) to reimburse the actual cost of these items.

14. Record Retention. Daily time sheets maintained by attorney name, caption, and case number shall be utilized. Attorneys are required to maintain any and all bills and supporting documentation, including daily time sheets, for five years. Billing records are subject to audit by DOA, the Inspector General and the Legislative Auditor.

15. Reports. A contracting agency shall not pay for any time charged for preparation of reporting forms or status reports other than those specifically requested or specifically required under the terms and conditions of the contract. Any report that does not contain significant new information or developments with a clear explanation of the impact on the case should not be requested or required by the contracting agency. Automatic periodic reporting in increments of less than three months should be avoided.

16. Research. Legal research per contract shall not exceed five hours without additional approval by the using agency.

17. Routine Matters. Routine scheduling, mail handling, new file set up, calendar maintenance, transcribing, copying, faxing, data entry enclosure letters, simple letters to clerks of court, and other similar routine matters are non-billable.

18. Staffing. Only those attorneys who are directly contracted, and approved staff, may work under the contract. Any staffing changes must be discussed and approved prior to engaging in billable work.

19. Task and Item Billing. Specific task and item billing must occur under every contract for attorney services, even where an attorney is retained by an agency to provide general legal services and advice. Billing for attorney services shall occur, at a minimum, monthly. All billing

statements shall reference the contract number under which it is being submitted.

20. Term of Contract. No contract for attorney services shall be longer than three years. Prior to such a contract entering into the third year of its term, however, the attorney and the contracting agency shall provide written justification to continue the contract into the third year. Failure to provide written justification to extend a contract may result in cancellation of the contract.

21. Travel. Travel time shall be preapproved and shall be billed at one-half the agreed upon attorney pay rate. Travel time for a specific task shall not be approved to exceed eight hours per day without written justification. All related travel expenses shall also be preapproved and will be reimbursed in accordance with PPM 49, Louisiana State Travel Rules and Regulations.

22. Trial Preparation and Attendance. Trial preparation and attendance shall be billed only at the regular rate established in the contract. Tasks associated with trial preparation should occur once and only within a reasonable timeframe prior to trial. Unless approved in advance, only one attorney shall bill for trial preparation and for attending trial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 1564.C.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 40:1646 (September 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 43:1106 (June 2017).

§4705. Effective Date

A. This policy shall apply to all new contracts by reference entered into on or after September 20, 2014, and shall remain in existence after January 1, 2015, when the Office of Contractual Review is merged into the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 1564.C and Act 864 of 2014 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 40:1647 (September 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 43:1107 (June 2017).

§4707. Notice to Agencies Regarding Electronic Billing Platforms

A. The DOA is currently conducting a pilot program regarding a web-based electronic billing platform for the submission and review of attorney bills by executive branch agencies. Until the pilot program is concluded, no executive branch agency at the department level shall pursue or issue a contract for a new electronic billing platform for attorney services, and shall not extend any existing contract for such a platform, without the approval of the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 1564.C.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 40:1647 (September 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 43:1108 (June 2017).

Chapter 49. Fee Schedule for Cooperative Purchasing—PPM Number 54

§4901. Authority

A. Pursuant to R.S. 39:1706, the chief procurement officer for the state of Louisiana may provide personnel and services to public procurement units, and may charge fees to receiving units for same. The chief procurement officer of the state of Louisiana may also charge fees to defray the costs of providing the service of statewide contracts for use by the state of Louisiana's agencies, parishes, cities, towns, governmental bodies and any other subdivision of the state or public agency, public authority, public educational, health or other institution and to the extent provided by law, any other entity which expends public funds for the acquisition or leasing of supplies, services, major repairs and construction, including any nonprofit corporation operating a charity hospital. Pursuant to R.S. 39:1706(E), the chief procurement officer may enter into contractual arrangements and publish a schedule of fees for the services provided under subsections (C) and (D) of R.S. 39:1706.

B. For purposes of this Memorandum, "fees" should be understood to include in its meaning both fees and rebates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4 and R.S. 39:1706(C), (D) and (E).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2063 (October 2015), amended LR 43:1108 (June 2017).

§4903. Policy

A. As part of all cooperative contracts it shall be the policy of the Office of State Procurement to provide information and assistance to facilitate their use statewide and to recoup those costs as authorized under R.S. 39:1706(E) by contracting directly with vendors to recover same in the form of a fee from net aggregate sales under the contract. The following fee remittance schedule should be included in all cooperative contracts where services are provided pursuant to R.S. 39:1706(C) and (D) by the Office of State Procurement in support of cooperative purchases.

B. All net sales made by means of the contract shall be included in the base amount (net aggregate sales) against which the fee percentage is multiplied. This includes the sale of goods and services not included as a line item or otherwise referenced in the contract, but which the vendor sold by means of the contract, or which the vendor has represented to be contractual usage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4 and R.S. 39:1706(C), (D) and (E).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2063 (October 2015), amended LR 43:1108 (June 2017).

§4905. Fee Schedule and Remittance Schedule

A. The fee shall be contractual and may be negotiated, and should be a minimum of 1 percent of a vendor's net aggregate sales under its statewide contract unless agreed to otherwise, or as set forth below.

B. For the subset of statewide contracts whose annual usage by cooperative purchasing units represents 2/3 (66.6 percent) or more of total annual usage, it shall be the standard practice of the Office of State Procurement for the fee to be 2 percent of net aggregate sales. This differentiation reflects that state agencies separately subsidize the cost of contract administration through interagency transfers.

Schedule of Fees	
Category	**Fee Percentage**
Regular statewide contracts (up to 66.5% cooperative usage)	1.00%
Primarily non-State usage contracts (66.6%+ cooperative usage)	2.00%

C. The fee should be remitted by the vendor to the Office of State Procurement in accordance with the remittance schedule below, unless specified otherwise in the contract.

Remittance Schedule		
Fiscal Quarters	**Months**	**Vendor's Due Date**
Quarter 1	July 1st -September 30th	October 31st
Quarter 2	October 1st -December 31st	January 31st
Quarter 3	January 1st -March 31st	April 30th
Quarter 4	April 1st -June 30th	July 31st
---	---	15 Calendar Days following the termination of the contract for any reason

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4 and R.S. 39:1706(C), (D) and (E).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2063 (October 2015), amended LR 43:1108 (June 2017).

§4907. Waiver

A. Nothing in this policy shall prevent the Office of State Procurement from modifying the fee where the best interests of the state are served or from devising and contracting for additional or alternate methods of recouping costs associated with cooperative purchasing opportunities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:4 and R.S. 39:1706(C), (D) and (E).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2063 (October 2015), amended LR 43:1108 (June 2017).

Chapter 51. Professional and Social Services Categories—PPM Number 55

§5101. Authority

A. Under R.S. 39:1561 the Commissioner is granted broad authority and responsibility to consider and decide matters of policy under the Procurement Code. Pursuant to R.S. 39:1556(42) the chief procurement officer for the state of Louisiana may add to the enumerated occupations or services under the categories of "professionals." Under R.S. 39:1619 the enumerated categories of "social services" are not limited, but may be increased.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, 41:2762 (December 2015), amended LR 43:1109 (June 2017).

§5103. Policy

A. To respond to the needs of state agencies, it shall be the policy of the Office of State Procurement to regularly review and to supplement the professions, occupations and services covered under R.S. 39:1556 (Professional Services) and R.S. 39:1619 (Social Services) in order to ensure that needed services are being procured in the most effective manner possible. Any addition of professional services or social services under this Chapter shall be added to the Tables Appendix in §5109 of this Chapter and shall be published in the Louisiana Register. Any contract entered into between an agency and a person providing professional or social services listed herein must fully comply with any and all other requirements under the Procurement Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, 41:2762 (December 2015), amended LR 43:1109 (June 2017).

§5105. Procedures

A. Professional Services. An agency head may present a request to the state chief procurement officer to classify an independent contractor who has a professed knowledge of a department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, as a professional in addition to those professions listed in R.S. 39:1556(42). Upon a showing that the profession advocated is a vocation founded upon prolonged and specialized intellectual training which enables particular service to be rendered, and that such professed attainments in special knowledge are distinguishable from mere skill, the state chief procurement officer may define, classify and add the profession to a table of professions which are exempt from competitive solicitation.

B. Social Services

1. An agency head may present a request to the state chief procurement officer to enumerate additional services

other than those enumerated in R.S. 39:1619 which shall qualify as social services under the following categories:

a. rehabilitation and health support services;

b. habilitation and socialization services;

c. protection for adults and children services;

d. improvement of living conditions and health services; and

e. evaluation, testing, and remedial educational services (for exceptional nonpublic school students with disabilities).

2. Upon a showing that an additional service is needed, is properly within the scope of an agency's mission to provide, and is substantially similar, comparable or a logical extension of an enumerated service, the state chief procurement officer may define, classify and add the service to the appropriate category of services enumerated under R.S. 39:1619.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, 41:2762 (December 2015), amended LR 43:1109 (June 2017).

§5107. Removal

A. Once added, nothing in this policy or in these procedures shall prevent the Office of State Procurement from removing a professional or social service from the Tables Appendix if it is deemed in the best interests of the state to do so. Once removed, a professional or social service shall not be restored without following the procedures in §5105 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, 41:2762 (December 2015), amended LR 43:1109 (June 2017).

§5109. Tables Appendix

A. Professional Services

Table of Professional Services	
The following services shall supplement those listed in R.S. 39:1556(42).	
Service	Effective Date
Licensed chiropractors	January 1, 2017

B. Social Services

Table of Social Services	
The following services shall supplement those listed in R.S. 39:1619.	
Service	Effective Date

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:2762 (December 2015), amended LR 43:1109 (June 2017).

Chapter 53. Delegated Procurement Authority; Standard and Special Delegations—PPM Number 56

§5301. Authority

A. Pursuant to R.S. 39:1566, the Chief Procurement Officer for the State of Louisiana may delegate authority to governmental bodies within the limitations of law and the state's procurement regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016), amended LR 47:198 (January 2021).

§5303. Policy

A. To respond to the needs of state agencies, as well as for auditing purposes and for programming purposes in the State's LaGov SRM system, it shall be the policy of the Office of State Procurement to delegate to agencies which are subject to the provisions of the Louisiana Procurement Code the authority to purchase, procure and contract up to maximum limits by assigning to each a Delegated Procurement Authority ("DPA").

1. DPA refers to the maximum amount an agency may purchase, procure or contract for without utilizing the services of, or having to seek preapproval from, the Office of State Procurement.

2. Any agency that acts under a DPA extended by the Office of State Procurement is responsible for ensuring that any purchase or contract fully complies with all applicable requirements under the Procurement Code, rules and applicable OSP policy, including, but not limited to:

a. any and all requirements to seek approval to use a Request for Proposals ("RFP") solicitation before it is issued or to seek approval from a Procurement Support Team where applicable;

b. any and all requirements to solicit quotes, to competitively bid or to seek competitive proposals, or to post solicitations to the State's electronic vendor notification system;

c. any and all requirements to report contracts, including sole source and emergency contracts, to the Office of State Procurement, the Legislature and the Louisiana Legislative Auditor as may be applicable; and

d. any and all requirements to seek ratification of purchases or contracts that do not comply with law.

3. Any agency that acts under a DPA extended by the Office of State Procurement is responsible for:

a. maintaining comprehensive records of such procurement transactions in an organized format;

b. making such records available to OSP for review within three business days in the format prescribed by OSP, upon request; and

c. retaining such records for a minimum of five years or the corresponding regular retention period prescribed by the State Archives for the types of documents involved, whichever is greater.

B. Any contract for professional, personal, consulting or social services, entered into by an agency must be:

1. reduced to writing;

2. signed by the contractor and the agency head; and

3. entered into the state's LaGov SRM system.

C. Any contract for complex services, IT hardware maintenance, software, software maintenance, or major repairs entered into by an agency must be:

1. reduced to a purchase order;

2. signed by authorized agency personnel; and

3. entered into the state's LaGov SRM system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016), amended LR 47:198 (January 2021).

§5305. Standard Delegation of Procurement Authority

A. Standard DPA—Purchases. Unless otherwise specified, any agency may purchase a single supply or service not exceeding the amount provided in Section 4(a) of the Governor's Executive Order on Small Purchase Procedures without obtaining preapproval from, or having to utilize the services of, the Office of State Procurement.

B. Standard DPA—Contracts

1. Unless otherwise specified, any agency may contract for professional, personal, consulting and social services up to $5,000 without obtaining preapproval or authorization from the Office of State Procurement.

2. Unless otherwise notified of a revocation of autonomy, an institution of higher education that has been granted autonomy under the "LaGrad" Act may contract for professional, personal, consulting and social services up to the level of the LaGrad autonomy granted without seeking preapproval from the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016), amended LR 47:198 (January 2021).

§5307. Special Delegation of Procurement Authority; Master List of Special DPAs

A. Special DPA. A DPA set by the Office of State Procurement above the Standard DPA for purchases and/or contracts, or a DPA set below the Standard DPA for purchases and/or contracts, shall be referred to as a "Special DPA."

1. An agency or department head may present a request to the State Chief Procurement Officer for a special DPA under the categories of "purchases" and/or "contracts" or for specific items or categories of purchases or contracts.

2. Additionally, the State Chief Procurement Officer may take the initiative to assign a special DPA by increasing or decreasing an agency's existing purchases DPA or contracts DPA to a level above (or below) the standard DPA.

3. Any special DPA may place additional or specific allowances or conditions upon purchasing or contracting by an agency.

B. Master List. An agency's Special DPA shall be placed on a master list.

1. Any Special DPA, along with any other specific allowances, conditions or limitations, will be documented on a Master List maintained by the Office of State Procurement.

2. The master list will be made available (when requested) to an agency, department, the Legislative Auditor or to any other person deemed appropriate by the State Chief Procurement Officer, or as may otherwise be required by the Public Records Act.

3. Any agency not listed on the master list should operate under a standard DPA equal to the amount provided in Section 4(A) in the Governor's Executive Order on Small Purchase Procedures for purchasing and $5,000 for contracts, excepting specific agencies' special categorical delegations, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:3 (January 2016), amended LR 47:199 (January 2021).

§5309. Reduction or Suspension of DPA; Additional Restrictions or Allowances; Review of DPA

A The Office of State Procurement shall periodically review an agency's DPA, and may increase, maintain or decrease the DPA after considering the following factors:

1. whether increasing, maintaining or decreasing an agency's DPA is consistent with the state's strategic priorities;

2. whether the agency has demonstrated (or can no longer demonstrate) an ability to responsibly handle its current DPA in accordance with Office of State Procurement policy, guidance and directions; and

3. whether the agency has adequate resources and personnel (or no longer has adequate resources and personnel) to comply with all requirements of the Procurement Code and other applicable provisions of law.

B. Nothing in this policy shall prevent the Office of State Procurement from assigning a special DPA to an agency, or increasing an agency's existing special DPA, in advance of

or during emergencies; lowering, reducing or suspending an agency's DPA at any time in whole or in part; or removing an agency's DPA altogether, when the State Chief Procurement Officer determines that it is in the best interests of the state to do so.

C. Nothing in this policy shall prevent the Office of State Procurement from placing specific restrictions or providing for special allowances on an individual or on specific categories of purchases, procurements or contracts.

D. Nothing in this policy shall prevent the Office of State Procurement from increasing or decreasing the Standard DPA by amending this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:3 (January 2016), amended LR 47:199 (January 2021).

Chapter 59. Procurement Preferences; Application—PPM Number 59

§5901. Authority

A. Pursuant to R.S. 39:1551 et seq., the Office of State Procurement is required to provide for certain preferences in the solicitation of products by state agencies and by local government buying off of statewide cooperative contracts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 39:1564.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:370 (March 2016).

§5903. Policy

A. To provide notification to vendors and to state and local government agencies, as well as for auditing purposes, it shall be the policy of the Office of State Procurement to list, as far as is practicable, all product preferences in this PPM, and to apply those preferences where applicable in all matters solicited through this office or under its authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 39:1564.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:370 (March 2016).

§5905. Preference Chart

Preference	Authority	How Applied
Produce produced in LA	R.S. 39:1604(C)(1)	A 10% preference above the bid price is given to produce produced in LA
Produce Products produced and processed in LA	R.S. 39:1604(C)(1)	A 10% preference above the bid price is given to produce produced and processed in LA
Eggs laid in LA	R.S. 39:1604(C)(2)	A 10% preference above the bid price is given to vendor supplying eggs laid in LA
Egg Products processed from eggs laid in LA	R.S. 39:1604(C)(2)	A 10% preference above the bid price is given to vendor supplying egg products processed from eggs laid in LA
Meat and Meat Products processed in LA from animals that originated in Louisiana as evidenced by traceability documentation supplied by the manufacturer	R.S. 39:1604(C)(3)	A 10% preference above the bid price is given to vendor supplying meat and meat products processed in LA from animals that originated in Louisiana as evidenced by traceability documentation supplied by the manufacturer
Seafood harvested in LA seas or other LA waters or seafood and harvested by a person who holds a valid appropriate commercial fishing license issued pursuant to R.S. 56:1	R.S. 39:1604(C)(4)	A 10% preference above the bid price is given to vendor supplying seafood harvested in LA seas or other LA waters or seafood and harvested by a person who holds a valid appropriate commercial fishing license issued pursuant to R.S. 56:1
Products produced from Seafood, as described above, processed in LA	R.S. 39:1604(C)(4)	A 10% preference above the bid price is given to vendor supplying products produced from seafood, as described above, and which are processed in LA
Domesticated Catfish processed in LA from animals grown in LA	R.S. 39:1604(C)(5)	A 10% preference above the bid price is given to vendor supplying domesticated catfish processed in LA from animals grown in LA
Paper and Paper Products manufactured or converted in LA (See R.S. 39:1595(c)(6))	R.S. 39:1604(C)(6)	A 10% preference above the bid price is given to vendor supplying Paper and Paper Products manufactured or converted in LA (See R.S. 39:1595(c)(6))
All other agricultural or forestry products produced, manufactured, or processed in LA	R.S. 39: 1604(C)(7)	A 10% preference above the bid price is given to vendor supplying all other agricultural or forestry products produced, manufactured, or processed in LA
Meat and Meat Products which are further processed in LA under the grading and certification service of La. Dept. of Ag.	R.S. 39:1604(D)	A 7% preference above the bid price is given to vendor supplying meat and meat products which are further processed in LA under the grading and certification service of La. Dept. of Ag.
Domesticated or Wild Catfish processed in LA but grown outside of LA	R.S. 39:1604(E)	A 7% preference above the bid price is given to vendor supplying domesticated or wild catfish processed in LA but grown outside of LA
Produce processed in LA but grown outside of LA	R.S. 39:1604(F)	A 7% preference above the bid price is given to vendor supplying produce processed in LA but grown outside of LA
Eggs or Crawfish which are further processed in LA under the grading service of La. Dept. of Ag.	R.S. 39:1604(G)	A 7% preference above the bid price is given to vendor supplying eggs or crawfish which are further processed in LA under the grading service of La. Dept. of Ag.
Materials, Supplies, Products, Provisions, or Equipment produced manufactured, or assembled in LA (excluding treated wood poles and piling)	R.S. 39:1604(H)	A 10% preference above the bid price is given to vendor supplying materials, supplies, products, provisions, or equipment produced manufactured, or assembled in LA
In-State Vendor (Reciprocal Preference)	R.S. 39:1604.1	In the awarding of contracts by any public entity, except contracts for construction, maintenance, or repair of highways and streets, contracts financed

Preference	Authority	How Applied
		in whole or in part by contributions or loans from any agency of the US govt., where both in-state and out-of-state vendors are bidding, in-state vendors shall be given preference that any of the out-of-state vendors would be given on a comparative bid in their own state.
Contractors Domiciled in LA (Reciprocal Preference)	R.S. 39:1604.2	In the letting of contracts for public work by any public entity, except contracts financed in whole or in part by contributions or loans from any agency of the US govt, preference shall be given to contractors domiciled in LA over contractors domiciled in a state that provides for a preference in favor of contractors domiciled in the state over contractors domiciled in LA for the same type of work Contractors domiciled in LA are to be granted the same preference over contractors domiciled therein with a preference over contractors domiciled in LA in the same manner and on the same basis and to the same extent that such preference may be granted in letting contracts for the same type of work by such other state to contractors domiciled therein over contractors domiciled in LA.
In-state vendor of rodeos and livestock shows where state-owned facilities will be used to house or contain such activities	R.S. 39:1604.3	A 10% preference above the bid price is given to vendor in the award of contracts by any public entity for services to organize or administer rodeos and livestock shows where state-owned facilities will be used to house or contain such activities, and where both in-state and out-of-state vendors are bidding.
Goods manufactured, or services performed by sheltered workshops	R.S. 39:1604.4	Every governmental body shall give a preference in its purchasing practices to goods manufactured and services performed by individuals with severe disabilities in state-operated and state-supported sheltered workshops.
Products manufactured or services rendered by individuals who are blind	R.S. 23:3025	Whenever the state or a political subdivision of the State has occasion to purchase any product manufactured by individuals who are blind or utilize any service rendered by individuals who are blind, it shall communicate with La Workforce Commission to ascertain whether such products are available. To the extent available, the state and its subdivisions may purchase them in the manner provided and at prices fixed by LA Workforce Commission.
Items purchased from LA Retailers	R.S. 39:1604.5	A 10% preference above the bid price is given to retail dealer located in LA supplying items for retail purchase. The retail dealer shall qualify if it can show that it has paid the LA corporate income, corporate franchise, and inventory taxes or any combination thereof during the previous twelve-month period.
Steel rolled in LA	R.S. 39:1604.6	A 10% preference above the bid price is given to vendor supplying steel rolled in LA. *Does not apply when sufficient quantities of steel rolled in LA are not available.
Items manufactured in the United States	R.S. 39:1604.7	A 5% preference above the bid price is given to vendor supplying steel rolled in LA
Purchases from Local vendors by Local governing authorities	R.S. 39:1710	A 7% (on purchases up to $10,000), 5% (on purchases between $10,000 and $20,000), or 3% (on purchases over $20,000) preference above the bid price is given to local vendor when a local governing authority purchases an item at the state bid price through a local vendor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 39:1564.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:371 (March 2016).

§5907. Right to Negotiate Prices or Cancel Solicitation; Additional Preferences

A. Nothing in this policy shall prevent the Office of State Procurement or an agency from negotiating with a vendor to lower its prices or an agency from canceling a solicitation where a preferred product is determined to exceed an agency's allocated budget for the product.

B. The Office of State Procurement shall revise the list of preferences herein from time to time to recognize new or additional procurement preferences as may be appropriate. Newly enacted statutory preferences, however, shall be enforced immediately upon their effective dates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 39:1564.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:372 (March 2016).

Title 4
ADMINISTRATION
Part VII. Governor's Office

Chapter 1. Architects Selection Board

Subchapter A. Organization

§101. Name

A. The name of this board is the "Louisiana Architects Selection Board," hereinafter referred to as "board," and its domicile shall be in Baton Rouge, Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), amended LR 24:329 (February 1998).

§103. Authority

A. The Louisiana Architects Selection Board shall be organized in accordance with the provisions of R.S. 38:2310 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), amended LR 15:262 (April 1989), LR 24:329 (February 1998).

§105. Objective

A. The objective of this board is to provide a system for the selection of professional services rendered by architects, licensed to practice in the state of Louisiana, that is impartial, equitable, and in the best public interest of the citizens of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), amended LR 24:330 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1188 (September 2019).

§107. Members

A. The board shall be composed of eight members, appointed or elected, serving terms in accordance with the provisions of the authority set forth in §103.

B. Any member desiring to resign from the board shall submit his/her resignation, in writing by registered mail, to the Board of Architectural Examiners, with a copy addressed to the chairperson of the board. The effective date of resignation shall be the date of registered mailing to the Board of Architectural Examiners.

C. The filling of a board vacancy for the unexpired term due to resignation, death, or removal from office by just cause, shall be made in accordance with the provisions of the authority stated in §103.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), amended LR 15:262 (April 1989), LR 24:330 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1188 (September 2019).

§109. Officers

A. The officers of this board shall be a chairperson and a vice-chairperson. These officers shall perform the duties prescribed in §103 and by these rules.

B. The chairperson shall:

1. be the presiding officer at meetings of the board;

2. have the authority to order a special meeting of the board;

3. be responsible for coordinating the activities of the board;

4. appoint all committees and serve as an ex-officio member thereof;

5. authenticate by his/her signature, when necessary, all acts, orders, and proceedings of the board;

6. be responsible for implementing all orders and resolutions of the board.

C. In the event of absence or incapacity of the chairperson, the vice-chairperson shall assume the duties of the chairperson as outlined above. In the absence of the secretary, the duties of the secretary shall be delegated to the vice-chairperson.

D. Nomination and election of chairperson and vice-chairperson of the board shall be held and conducted at the first regularly scheduled meeting after September 15 of each year.

E. The chairperson and vice-chairperson shall begin their terms in office immediately upon election. They shall serve a maximum of one year, unless re-elected for one additional term (§109.G).

F. In the event that the term of office of the chairperson and vice-chairperson expires in accordance with §109.E and a meeting is called at a time when there is no duly elected chairperson or vice-chairperson, upon convening, the first

order of business of the board shall be the selection of a temporary chairperson who shall serve merely for the purpose of conducting the nomination and election of chairperson and vice-chairperson. Upon election, the temporary chairpersonship automatically dissolves and the newly elected officers begin their terms in office. Nothing in this section shall prevent the temporary chairperson from either voting or being nominated for or elected to the office of chairperson or vice-chairperson.

G. No member shall hold more than one office at a time. A member may serve consecutive terms in accordance with R.S. 38:2311(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:262 (April 1989), LR 24:330 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1188 (September 2019).

§110. Secretary

A. The office of secretary shall be furnished to the board by the Office of Facility Planning and Control, subject to approval by the board.

B. The secretary shall:

1. be under the general supervision of the board;

2. give notice of all meetings of the board and its committees to the board and general public;

3. attend all meetings of the board and committees and record the minutes of all proceedings and make the minutes and records available upon request;

4. keep on file all committee reports;

5. receive and conduct the general correspondence of the board; that is, correspondence which is not a function proper to the officers, or to the committees;

6. cause the official advertisement to be advertised in accordance with R.S. 38:2312(A) and the rules of selection procedure adopted by the board;

7. maintain and be the custodian of a file of all applications for projects, as well as all data submitted by applicants selected by the board to furnish architectural services for state projects as provided for in the rules of selection procedure;

8. perform such other duties as may be prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1189 (September 2019).

§111. Meetings

A. A regular meeting of the board shall be held on the third Wednesday in the months of January, March, May, July, September, and November of each year, unless such meeting is waived by the chairperson as unnecessary.

B. Special meetings may be called by the chairperson or shall be called upon the written request of a minimum of five members of the board. Special meetings may be held at any place provided the time, the place, and the purpose of the meeting shall be stated in the call and made public in accordance with applicable laws. Except in cases of emergency, at least three days' notice shall be given for special meetings.

C. A minimum of five members of the board shall be present to constitute a quorum.

D. All meetings shall be held in public, except as provided in §128.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975) amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:262 (April 1989), LR 17:1206 (December 1991), LR 24:330 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1189 (September 2019).

§113. Committees

A. Committees, standing or special, shall be appointed by the chairperson of the board as he/she shall deem necessary to carry on the work of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), LR 24:330 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1189 (September 2019).

§115. Parliamentary Authority

A. The rules contained in the current edition of *Robert's Rules of Order, Newly Revised*, shall govern the board in all cases to which they are applicable and in which they are not inconsistent with these rules of organization and any special rules of order that the board may adopt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 24:330 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1189 (September 2019).

§117. Voting

A. Only the votes of members present at the meeting shall be counted in the board's official actions. Proxy votes on behalf of elected members are not allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 24:330 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1190 (September 2019).

§119. Amendments to Rules

A. These rules of organization may be amended at any regular or special called meeting of the board by an affirmative vote of a simple majority of the attending board, provided the proposed amendment has been submitted, in writing, at the previous regular or special meeting, and is in full compliance with the Louisiana Administrative Procedure Act and other applicable laws. Upon receipt of a proposed written amendment, the chairperson, before the next regular or special meeting, shall cause to give at least 20 days' notice of the board's intended action as provided in the Louisiana Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 24:331 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1190 (September 2019).

Subchapter B. Selection Procedure

§121. Public Notification

A. Upon being advised by the Office of Facility Planning and Control that an agency intends to contract for professional services, the chairperson shall request the official advertisement to be published by the Office of Facility Planning and Control. There shall be a minimum seven-business-day application period, commencing with the day of the first publication of the official advertisement and ending on the day of the deadline for receiving applications. During this period, the official advertisement shall be published in the official state journal one time. A copy of the official advertisement shall be provided to the Board of Architectural Examiners.

B. The official advertisement specified above shall include all information required under R.S. 38:2312(A) and the tentative date and time of the board meeting at which applications will be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1190 (September 2019).

§123. Communications with Applicant Firms [Formerly §131]

A. No member of the board shall communicate in any manner concerning a project application with any representative of an applicant firm or anyone communicating on behalf of an applicant firm. This restriction shall apply from the time advertisement of a project begins until the opening of the board meeting at which the project application will be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 10:454 (June 1984), repromulgated LR 24:332 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1190 (September 2019).

§125. Application

A. Any applicant (proprietorship, partnership, corporation or joint venture of any of these) meeting the requirements of R.S. 38:2310 et seq., may submit an application for selection consideration for a particular project upon which official advertisement has been published. The applicant shall submit data concerning its experience, previous projects undertaken, present state projects now being performed, scope and amount of work on hand, and any other information that the board deems appropriate.

B.1. The Louisiana Architects Selection Board hereby adopts the use of the LSB-1 Form as the format for submitting an application to the board.

2. The board will accept only those applications submitted on the current edition of the LSB-1 Form. Any special information requested in the advertisement shall be submitted with the required LSB-1 Form. Any submittal not following this format will be deemed non-responsive and not considered.

3. In the LSB-1 Form, the term *prime professional* is as defined in R.S. 38:2310(9).

4. The board has the right to require proof of compliance with the above definition.

C. Consultants, if applicable, shall be listed on the submitted application form and shall possess the necessary qualifications and expertise to satisfactorily provide the services required for this project.

D. All applications shall be received on behalf of the board at the Office of Facility Planning and Control during the time prescribed in the advertisement. The secretary shall date, when received, all applications. The burden for timely and complete submittal lies solely with the applicant.

E. The submission of an application on a particular project shall be considered by the board to mean that based on all publicly available information:

1. the applicant is aware of the scope of work of the project;

2. the applicant has the necessary qualifications and expertise to satisfactorily provide the services required for the project;

3. the applicant can perform the work within the time frame stated;

4. the applicant concurs that the project budget is reasonable;

5. the fee is equitable;

6. the architect contract shall contain a prohibition against contingent fees;

7. the applicant is familiar with the terms and conditions set forth in the current *Louisiana Capital Improvement Projects Procedure Manual for Design and Construction*, and will comply therewith;

8. should an applicant determine that any of the above items are incomplete, inadequate, or insufficient, the applicant is invited to submit a letter stating in detail the applicant's findings, and the board will consider this information in the selection process. No unsolicited, additional information shall be considered. The board reserves the right to reject all applications for selection consideration and to re-advertise any official advertisement.

F. The board may, at its option and with the concurrence of the Office of Facility Planning and Control and the user agency, conduct design competitions in accordance with nationally accepted professional standards. Final selection of the applicant from among the competition submissions will be made within 30 days of deadline date of receipt of the entries. No closed competitions will be allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2312.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:262 (April 1989), LR 20:29 (January 1994), LR 24:331 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1190 (September 2019).

§127. Selection Procedure

A. After the deadline for applications, the Office of Facility Planning and Control shall forward copies of the applications, together with any available description of the job to the board members.

B. The selection procedure shall be as follows.

1. The user agency shall present the scope of the project and make its recommendations, with supporting data, of an applicant or applicants for the project under consideration.

2. The board shall discuss the applications and user agency recommendations.

3.a. The board shall then take a weighted vote with points awarded as follows:

i. first choice—three points;

ii. second choice—two points;

iii. third choice—one point.

b. Each board member present shall, by written ballot, vote for his/her first, second, and third choice of applicants for each project.

c. A ballot without all three choices shall not be counted, however:

i. where fewer than six applicants have applied, board members may vote for only a first and second choice of applicants;

ii. where there are three or fewer applicants, board members may vote for only one applicant;

iii. in all cases, board members may abstain from voting entirely.

4. The secretary shall tabulate these ballots aloud and report to the board the results of the balloting.

5. If, as a result of the weighted vote, an applicant receives a majority of first place votes, the selection shall be awarded to that applicant and a second ballot will not be required.

6.a. If, as the result of the weighted vote, the first place choice does not receive a majority of first place votes, the two applicants receiving the most points as a result of the weighted vote shall be considered nominated, and will then be voted on by written ballot, with each board member having one vote. The results of this balloting shall be announced by the secretary. The applicant selected must receive a majority vote.

b. In case of a tie for nomination under §127.B.6.a, there shall be a runoff election to reduce the nominees to two in accordance with the procedures prescribed in §127.B.6.a.

7. In the event no applicant receives a majority vote for selection under §127.B.6.a, a discussion will be held, and new balloting for selection shall take place by written ballot with each board member having one vote.

8. In the event no applicant receives a majority vote for selection by a third ballot, the selected applicant shall then be decided by a coin toss conducted by the chairperson.

9. The selection of an applicant by the board shall be final unless formal charges of having submitted false information required by R.S. 38:2313 are made against the selected applicant by the Office of Facility Planning and Control, in writing, with proper accompanying documentation, to the board members and the selected applicant within seven days of the selection. When a formal charge is made, the board shall, within 10 calendar days, hold a hearing at which time the evidence of false information shall be presented and the selected applicant shall be given the opportunity to present rebuttal. If the board determines that the charges of false information are not sufficiently documented, the selection shall become final. If the board determines that the information was false, the application will be rejected and the project re-advertised. The applicant shall be allowed to reapply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2313.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:181 (April 1975), amended LR 4:495 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:263 (April

1989), LR 24:331 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1191 (September 2019).

§128. Interview Procedures for Special Projects

A. The interview procedures of the board are as follows:

1. The user agency notifies the Office of Facility Planning and Control, or the Office of Facility Planning and Control may determine on its own that the proposed project is of a special nature and should be considered under the interview procedure.

2. The user agency, the Office of Facility Planning and Control, and the chairperson of the board (vice-chairperson in the absence of a chairperson) shall decide if the nature of the project warrants utilizing the interview procedure. This may be done in a meeting or by teleconference.

3. The chairperson of the board authorizes the Office of Facility Planning and Control to advertise the special project under these procedures. The advertisement shall contain:

a. the deadline for applications;

b. the date of the meeting;

c. the proposed interview meeting date;

d. the information required under R.S. 38:2312(A).

4. The selection procedure (§127) will be followed from §127.A and B.1, 2, 3, 4, and 5. However, if an applicant is not selected unanimously on the first ballot, the following procedure will be implemented:

a. After the results of the weighted ballot are reported, the board secretary will list all applicants receiving one or more points. They will be listed in order, ranked by number of points from highest to lowest.

b. After the list is prepared, there will be a roll call vote on each applicant starting with the first applicant on the list. Voting for each applicant will take place in the order that he/she is listed. Each applicant on the list will receive a "yes" or "no" vote from each board member. Each applicant that receives a majority of "yes" votes will be invited to be interviewed.

c. Voting will end when there are a minimum of two, but not more than five applicants to be invited to be interviewed or when the end of the list is reached, whichever comes first.

d. In the event that the end of the list is reached before there are at least two applicants to be interviewed, the board may begin voting again by the method of their choice.

e. All applicants selected by the foregoing process will be invited to an interview meeting.

5. The interview meeting will be held in accordance with criteria that the board sets forth in a letter to the applicants that have been selected to be interviewed.

6. At the interview meeting, the board will begin in an open meeting and vote to go into executive session to conduct the interviews in accordance with the criteria set forth in §128.A.5 and pursuant to R.S. 42:16 and 42:17.

7. After all the interviews have been conducted, the board will return to a public meeting.

8. At this time, the selection procedure will resume according to procedures outlined in §127.B.5, 7, 8, and 9..

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2310 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 17:1206 (December 1991), amended LR 24:331 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1191 (September 2019).

§129. Emergency Procedures

A. The emergency procedures of the board are as follows:

1. The Office of Facility Planning and Control receives the notification of emergency from the user agency.

2. The Office of Facility Planning and Control may, after a review of the agency's notification of emergency, notify the chairperson of the board that an emergency does exist.

3. The chairperson of the board then:

a. authorizes the advertisement;

b. directs the secretary to set the date and time for the emergency meeting for selection. The meeting shall be scheduled to occur not later than 72 hours after the advertisement is printed, not including Saturdays, Sundays and holidays.

4. The emergency meeting will convene at the date and time designated pursuant to §129.A.3.b to receive applications.

5. Applications will be distributed to present board members as the first order of business.

6. The meeting will then adjourn and, after a review of the applications by board members, reconvene at a time designated by the chairperson at which time selections shall be made in accordance with §127.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2313.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 7:408 (August 1981), amended LR 10:455 (June 1984), LR 24:332 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1192 (September 2019).

§131. Communications with Applicant Firms

A. No member of the board shall communicate in any manner concerning a project application with any representative of an applicant firm or anyone communicating on behalf of an applicant firm. This restriction shall apply from the time advertisement of a project begins until the

opening of the board meeting at which the project application will be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 10:454 (June 1984), repromulgated LR 24:332 (February 1998).

§133. Information

A. Any person may obtain information concerning the board, its rules, regulations and procedures from the board's secretary at the Office of Facility Planning and Control, P.O. Box 94095, Baton Rouge, LA 70804. Requests for information shall be made in writing. There may be a nominal fee charged to defray the cost of information furnished. Said fee shall be set by the Office of Facility Planning and Control, with the approval of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2312.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 4:495 (December 1978), repromulgated LR 10:455 (June 1984), amended LR 15:263 (April 1989), repromulgated LR 24:332 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1192 (September 2019).

§139. Severability

A. If any provision or item of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of these rules that can be given effect without the invalidated provision, item, or application and, to this end, the invalidated provision, item, or application of these rules is hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 4:495 (December 1978), repromulgated LR 10:455 (June 1984), amended LR 24:332 (February 1998), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1192 (September 2019).

Chapter 3. Engineers Selection Board

Subchapter A. Organization

§301. Name

A. The name of this board is the "Louisiana Engineers Selection Board," hereinafter referred to as "board," and its domicile shall be in Baton Rouge, Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311(2).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:217 (May 1975), repromulgated LR 6:10 (January 1980).

§303. Authority

A. The Louisiana Engineers Selection Board shall be organized in accordance with the provisions of R.S. 38:2310 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:217 (May 1975), amended LR 6:10 (January 1980), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1192 (September 2019).

§305. Objective

A. The objective of this board is to provide a system for the selection of professional services rendered by engineers, licensed to practice in the state of Louisiana, that is impartial, equitable, and in the best public interest of the citizens of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:217 (May 1975), amended LR 6:10 (January 1980), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1192 (September 2019).

§307. Members

A. The board shall be composed of six members, appointed or elected, serving terms in accordance with the provisions of the authority set forth in §303.

B. Any member desiring to resign from the board shall submit his/her resignation, in writing by registered mail, to the American Council of Engineering Companies of Louisiana (formerly Consulting Engineers Council of Louisiana, Inc.) and the Louisiana Engineering Society, with a copy addressed to the chairperson of the board. The effective date of resignation shall be the date of registered mailing to the American Council of Engineering Companies of Louisiana (formerly Consulting Engineers Council of Louisiana, Inc.) and the Louisiana Engineering Society.

C. The filling of a board vacancy for the unexpired term due to resignation, death, or removal from office by just cause, shall be made in accordance with the provisions of the authority stated in §303.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:218 (May 1975), amended LR 6:11 (January 1980), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1193 (September 2019).

§309. Officers

A. The officers of this board shall be a chairperson and a vice-chairperson. These officers shall perform the duties prescribed in §303 and by these rules.

B. The chairperson shall:

1. be the presiding officer at meetings of the board;

2. have the authority to order a special meeting of the board;

3. be responsible for coordinating the activities of the board;

4. appoint all committees and serve as an ex-officio member thereof;

5. authenticate by his/her signature, when necessary, all acts, orders, and proceedings of the board;

6. be responsible for implementing all orders and resolutions of the board.

C. In the event of absence or incapacity of the chairperson, the vice-chairperson shall assume the duties of the chairperson as outlined above. In the absence of the secretary, the duties of the secretary shall be delegated to the vice-chairperson.

D. Nomination and election of chairperson and vice-chairperson of the board shall be held and conducted at the first regularly scheduled meeting after January 1 of each year.

E. The chairperson and vice-chairperson shall begin their terms in office immediately upon election. They shall serve a maximum of one year, unless re-elected for one additional term (see §309.G).

F. In the event that the term of office of the chairperson and vice-chairperson expires in accordance with §309.E, and a meeting is called at a time when there is no duly elected chairperson and vice-chairperson, upon convening, the first order of business of the board shall be the selection of a temporary chairperson who shall serve merely for the purpose of conducting the nomination and election of chairperson and vice-chairperson. Upon election, the temporary chairpersonship automatically dissolves, and the newly elected officers begin their terms in office. Nothing in this section shall prevent the temporary chairperson from either voting or being nominated for or elected to the office of chairperson or vice-chairperson.

G. No member shall hold more than one office at a time. A member may serve consecutive terms in accordance with R.S. 38:2311(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:218 (May 1975), amended LR 6:11 (January 1980), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1193 (September 2019).

§311. Secretary

A. The office of secretary shall be furnished to the board by the Office of Facility Planning and Control, subject to approval by the board.

B. The secretary shall:

1. be under the general supervision of the board;

2. give notice of all meetings of the board and its committees to the board and general public;

3. attend all meetings of the board and committees and record the minutes of all proceedings and make the minutes and records available upon request;

4. keep on file all committee reports;

5. receive and conduct the general correspondence of the board; that is, correspondence which is not a function proper to the officers, or to the committees;

6. cause the official advertisement to be advertised in accordance with R.S. 38:2312(A) and the rules of selection procedure as adopted by the board;

7. maintain and be the custodian of a file of all applications for projects, as well as all data submitted by applicants selected by the board to furnish engineering services for state projects as provided for in the rules of selection procedure;

8. perform such other duties as may be prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:218 (May 1975), amended LR 6:11 (January 1980), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1193 (September 2019).

§313. Meetings

A. A regular meeting of the board shall be held on the second Wednesday in the months of January, April, July, and October of each year unless such meeting is waived by the chairperson as unnecessary.

B. Special meetings may be called by the chairperson or shall be called upon the written request of a minimum of four members of the board. Special meetings may be held at any place provided that the time, the place, and the purpose of the meeting shall be stated in the call and made public in accordance with applicable laws. Except in cases of emergency, at least three days' notice shall be given for special meetings.

C. A minimum of four members of the board shall be present to constitute a quorum.

D. All meetings shall be held in public, except as provided in §339.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:218 (May 1975), amended LR 6:11 (January 1980), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1193 (September 2019).

§315. Committees

A. Committees, standing or special, shall be appointed by the chairperson of the board, as he/she shall deem necessary to carry on the work of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:219 (May 1975), amended LR 6:11 (January 1980), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1194 (September 2019).

§317. Parliamentary Authority

A. The rules contained in the current edition of *Robert's Rules of Order, Newly Revised* shall govern the board in all cases to which they are applicable and in which they are not inconsistent with these rules of organization and any special rules of order that the board may adopt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:219 (May 1975), repromulgated LR 6:11 (January 1980).

§319. Voting

A. Only the votes of members present at the meeting shall be counted in the board's official actions. Proxy votes on behalf of elected members are not allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 6:11 (January 1980), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1194 (September 2019).

§321. Amendments to Rules

A. These rules of organization may be amended at any regular or special called meeting of the board by an affirmative vote of a simple majority of the attending board, provided that the proposed amendment has been submitted, in writing, at the previous regular or special meeting, and is in full compliance with the Louisiana Administrative Procedure Act and other applicable laws. Upon receipt of a proposed written amendment, the chairperson, before the next regular or special meeting, shall cause to give at least 20 days' notice of the board's intended action as provided in the Louisiana Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:219 (May 1975), amended LR 6:11 (January 1980), LR 9:550 (August 1983), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1194 (September 2019).

Subchapter B. Selection Procedure

§331. Public Notification

A. Upon being advised by the Office of Facility Planning and Control, that an agency intends to contract for professional services, the chairperson shall request the official advertisement to be published by the Office of Facility Planning and Control. There shall be a minimum seven-business day application period, commencing with the day of the first publication of the official advertisement and ending on the day of the deadline for receiving applications. During this period, the official advertisement shall be published in the official state journal one time. A copy of the official advertisement shall be provided to the American Council of Engineering Companies of Louisiana (formerly Consulting Engineers Council of Louisiana, Inc.) and the Louisiana Engineering Society.

B. The official advertisement specified above shall include all information required under R.S. 38:2312(A) and the tentative date and time of the board meeting at which applications will be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2312.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:270 (June 1975), amended LR 6:12 (January 1980), LR 9:550 (August 1983), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1194 (September 2019).

§333. Communications with Applicant Firms

A. No member of the board shall communicate in any manner concerning a project application with any representative of an applicant firm or anyone communicating on behalf of an applicant firm. This restriction shall apply from the time advertisement of a project begins until the opening of the board meeting at which the project application will be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311(E).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 9:550 (August 1983).

§335. Application

A. Any applicant (proprietorship, partnership, corporation, or joint venture of any of these) meeting the requirements of R.S. 38:2310 et seq., may submit an application for selection consideration for a particular project upon which official advertisement has been published. The applicant shall submit data concerning its experience, previous projects undertaken, present state projects now being performed, scope and amount of work on hand, and any other information that the board deems appropriate.

B.1. The Louisiana Engineers Selection Board hereby adopts the use of the LSB-1 Form as the format for submitting an application to the board.

2. The board will accept only those applications submitted on the current edition of the LSB-1 Form. Any special information requested in the advertisement shall be submitted with the required LSB-1 Form. Any submittal not following this format will be deemed non-responsive and not considered.

3. In the LSB-1 Form, the term *prime professional* is as defined in R.S. 38:2310(9).

4. The board has the right to require proof of compliance with the above definition.

C. Consultants, if applicable, shall be listed on the submitted application form and shall possess the necessary qualifications and expertise to satisfactorily provide the services required for this project.

D. All applications shall be received on behalf of the board at the Office of Facility Planning and Control during the time prescribed in the advertisement. The secretary shall date, when received, all applications. The burden for timely and complete submittal lies solely with the applicant.

E. The submission of an application on a particular project shall be considered by the board to mean that based on all publicly available information:

1. the applicant is aware of the scope of work of the project;

2. the applicant has the necessary qualifications and expertise to satisfactorily provide the services required for the project;

3. the applicant can perform the work within the time frame stated;

4. the applicant concurs that the project budget is reasonable;

5. the fee is equitable;

6. the engineering contract shall contain a prohibition against contingent fees;

7. the applicant is familiar with the terms and conditions set forth in the current *Louisiana Capital Improvement Projects Procedure Manual for Design and Construction*, and will comply therewith;

8. should an applicant determine that any of the above items are incomplete, inadequate, or insufficient, the applicant is invited to submit a letter stating in detail the applicant's findings, and the board will consider this information in the selection process. No unsolicited additional information shall be considered. The board reserves the right to reject all applications for selection consideration and to re-advertise any official advertisement.

F. The board may, at its option and with the concurrence of the Office of Facility Planning and Control and the user agency, conduct design competitions in accordance with nationally accepted professional standards. Final selection of the applicant from among the competition submissions will be made within 30 days of deadline date of receipt of the entries. No closed competitions will be allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2312.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:270 (June 1975), amended LR 6:12 (January 1980), LR 9:550 (August 1983), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1194 (September 2019).

§337. Selection Procedure [Formerly 341]

A. After the deadline for applications, the Office of Facility Planning and Control shall forward copies of the applications, together with any available description of the job, to the board members.

B. The selection procedure shall be as follows.

1. The user agency shall present the scope of the project and make its recommendations, with supporting data, of an applicant or applicants for the project under consideration.

2. The board shall discuss the applications and user agency recommendations.

3. a. The board shall then take a weighted vote with points awarded as follows:

i. first choice—three points;

ii. second choice—two points;

iii. third choice—one point.

b. Each board member present shall, by written ballot vote for his/her first, second, and third choice of applicants for each project.

c. A ballot without all three choices shall not be considered, however:

i. where fewer than six applicants have applied, board members may vote for only a first and second choice of applicants;

ii. where there are three or fewer applicants, board members may vote for only one applicant;

iii. in all cases, board members may abstain from voting entirely.

4. The secretary shall tabulate these ballots aloud and report to the board the results of the balloting.

5. If, as a result of the weighted vote, an applicant receives a majority of first place votes, the selection shall be awarded to that applicant and a second ballot will not be required.

6.a. If, as a result of the weighted vote, the first place choice does not receive a majority of first place votes, the two applicants receiving the most points as a result of the weighted vote shall be considered nominated, and will then be voted on by written ballot with each board member having one vote. The results of this balloting shall be announced by the secretary. The applicant selected must receive a majority vote.

b. In case of a tie for nomination under §337.B.6.a, there shall be a runoff election to reduce the nominees to two in accordance with procedures prescribed in §337.B.6.a.

7. In the event no applicant receives a majority vote for selection under §337.B.6.a, a discussion will be held, and new balloting for selection shall take place by written ballot with each board member having one vote.

8. In the event no applicant receives a majority vote for selection by a third ballot, the selected applicant shall then be decided by a coin toss conducted by the chairperson.

9. The selection of an applicant by the board shall be final unless formal charges of having submitted false information required by R.S. 38:2313 are made against the selected applicant by the Office of Facility Planning and Control, in writing, with proper accompanying documentation, to the board members and the selected applicant within seven days of the selection. When a formal charge is made, the board shall, within 10 calendar days, hold a hearing at which time the evidence of false information shall be presented and the selected applicant shall be given the opportunity to present rebuttal. If the

board determines that the charges of false information are not sufficiently documented, the selection shall become final. If the board determines that the information was false, the application will be rejected and the project re-advertised. The applicant shall be allowed to reapply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2313.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:271 (June 1975), amended LR 6:12 (January 1980), amended LR 9:551 (August 1983), LR 11:1077 (November 1985), LR 17:661 (July 1991), LR 22:345 (May 1996), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1195 (September 2019).

§339. Interview Procedures for Special Projects

A. The interview procedures of the board are as follows:

1. The user agency notifies the Office of Facility Planning and Control, or the Office of Facility Planning and Control may determine on its own that the proposed project is of a special nature and should be considered under the interview procedure.

2. The user agency, the Office of Facility Planning and Control, and the chairperson of the board (vice-chairperson in the absence of a chairperson) shall decide if the nature of the project warrants utilizing the interview procedure. This may be done in a meeting or by teleconference.

3. The chairperson of the board authorizes the Office of Facility Planning and Control to advertise the special project under these procedures. The advertisement shall contain:

a. the deadline for applications;

b. the date of the meeting;

c. the proposed interview meeting date;

d. the information required under R.S. 38:2312(A).

4. The selection procedure (§337) will be followed from §337.A, and B.1, 2, 3, 4, and 5. However, if an applicant is not selected unanimously on the first ballot, the following procedure will be implemented:

a. After the results of the weighted ballot are reported, the board secretary will list all applicants receiving one or more points. They will be listed in order, ranked by number of points from highest to lowest.

b. After the list is prepared, there will be a roll call vote on each applicant starting with the first applicant on the list. Voting for each applicant will take place in the order that he/she is listed. Each applicant on the list will receive a “yes” or “no” vote from each board member. Each applicant that receives a majority of “yes” votes will be invited to be interviewed.

c. Voting will end when there are a minimum of two, but not more than five applicants to be invited to be interviewed, or when the end of the list is reached, whichever comes first.

d. In the event that the end of the list is reached before there are at least two applicants to be interviewed, the board may begin voting again by the method of their choice.

e. All applicants selected by the foregoing process will be invited to an interview meeting.

5. The interview meeting will be held in accordance with criteria that the board sets forth in a letter to the applicants that have been selected to be interviewed.

6. At the interview meeting, the board will begin in an open meeting and vote to go into executive session to conduct the interviews in accordance with the criteria set forth in §339.A.5, and pursuant to R.S. 42:16 and 42:17.

7. After the interviews have been conducted, the board will return to a public meeting.

8. At this time, the selection procedure will resume according to procedures outlined in §337.B.5, 7, 8, and 9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1195 (September 2019).

§341. Emergency Procedures

A. The emergency procedures of the board are as follows:

1. The Office of Facility Planning and Control receives the notification of emergency from the user agency.

2. The Office of Facility Planning and Control may, after a review of the user agency’s notification of emergency, notify the chairperson of the board that an emergency does exist.

3. The chairperson of the board then:

a. authorizes the advertisement;

b. directs the secretary to set the date and time for the emergency meeting for selection. The meeting shall be scheduled to occur not later than 72 hours after the advertisement is printed, not including Saturdays, Sundays, and holidays.

4. The emergency meeting will convene at the date and time designated pursuant to §339.A.3.b, to receive applications.

5. Applications will be distributed to present board members as the first order of business.

6. The meeting will then adjourn and, after a review of the applications by board members, reconvene at a time designated by the chairperson at which time selections shall be made in accordance with §327.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1196 (September 2019).

§343. Information [Formerly §329]

A. Any person may obtain information concerning the board, its rules, regulations, and procedures from the board's secretary at the Office of Facility Planning and Control, P.O. Box 94095, Baton Rouge, LA 70804. Requests for information shall be made in writing. There may be a nominal fee charged to defray the cost of information furnished. Said fee shall be set by the Office of Facility Planning and Control, with the approval of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2312.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:270 (June 1975), amended LR 6:12 (January 1980), LR 9:550 (August 1983), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1196 (September 2019).

§345. Severability [Formerly §343]

A. If any provision or item of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of these rules that can be given effect without the invalidated provision, item, or application, and to this end, the invalidated provision, item, or application of these rules is hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Engineers Selection Board, LR 1:271 (June 1975), amended LR 6:13 (January 1980), repromulgated LR 9:551 (August 1983), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1196 (September 2019).

Chapter 5. Landscape Architects Selection Board

Subchapter A. Organization

§501. Name

A. The name of the board is the "Louisiana Landscape Architects Selection Board," hereinafter referred to as "board," and its domicile shall be in Baton Rouge, LA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:311 (July 1975), repromulgated LR 5:78 (April 1979).

§503. Authority

A. The Louisiana Landscape Architects Selection Board shall be organized in accordance with the provisions of R.S. 38:2310, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:311 (July 1975), amended LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1196 (September 2019).

§505. Objective

A. The objective of this board is to provide a system for the selection of professional services rendered by landscape architects, licensed to practice in the state of Louisiana, that is impartial, equitable, and in the best public interest of the citizens of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:311 (July 1975), amended LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1197 (September 2019).

§507. Members

A. The board shall be composed of six members, appointed or elected, serving terms in accordance with the provisions of the authority stated in §503.

B. Any member desiring to resign from the board shall submit his/her resignation, in writing by registered mail, to The Louisiana Chapter of the American Society of Landscape Architects, Inc., with a copy addressed to the chairperson of the board. The effective date of resignation shall be the date of registered mailing to The Louisiana Chapter of the American Society of Landscape Architects, Inc.

C. The filling of a board vacancy for the unexpired term due to resignation, death, or removal from office by just cause, shall be made in accordance with the provisions of the authority stated in §503.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:312 (July 1975), amended LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1197 (September 2019).

§509. Officers

A. The officers of this board shall be a chairperson and a vice-chairperson. These officers shall perform the duties prescribed in §503 and by these rules.

B. The chairperson shall:

1. be the presiding officer at meetings of the board;

2. have the authority to order a special meeting of the board;

3. be responsible for coordinating the activities of the board;

4. appoint all committees and serve as an ex officio member thereof;

5. authenticate by his/her signature, when necessary, all acts, orders and proceedings of the board;

6. be responsible for implementing all orders and resolutions of the board.

C. In the event of absence or incapacity of the chairperson, the vice-chairperson shall assume the duties of the chairperson as outlined above. In the absence of the secretary, the duties of the secretary shall be delegated to the vice-chairperson.

D. Nomination and election of chairperson and vice-chairperson of the board shall be held and conducted at the first regularly scheduled meeting after January 1 of each year.

E. The chairperson and vice-chairperson shall begin their terms in office immediately upon election. They shall serve a maximum of one year unless re-elected for one additional term (see §509.G).

F. In the event that the term of office of the chairperson and vice-chairperson expires in accordance with §509.E, and a meeting is called at a time when there is no duly elected chairperson and vice-chairperson, upon convening, the first order of business of the board shall be the selection of a temporary chairperson who shall serve merely for the purpose of conducting the nomination and election of chairperson and vice-chairperson. Upon election, the temporary chairpersonship automatically dissolves and the newly elected officers begin their terms in office. Nothing in this section shall prevent the temporary chairperson from either voting or being nominated for or elected to the office of chairperson or vice-chairperson.

G. No member shall hold more than one office at a time. A member may serve consecutive terms in accordance with R.S. 38:2311(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:312 (July 1975), amended LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1197 (September 2019).

§510. Secretary

A. The office of secretary shall be furnished to the board by the Office of Facility Planning and Control, subject to approval by the board.

B. The secretary shall:

1. be under the general supervision of the board;

2. give notice of all meetings of the board and its committees to the board and general public;

3. attend all meetings of the board and committees and record the minutes of all proceedings and make the minutes and records available upon request;

4. keep on file all committee reports;

5. receive and conduct the general correspondence of the board; that is, correspondence which is not a function proper to the officers, or to committees;

6. cause the official advertisement to be advertised in accordance with R.S. 38:2312(A) and the rules of selection procedure as adopted by the board;

7. maintain and be the custodian of a file of all applications for projects, as well as all data submitted by applicants selected by the board to furnish landscape architectural services for state projects as provided for in the rules of selection procedure;

8. perform such other duties as may be prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1197 (September 2019).

§511. Meetings

A. A regular meeting of the board shall be held on the last Wednesday of January and July of each year unless such meeting is waived by the chairperson as unnecessary.

B. Special meetings may be called by the chairperson or shall be called upon the written request of a minimum of four members of the board. Special meetings may be held at any place provided that the time, the place, and the purpose of the meeting shall be stated in the call and made public in accordance with applicable laws. Except in cases of emergency, at least three days' notice shall be given for special meetings.

C. A minimum of four members of the board shall be present to constitute a quorum.

D. All meetings shall be held in public, except as provided in §528.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:313 (July 1975), amended LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1197 (September 2019).

§513. Committees

A. Committees, standing or special, shall be appointed by the chairperson of the board as he/she shall deem necessary to carry on the work of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:313 (July 1975), amended LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1198 (September 2019).

§515. Parliamentary Authority

A. The rules contained in the current edition of *Robert's Rules of Order, Newly Revised*, shall govern the board in all cases to which they are applicable and in which they are not inconsistent with these rules of organization and any special rules of order that the board may adopt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:313 (July

1975), amended LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1198 (September 2019).

§517. Voting

A. Only the votes of members present at the meeting shall be counted in the board's official actions. Proxy votes on behalf of elected members are not allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1198 (September 2019).

§519. Amendment to Rules

A. These rules of organization may be amended at any regular or special called meeting of the board by an affirmative vote of a simple majority of the attending board provided the proposed amendment has been submitted, in writing, at the previous regular or special meeting, and is in full compliance with the Louisiana Administrative Procedure Act and other applicable laws. Upon receipt of a proposed written amendment, the chairperson, before the next regular or special meeting, shall cause to give at least 20 days' notice of the board's intended action as provided in the Louisiana Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:313 (July 1975), amended LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1198 (September 2019).

Subchapter B. Selection Procedure

§521. Public Notification

A. Upon being advised by the Office of Facility Planning and Control that an agency intends to contract for professional services, the chairperson shall request the official advertisement to be published by the Office of Facility Planning and Control. There shall be a minimum seven business day application period, commencing with the day of the first publication of the official advertisement and ending on the day of the deadline for receiving applications. During this period, the official advertisement shall be published in the official state journal one time. A copy of the official advertisement shall be provided to The Louisiana Chapter of the American Society of Landscape Architects, Inc.

B. The official advertisement specified above shall include all information required under R.S. 38:2312(A) and the tentative date and time of the board meeting at which applications will be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1198 (September 2019).

§523. Communication with Applicant Firms

A. No member of the board shall communicate in any manner concerning a project application with any representative of an applicant firm or anyone communicating on behalf of an applicant firm. This restriction shall apply from the time advertisement of a project begins until the opening of the board meeting at which the project application will be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1198 (September 2019).

§525. Application

A. Any applicant (proprietorship, partnership, corporation, or joint venture of any of these) meeting the requirements of R.S. 38:2310 et seq., may submit an application for selection consideration for a particular project upon which official advertisement has been published. The applicant shall submit data concerning its experience, previous projects undertaken, present state projects now being performed, scope and amount of work on hand, and any other information that the board deems appropriate.

B.1. The Louisiana Landscape Architects Selection Board hereby adopts the use of the LSB-1 Form as the format for submitting an application to the board.

2. The board will accept only those applications submitted on the current edition of the LSB-1 Form. Any special information requested in the advertisement shall be submitted with the required LSB-1 Form. Any submittal not following this format will be deemed non-responsive and not considered.

3. In the LSB-1 Form, the term *prime professional* is as defined in R.S. 38:2310(9).

4. The board has the right to require proof of compliance with the above definition.

C. Consultants, if applicable, shall be listed on the submitted application form and shall possess the necessary qualifications and expertise to satisfactorily provide the services required for this project.

D. All applications shall be received on behalf of the board at the Office of Facility Planning and Control Department during the time prescribed in the advertisement. The secretary shall date, when received, all applications. The burden for timely and complete submittal lies solely with the applicant.

E. The submission of an application on a particular project shall be considered by the board to mean that based on all publicly available information:

1. the applicant is aware of the scope of work of the project;

2. the applicant has the necessary qualifications and expertise to satisfactorily provide the services required for this project;

3. the applicant can perform the work within the time frame stated;

4. the applicant concurs that the project budget is reasonable;

5. the fee is equitable;

6. the landscape architect contract shall contain a prohibition against contingent fees;

7. the applicant is familiar with the terms and conditions set forth in the current *Louisiana Capital Improvement Projects Procedure Manual for Design and Construction*, and will comply therewith;

8. should an applicant determine that any of the above items are incomplete, inadequate, or insufficient, the applicant is invited to submit a letter stating in detail the applicant's findings, and the board will consider this information in the selection process. No unsolicited additional information shall be considered. The board reserves the right to reject all applications for selection consideration and to re-advertise any official advertisement.

F. The board may, at its option and with the concurrence of the Office of Facility Planning and Control and the user agency, conduct design competitions in accordance with nationally accepted professional standards. Final selection of the applicant from among the competition submissions will be made within 30 days of deadline date of receipt of the entries. No closed competitions will be allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:314 (July 1975), amended LR 5:78 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1198 (September 2019).

§527. Selection Procedure [Formerly §529]

A. After the deadline for applications, the Office of Facility Planning and Control shall forward copies of the applications, together with any available description of the job, to the board members.

B. The selection procedure shall be as follows:

1. The user agency shall present the scope of the project and make its recommendations, with supporting data, of an applicant or applicants for the project under consideration.

2. The board shall discuss the applications and user agency recommendation.

3.a. The board shall then take a weighted vote with points awarded as follows:

i. first choice—three points;

ii. second choice—two points;

iii. third choice—one point.

b. Each board member present shall, by written ballot, vote for his/her first, second, and third choice of applicants for each project.

c. A ballot without all three choices shall not be counted, however:

i. where fewer than six applicants have applied, board members may vote for only a first and second choice of applicants;

ii. where there are three or fewer applicants, board members may vote for only one applicant;

iii. in all cases, board members may abstain from voting entirely.

4. The secretary shall tabulate these ballots aloud and report to the board the results of the balloting.

5. If, as a result of the weighted vote, an applicant receives a majority of first place votes, the selection shall be awarded to that applicant and a second ballot will not be required.

6.a. If, as a result of the weighted vote, the first place choice does not receive a majority of first place votes, the two applicants receiving the most points as a result of the weighted vote shall be considered nominated, and will then be voted on by written ballot with each board member having one vote. The results of this balloting shall be announced by the secretary. The applicant selected must receive a majority vote.

b. In case of a tie for nomination under §527.B.6.a, there shall be a runoff election to reduce the nominees to two in accordance with procedures prescribed in §527.B.6.a.

7. In the event no applicant receives a majority vote for selection under §527.B.6.a, a discussion will be held, and new balloting for selection shall take place by written ballot with each board member having one vote.

8. In the event no applicant receives a majority vote for selection by a third ballot, the selected applicant shall then be decided by a coin toss conducted by the chairperson.

9. The selection of an applicant by the board shall be final unless formal charges of having submitted false information required under R.S. 38:2313 are made against the selected applicant by the Office of Facility Planning and Control, in writing, with proper accompanying documentation, to the board members and the selected applicant within seven days of the selection. When a formal charge is made, the board shall, within 10 calendar days, hold a hearing at which time the evidence of false information shall be presented and the selected applicant shall be given the opportunity to present rebuttal. If the board determines that the charges of false information are not sufficiently documented, the selection shall become final. If the board determines that the information was false, the application will be rejected and the project re-advertised. The applicant shall be allowed to reapply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of Governor, Landscape Architects Selection Board, LR 1:311 (July 1975), LR 1:314 (July 1975), amended LR 5:79 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1199 (September 2019).

§528. Interview Procedures for Special Projects

A. The interview procedures of the board are as follows:

1. The user agency notifies the Office of Facility Planning and Control, or the Office of Facility Planning and Control may determine on its own that the proposed project is of a special nature and should be considered under the interview procedure.

2. The user agency, the Office of Facility Planning and Control, and the chairperson of the board (vice-chairperson in the absence of the chairperson) shall decide if the nature of the project warrants utilizing the interview procedure. This may be done in a meeting or by teleconference.

3. The chairperson of the board authorizes the Office of Facility Planning and Control to advertise the special project under these procedures. The advertisement shall contain:

a. the deadline for applications;

b. the date of the meeting;

c. the proposed interview meeting date;

d. the information required under R.S. 38:2312(A).

4. The selection procedure (§527) will be followed from §527.A, and B.1, 2, 3, 4, and 5. However, if an applicant is not selected unanimously on the first ballot, the following procedure will be implemented:

a. After the results of the weighted ballot are reported, the board secretary will list all applicants receiving one or more points. They will be listed in order, ranked by number of points from highest to lowest.

b. After the list is prepared, there will be a roll call vote on each applicant starting with the first applicant on the list. Voting for each applicant will take place in the order that he/she is listed. Each applicant on the list will receive a "yes" or "no" vote from each board member. Each applicant that receives a majority of "yes" votes will be invited to an interview meeting.

c. Voting will end when there are a minimum of two, but not more than five applicants to be interviewed, or when the end of the list is reached, whichever comes first.

d. In the event that the end of the list is reached before there are at least two applicants to be interviewed, the board may begin voting again by the method of their choice.

e. All applicants selected by the foregoing process will be invited to an interview meeting.

5. The interview meeting will be held in accordance with criteria that the board sets forth in a letter to the applicants that have been selected to be interviewed.

6. At the interview meeting, the board will begin in an open meeting and vote to go into executive session to conduct the interviews in accordance with the criteria set forth in §528.A.5, and pursuant to R.S. 42:16 and 42:17.

7. After all interviews have been conducted, the board will return to a public meeting.

8. At this time, the selection procedure will resume according to procedure outlined in §527.B.5, 6.a, 8, and 9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1200 (September 2019).

§529. Emergency Procedures

A. The emergency procedures of the board are as follows:

1. The Office of Facility Planning and Control receives the notification of emergency from the user agency.

2. The Office of Facility Planning and Control may, after a review of the user agency's notification of emergency, notify the chairperson of the board that an emergency does exist.

3. The chairperson of the board then:

a. authorizes the advertisement;

b. directs the secretary to set the date and time for the emergency meeting for selection. The meeting shall be scheduled to occur not later than 72 hours after the advertisement is printed, not including Saturdays, Sundays, and holidays.

4. The emergency meeting will convene at the date and time designated pursuant to §529.A.3.b to receive applications.

5. Applications will be distributed to present board members as the first order of business.

6. The meeting will then adjourn and, after a review of the applications by the board members, reconvene at a time designated by the chairperson at which time selections shall be made in accordance with §527.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1200 (September 2019).

§533. Information

A. Any person may obtain information concerning the board, its rules, regulations, and procedures from the board's secretary at the Office of Facility Planning and Control, P.O. Box 94095, Baton Rouge, LA 70804. Requests for information shall be made in writing. There may be a nominal fee charged to defray the cost of information

furnished. Said fee shall be set by the Office of Facility Planning and Control, with the approval of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Facility Planning and Control, LR 45:1200 (September 2019).

§535. Severability

A. If any provision or item of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of these rules that can be given effect without the invalidated provision, item, or application, and to this end, the invalidated provision, item, or application of these rules is hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Landscape Architects Selection Board, LR 1:315 (July 1975), repromulgated LR 5:79 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1200 (September 2019).

Chapter 9. Veterans' Affairs

Subchapter A. Veterans' Affairs Commission

§901. Office of the Secretary

A. There shall be a secretary of veterans affairs who shall be appointed by the governor with consent of the senate. Any person appointed as secretary shall be a veteran. He shall serve at the pleasure of the governor at a salary fixed by the governor which salary shall not exceed the amount approved for such position by the legislature while in session. The secretary shall serve as the executive head and chief administrative officer of veterans affairs and shall have the responsibility for the policies of the department and for the administration, control, and operation of the functions, programs, and affairs of the department as provided by law. He shall perform his functions under the general control and supervision of the governor.

B. There may be a deputy secretary of veterans affairs who shall be appointed by the secretary with consent of the senate and who shall serve at the pleasure of the secretary at a salary fixed by the secretary, which salary shall not exceed the amount approved for such position by the legislature while in session. The duties and functions of the deputy secretary shall be determined and assigned by the secretary. If appointed, he shall serve as acting secretary in the absence of the secretary.

C. There shall be an undersecretary of veterans affairs who shall be appointed by the governor with consent of the senate and who shall serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session. The undersecretary shall direct and be responsible for the functions of the office of management and finance within veterans affairs. In such capacity, he shall be responsible for accounting and budget control, procurement and contract management, data processing, management and program analysis, personnel management, and grants management for the department and all of its offices, including all agencies transferred to veterans affairs.

D. The domicile of the Department of Veterans Affairs shall be Baton Rouge, where suitable offices will be provided under R.S. 29:252.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:781 and 783-786.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1015 (April 2012).

§902. Powers and Duties of the Secretary

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

1. Represent the public interest in the administration of this chapter and shall be responsible to the governor, legislature, and the public therefore.

2. Determine the policies of the department, except as otherwise provided by law.

3. Organize, plan, supervise, direct, administer, execute, and be responsible for the functions and programs vested in the department, in the manner and to the extent provided by law, including but not limited to:

a. veterans home operations;

b. veterans benefits assistance;

c. homeless veteran outreach;

d. state veterans cemetery operations;

e. Louisiana honor medal distribution;

f. educational support, including State Approving Agency operations and the LaVetCorps campus veteran center program;

g. the Gold Star Family Support Program;

h. Military Family Assistance Fund administration;

i. veteran owned business support, including but not limited to Veterans Initiative support;

j. veteran employment support;

k. incarcerated veteran support and readjustment support when appropriate;

l. other functions deemed necessary by the secretary and not prohibited by law.

4. Advise the governor on problems concerning the administration of the department and veterans issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:781 and 783-786.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1015 (April 2012), amended by the Office of

the Governor, Department of Veterans Affairs, LR 45:1588 (November 2019).

§903. Officers
(Formerly §901)

A. The Veterans Affairs Commission shall be composed of nine members who are honorably discharged veterans, citizens of the United States of America and of this state, and who are qualified voters.

B. The chairman and vice chairman of the commission shall be elected at the first meeting following the governor's appointment of the total commission or at the first meeting held following July 1 in even-numbered years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:253 and R.S. 36:781.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 7:486 (October 1981), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1016 (April 2012).

§905. Members

A. Each member may be paid $75 each day devoted to the work of the commission, but not more than $1,500 in any one fiscal year.

B. Commission members may also be entitled to reimbursement for necessary travel and other expenses, in accordance with current state travel regulations.

C. Monies under this Section may only be paid when available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:253 and R.S. 36:781.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:486 (October 1981), amended by the Office of the Governor, Veterans' Affairs Commission, LR 20:48 (January 1994), LR 25:2211 (November 1999), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1016 (April 2012).

§907. Meetings

A. The commission shall hold its regular meeting in the administrative office in Baton Rouge, unless, at the discretion of the chairman, it is necessary or convenient in the performance of its duties, to meet in some other city or location.

B. The commission may hold at least one regular meeting in each quarter, annual period, at the administrative office in Baton Rouge.

C. The commission can hold special meetings at times and places specified by call of the chairman, or a majority of the commission, upon written notice of time and place by the secretary.

D. A majority of commission members (five) constitutes a quorum for the transaction of business.

E. No action will be taken by the commission without the concurrence of at least five members physically present and voting.

F. No commission member shall vote by proxy, by representation, or by mail.

G. The secretary of veterans affairs shall keep adequate records and minutes of official actions and distribute copies to each member as soon as practical.

H. The commission shall meet semi-annually with the secretary and his staff for the purpose of reviewing the overall operation and upgrading of the department.

I. No meeting of the commission shall exceed a maximum of two days.

J. Two-day meetings or weekend meetings of the commission are not to be scheduled unless there is valid justification and/or unusual circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:253 and R.S. 36:781.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:486 (October 1981), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1016 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1588 (November 2019).

§911. Travel

A. Travel will only be authorized on days that per diem is paid, unless prior approval is granted by the secretary or his designated representative. Travel must be for official state business.

B. All travel vouchers for the commission members shall be authorized by the secretary in accordance with adopted rules relating to travel.

C. The secretary shall keep the chairman and all members of the commission appraised of the availability or no availability of travel monies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:254.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans Affairs, LR 7:486 (October 1981), amended LR 20:48 (January 1994), LR 24:936 (May 1998), LR 25:2211 (November 1999), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1016 (April 2012).

Subchapter B. State Educational Aid Program

§917. Eligibility

A. Application must be made through the Parish Veterans Service Office. In order to be eligible to receive educational benefit under R.S. 29:288 et seq., the following criteria must be met.

1. In the case of a member of the armed forces of the United States of America who has been killed in action or died in active service from other causes or who is missing in action or who is a prisoner of war, or in the case of a veteran who died as a result of a service-connected disability incurred during a wartime period as determined by the United States Department of Veteran Affairs, that service

member's or veteran's children or surviving spouse may apply for educational benefits under R.S. 29:288 et seq.

2. In the case of a living veteran who has been rated 90 percent or above service-connected disabled by evaluation according to the United States Department of Veterans Affairs rating schedule or a living veteran who has been determined to be unemployable as a result of a service-connected disability by evaluation of the United States Department of Veterans Affairs Rating Schedule, that veteran's children may apply for educational benefits under R.S. 29:288 et seq.

3. The qualified deceased veteran must have been a Louisiana resident for at least one year immediately preceding his entry into service.

4. The qualified living veteran must have been a resident of Louisiana for at least two years immediately preceding admission of the child into a training institution.

5. Any child applicant applying for these educational benefits must be not less than 16 nor more than 25 years of age, and marriage is not a bar to the program. Child applicants must meet the dependence requirements of the United States Department of Veterans Affairs pursuant to 38 CFR §3.57 and §3.204 through §3.211.

6. The spouse has no age limit but must use the benefit within 10 years of the date eligibility is established. Remarriage is a bar to this benefit. Dissolution of the remarriage does not re-establish eligibility. Program termination for a remarried surviving spouse will be the end of the semester in which the marriage takes place.

7. The eligible student must attend school on a full-time basis and maintain all academic and other enrollment standards established by the school.

8. The eligible student may attend any state college or university, including institutions under the jurisdiction of the Board of Supervisors of Community and Technical Colleges; all entrance requirements for such institution must be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288, R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:485 (October 1981), amended LR 13:743 (December 1987), LR 19:1565 (December 1993), LR 23:1685 (December 1997), LR 26:2211 (November 1999), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1017 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1588 (November 2019).

§919. Fee Exemption Certificate

A. A fee exemption certificate must be issued to each eligible applicant upon completion of his/her processed claim in the administrative office, Department of Veterans' Affairs, reflecting exemption from payment of all tuition and school-imposed fees for the forthcoming school semester or term.

B. The registration certificate must be signed by a school official indicating date of enrollment and returned by the student or his/her designee to the administrative office, Department of Veterans' Affairs, within 45 days after the beginning of the semester, in order to receive a possible payment of cash subsistence allowance for the semester pursuant to R.S. 29:289, provided that funds have been appropriated for that purpose.

C. If the student transfers from one school to another, the original fee exemption certificate may be taken to the new school, or the student may request from the administrative office the issuance of another fee exemption to be used at his/her next school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:485 (October 1981), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1588 (November 2019).

§921. Maximum of Four Years

A. Tuition exemptions under R.S. 29:288 et seq. and possible payments of cash subsistence allowances under R.S. 29:289 may be given for a maximum of four years of education, to be completed in not more than five years from the beginning date of the first semester for which educational benefits are approved by the Department of Veterans' Affairs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:485 (October 1981), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1589 (November 2019).

§923. Not Covered

A. Fees assessed by the student body on themselves, such as yearbook, weekly paper, are not exempt. Free registration does not cover books, supplies, room and board, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:486 (October 1981), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1589 (November 2019).

Subchapter C. Veterans' Home

§937. Admission Requirements

A. For admission to a Louisiana State Veterans Home, a veteran must be a resident of Louisiana. State residence is not mandatory if applicant is referred from an in-state United States Department of Veterans Affairs Medical Center, or by a Louisiana Department of Veterans Affairs veterans assistance counselor. The veteran must be recommended by the home administrator and approved for admission.

B. The veteran must have served on active military duty 90 days or more, or if less than 90 days, discharged due to a disability incurred in the line of duty and must be in receipt of a discharge under honorable conditions for his/her latest period of active military service.

C. The veteran must undergo a medical examination prior to admission and, as a result, it must be confirmed that he/she does not have a communicable disease, does not require medical or hospital care for which the home is not equipped to provide, and does not have violent traits which may prove dangerous to the physical well-being of the other residents or employees.

D. The veteran must consent to abide by all rules and regulations governing the home and to follow the course of treatment as prescribed by the home's medical staff.

E. The veteran, or party responsible for his/her financial matters, must agree to pay the full resident care and maintenance fee. The administrator, with authorization from the secretary, may waive or defer any charge that exceeds the veteran's income.

F. An applicant for admission to the veteran home must not have criminal charges pending against him/her.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 13:570 (October 1987), LR 18:269 (March 1992), LR 21:801 (August 1995), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1017 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1589 (November 2019).

§939. Care and Maintenance Fees

A. Care and maintenance fees will be based on total family income. This includes income from all sources (including but not limited to Social Security, United States Department of Veterans Affairs pension/compensation, private pension, account balances and interest from bank accounts or savings accounts, and/or interest bearing accounts/investments).

B. In no case will the fee charged to the resident be more than the actual cost of care, as determined by the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:384, R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:801 (August 1995), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1017 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1589 (November 2019).

§943. Nursing Care Resident Fee

A. Patients will be allowed to retain the first $90 per month for personal spending and appropriate deduction(s) for any legal dependent(s) as specified in §941.C, effective July 1, 2002. All remaining income must be applied to the care and maintenance fee until maximum care cost is reached.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:261, R.S. 29:384.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), LR 28:2509 (December 2002).

§945. Mandatory Election for Benefits

A. Residents must apply for all monetary benefits to which they may be entitled from both the state and federal government. Any increase, as a result thereof, must be applied to care and maintenance fees until maximum cost of care is reached.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:261, R.S. 29:384.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), LR 45:1589 (November 2019).

§947. Fee Payable in Advance after Admission

A. Care and maintenance fees are payable one month in advance. These fees are due before the tenth of each month. A portion of a month will be prorated according to the number of days stay. Residents will not be charged care and maintenance fees for periods of hospital confinement in excess of 10 days unless they desire that a bed be held until they return. For periods of leave from the home, care and maintenance fees are payable as arranged with the home administrator or his designee. Residents who are unable to pay charges in advance will be allowed to prorate the advance month fee over a 12-month period, until the month of entry fee is current.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:254, R.S. 29:384.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1017 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1589 (November 2019).

§949. Fees Adjusted

A. Care and maintenance fees will be adjusted when it has been established that there is a change in the veteran's total family income. The home reserves the right to obtain updated income information from the resident or his/her responsible party (signed authority at admission by patient, and/or responsible party, or any other source). The home also reserves the right to establish retroactive charges effective to the date a change of income occurs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:261, R.S. 29:384.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34

(January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), LR 45:1590 (November 2019).

§951. Additional Fees

A. In addition to the regular care and maintenance fees collected, if less than the maximum monthly amount, and the patient has an accumulation of funds, either through additional recurring income or through one or more deposits into bank or savings accounts, in excess of $500, if single, and $7,500, if married, the patient resident will be assessed an amount that would bring his care and maintenance fees up to the maximum allowable per month until their funds are reduced to the above stated balance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:261, R.S. 29:384.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), LR 45:1590 (November 2019).

§953. Home Administrator Authority When Incorrect Income Given

A. The home administrator, when provided incorrect total family income information, will avail himself of all state laws to recoup all monies that should be made available to the home for care and maintenance fees, retroactive to the time that these monies became available for the resident's use while he/she was residing at a Louisiana state veterans' home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:261, R.S. 29:384.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), LR 45:1590 (November 2019).

§955. Unusual Financial Circumstances

A. All residents at a veterans home who feel they have unusual financial circumstances/hardships can request relief and consideration of a waiver or deferment of care and maintenance fees. Residents may apply for this consideration through the home administrator. All requests must include documentation demonstrating the financial circumstance or hardship claimed. The home administrator will forward the request, with an appropriate recommendation, to the secretary for approval or disapproval.

B. All waivers or deferments that are in force will be re-evaluated annually on anniversary month. The home administrator will make a report of re-evaluation, with recommendations on each case, to the secretary for further consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1018 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1590 (November 2019).

Subchapter D. Military Family Assistance Program Fund

§961. Authority

A. Rules and regulations are hereby established by the Military Family Assistance Board by order of the Military Family Assistance Act, R. S. 46:121 et seq., Act 151 of the 2005 Louisiana Legislature and amended by Act 676 of the 2008 Louisiana Legislature, Act 256 and 877 of the 2010 Louisiana Legislature, Acts 156 and 281 of the 2012 Louisiana Legislature, Acts 185 and 402 of the 2016 Louisiana Legislature, Acts 3 and 60 of the 2017 Louisiana Legislature, and Act 206 of the 2018 Louisiana Legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1606 (June 2011), amended LR 45:1590 (November 2019).

§963. Construction of Regulations; Severability

A. Nothing contained in these rules shall be so construed as to conflict with any provision of the Act or any other applicable statute. If any provision of any rule or regulation is held invalid by any state or federal court in Louisiana, such provision shall be deemed severed from the rule and the court's finding shall not be construed to invalidate any of the other provisions of the rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1606 (June 2011).

§965. Definitions

A. The following terms as used in these regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Activated Military Personnel or *Activated Military Person*—a person domiciled in Louisiana for civilian purposes, names Louisiana as home of residence (HOR) for military purposes, and who is a member of a reserve component of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, including the Louisiana National Guard, and called to active federal service in excess of 30 days or who is a member of the Louisiana National Guard and called to active state service pursuant to Louisiana R.S. 29:7, or who is a veteran of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, as defined in R.S. 46:121.

Application—a written request for financial assistance from the Military Family Assistance Fund made on the form captioned Military Family Assistance Fund Application, together with documents related thereto.

Approval Authority—the third party administrator for all need-based claims of $1500 or less; the fund committee for all need-based claims of greater than $1500 up to $2500; and the board for all need-based claims of greater than $2500. The fund committee and the board are the approval authority for all claims for one-time lump sum payments and all claims appealed by an eligible applicant.

Board—the Louisiana Military Family Assistance Board.

Claimant—an eligible applicant.

Eligible Applicant—activated military personnel or a family member of activated military personnel as defined in R.S. 46:121.

Family Member of Activated Military Personnel—the primary next of kin or an immediate family member.

Final Appeal—an appeal to the Louisiana Military Family Assistance Board.

Fund Committee—the committee comprised of three board members appointed by the chairman of the board to assist in administering the Louisiana Military Family Assistance Fund which committee shall also serve as an appellate body for all claims of $1500 or less before a final appeal is made to the full board.

Honorably Discharged Active-Duty Military Personnel—a person domiciled in Louisiana who was on full-time active duty in the military service of the United States and received an honorable discharge.

Immediate Family Member—with respect to an activated military person:

a. spouse;

b. a natural child, adopted child, step child, or illegitimate child, if acknowledged by the person or parenthood has been established by a court of competent jurisdiction, except that if such child has not attained the age of 18 years, the term means a surviving parent or legal guardian of such child;

c. any other person claimed as a dependent on the federal income tax of the activated military person;

d. a biological or adoptive parent, unless legal custody of the person by the parent has been previously terminated by reason of a court decree or otherwise under law and not restored;

e. a brother or sister of the person, if such brother or sister has attained the age of 18 years; or

f. any other person, if such person was given sole legal custody of the person by a court decree or otherwise under law before the person attained the age of 18 years and such custody was not subsequently terminated before that time.

Outreach—activities directed at improving or strengthening veteran initiatives, activities or problems.

Third Party Administrator—the Louisiana Department of Veterans Affairs Benefits Division, or a designee of the Secretary of the Louisiana Department of Veterans Affairs.

Veteran—means any service member of the United States Armed Forces who has met any of the following conditions:

a. completed either 24 months of continuous active duty or the full period of not less than 90 days for which he or she was ordered to active duty, other than active duty for training, and received either an honorable discharge or a general discharge under honorable conditions.

b. completed at least 90 days of active duty and has been discharged under the specific authority of 10 U.S.C. §1171 or §1173, or has been determined to have a compensable service-connected disability.

c. has received a discharge with less than 90 days of service for a service-connected disability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1607 (June 2011), amended LR 45:1590 (November 2019).

§967. Eligibility

A. To be eligible for a grant from the Military Family Assistance Fund, an individual must be either an activated military person or the family member of an activated military person as defined in R.S. 46:121.

B. The activated military person must have served in excess of 30 consecutive days of active duty since September 11, 2001, before the activated military person or any family member may submit an application for assistance to the Military Family Assistance Fund.

C. Pursuant to R.S. 46:121, a veteran who applies for assistance from the Military Family Assistance Fund must be a current resident of Louisiana.

D. The Military Family Assistance Fund is a payer of last resort. All applicants shall seek assistance from other available sources prior to making application to the Military Family Assistance Fund. Other available sources include, but are not limited to, Army Emergency Relief, Air Force Aid Society, Navy-Marine Corps Relief Society, Coast Guard Mutual Assistance, Salvation Army, American Red Cross, and Veterans' Emergency Assistance.

E. The approval authority may, in its sole discretion, waive the requirement to seek assistance from other available sources when unusual or exigent circumstances make such application impractical or unlikely to produce results in a timely manner or when the applicant shows that the circumstances are such that other potential sources of funds are inapplicable to the particular circumstances.

F. Requests for assistance from the Military Family Assistance Fund shall not be bifurcated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1607 (June 2011), amended LR 45:1591 (November 2019).

§969. Application Process

A. Eligible Applicant Responsibilities

1. All requests for assistance shall be made through a completed Military Family Assistance Fund Application.

2. An application is not complete unless it is signed by the applicant and contains all information requested by the form.

3. All applicants shall provide all additional information requested by the Military Family Assistance Board, the fund committee, or the third party administrator. Failure to provide additional requested information may result in the denial of the application.

4. Applications for assistance from the Military Family Assistance Fund shall include copies of applications for other types of assistance filed by the applicant.

5. Applications, together with all supporting documents, may be faxed to the MFA Fund third party administrator, may be submitted electronically or online through the Military Family Assistance Fund application submission process provided on the Department of Veterans Affairs website, or may be mailed to: Department of Veterans Affairs, Attn: MFA Third Party Administrator, P.O. Box 94095, Baton Rouge, LA 70804-9095.

6. An application for assistance from the Military Family Assistance Fund shall be considered made as of the date that it is received by the third party administrator.

7. If an individual acts on behalf of an eligible applicant in preparing and submitting the application, a copy of a fully executed power of attorney authorizing the individual preparing and submitting the application to act on the eligible applicant's behalf must be submitted as an attachment to the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1607 (June 2011), amended LR 45:1591 (November 2019).

§971. Types of Grants; Restrictions on Awards

A. Three types of grants may be made by the Military Family Assistance Fund:

1. grants for need-based assistance;

2. grants for one-time lump sum awards; and

3. grants for transportation and other related costs as authorized by the board.

B. No request shall be approved by the board, the fund committee, or the third party administrator that does not meet the requirements of the law or the rules.

C. The request of an eligible applicant may be denied if the activated military personnel is not in good standing with the appropriate military unit at the time the application is submitted or the time payment is made.

D. The board may disapprove a request for assistance if the board determines that the grant of an award under the facts and circumstances of a particular case is not be in the best interests of the board or the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1608 (June 2011).

§973. Award Amounts

A. The maximum dollar amount that may be awarded on behalf of an activated military person for a need-based claim per 12 month period is $10,000.

B. One uniform maximum dollar amount that may be awarded on behalf of an activated military person for a one-time lump sum award shall be $700. With respect to one-time lump sum awards, the following shall apply.

1. An eligible applicant may be awarded an additional one-time lump sum award for cost directly related to a service related death or an injury with a greater than 50 percent residual disability.

2. One-time lump sum awards are in addition to, and not in lieu of, need-based awards.

3. A one-time lump sum award may be made only when extenuating circumstances are present. Extenuating circumstances include, but are not limited to:

a. the circumstance in which the injured military person is recuperating in a location away from home that necessitates travel by family members to visit with the injured military person. Costs associated with transportation, lodging, meals, and other related matters not covered by any other source to enable family members to visit an activated military person with a service related injury with a greater than 50 percent residual disability, whether the extent of the disability has been determined at the time application is made or is reasonably anticipated to result in a greater than 50 percent residual disability at the time application is made, may be requested;

b. the circumstance in which the funeral of an activated military person necessitates travel by family members to attend the funeral. Costs associated with transportation, lodging, meals, and other related matters not covered by any other source to enable family members to attend the funeral of an activated military person may be requested;

c. the circumstance in which the absence of family members to visit the injured activated military person or attend the funeral of the activated military person creates financial needs for the care of a home, pets, children, or others when the financial need is not covered by any other source;

d. such other extenuating circumstances as may be determined on a case-by-case basis by the fund committee.

4. Family members of activated military personnel who are listed as missing in action or prisoner of war by the U.S. Department of Defense shall be eligible for the lump sum award. The activated military person must be listed as missing in action or a prisoner of war on or after September 11, 2001.

C. With respect to grants for transportation and other related costs of activated military personnel, the following shall apply.

1. One transportation request shall be approved per person per period of mobilization, and pay no greater than $500 per applicant.

2. The utilization of the lowest cost fare and group rates with other applicants, where practicable, shall be encouraged.

3. The awarded amount shall be subtracted from the maximum dollar amount of $10,000 per applicant per 12-month period.

4. Consideration for assistance will be limited to activated military personnel whose deployment is for overseas only.

5. Requests for assistance must have the approval from the adjutant general and/or commanding officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1608 (June 2011), amended LR 45:1591 (November 2019).

§975. Minimum Funding Levels; Reserve Level; Calculation of Funds Available for Payment of One-Time Lump Sum Awards

A. The Military Family Assistance Fund shall have a minimum of $150,000 on deposit for the Military Family Assistance Program to become operational.

B. At all times the fund shall have a reserve of a minimum of $15,000.

C. For fiscal year 2006/2007, the maximum percentage of the Military Family Assistance Fund that may be directed to one-time lump sum awards shall not exceed five percent. The percentage shall be based on the amount of funds on deposit in the Military Family Assistance Fund as of the date of the approval of these rules.

D. For fiscal year 2007/2008 and each succeeding fiscal year, the maximum percentage of the Military Family Assistance Fund that may be directed to one-time lump sum awards shall not exceed 20 percent. This percentage shall be based on the amount of funds on deposit in the Military Family Assistance Fund as of the first day of the fiscal year.

E. Award amounts directed to transportation and other related costs of activated military personnel shall not exceed 30 percent of the funds on deposit in the Military Family Assistance Fund on the first day of the fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1609 (June 2011).

§977. Third Party Administrator

A. The third party administrator shall receive all need-based applications, all applications for one-time lump sum assistance, and all applications for transportation and other related costs assistance.

B. The third party administrator is authorized to review, process, approve and remit payment on all need-based applications of $1500 and less. In no event shall the third party administrator remit payment on any request that exceeds $1500 without the prior express written approval of the board or the fund committee.

C. The third party administrator is authorized to disapprove need-based applications for $1500 or less if the eligible applicant fails to show that all requirements set forth in the law and the rules are met. The eligible applicant has the right to appeal such disapproval to the fund committee.

D. With respect to need-based applications of $1500 and less, the third party administrator is authorized to approve the claim in part and disapprove the claim in part. The eligible applicant has the right to appeal the third party administrator's disapproval of any part of its need-based claim to the fund committee.

E. For all need-based applications received, regardless of the dollar amount of the request, the third party administrator shall make a determination on the following issues:

1. that all awards are on behalf of activated military personnel as defined in R.S. 46:121;

2. that all awards are made pursuant to a claim that is made by an eligible applicant;

3. that all awards are need-based. The third party administrator, fund committee or Military Family Assistance Board may consider a claim need-based if all of the following apply:

a. the funds are requested for necessary expenses incurred or to be incurred;

b. the necessary expenses created or will create an undue hardship on the activated military person or family member;

c. the undue hardship can be directly or indirectly related to the activation of the military person or honorable discharge of the active-duty military person;

d. the activated military person or family member does not have reasonable and timely access to any other funding source;

e. payment of the claim does not supplant other available public or private funds; and

f. the applicant or family member has made reasonable attempts to secure alternative funding through another program, recognizing that the approval authority in its discretion accorded under these rules may waive the requirement for that applicant to have sought this alternative funding.

F. For all one-time lump sum applications, the third party administrator shall make an initial determination of whether extenuating circumstances exist that support approval of the application.

G. After making the determinations set forth above, the third party administrator shall, for all need-based applications requesting assistance in an amount greater than $1500 and for all one-time lump sum applications, forward the application together with all supporting documents and the determination to the fund committee for further review and processing, approval or disapproval, and payment by the third party administrator in the event of approval.

H. If the third party administrator approves a request of $1500 or less, it shall determine when the claim shall be paid, the amount of payment, to whom the payment shall be made, and such other matters as it deems necessary and appropriate.

I. The third party administrator shall make a written determination on all applications for assistance as soon as possible.

1. In no event shall the time period between receipt of the completed application by the third party administrator and release of the written determination by the third party administrator exceed 30 calendar days.

2. The written determination shall be:

a. to approve the claim;

b. to disapprove the claim;

c. to request additional information or documentation regarding the claim; or

d. to schedule a meeting with the eligible applicant to discuss the claim.

J. If the third party administrator schedules a meeting, it shall make a determination within 15 days following the date that such meeting actually takes place. The determination shall be to either approve or disapprove the claim.

K. If the third party administrator fails to make a written determination within the time periods set forth in these rules, the claim shall be considered disapproved. The eligible applicant may then lodge an appeal within the time delays set forth by statute.

L. The third party administrator shall determine that sufficient funds are on deposit for the payment of all approved claims.

M. The third party administrator shall notify the fund committee and the board in writing any time approved applications will cause the Military Family Assistance Fund's unobligated balance to drop to within $15,000 of its minimum reserve level.

N. With respect to any application that creates a conflict of interest for the third party administrator, the third party administrator shall refer the application to the fund committee for consideration and action.

O. The third party administrator shall notify the board if it appears that an application is submitted in violation the law and these rules.

P. The third party administrator shall submit such reports to the Fund Committee and the board as are requested.

Q. The third party administrator may refer need-based requests for assistance to the fund committee for determination if the third party administrator suspects that the grant of an award under the facts and circumstances of a particular case may not be in the best interests of the Board or the state of Louisiana.

R. The third party administrator's expenses in the administration of the program shall be paid from the balance of the Military Family Assistance Fund, but shall not exceed 5 percent of the total amount deposited into the fund in the previous fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1609 (June 2011), amended LR 45:1592 (November 2019).

§979. Fund Committee

A. The Fund Committee shall receive determinations from the third party administrator and make decisions on all need-based applications of greater than $1500 up to $2500 and all applications for one-time lump sum assistance.

B. The fund committee shall sit as a board of appeals for the third party administrator's disapproval of all or any part of a need-based application for $1500 or less. If the fund committee disapproves the eligible applicant's request for assistance, the eligible applicant may appeal the fund committee's disapproval to the military family assistance board.

C. The board chairman shall designate the members of the fund committee and shall select alternates to act on their behalf.

D. The fund committee shall receive the third party administrator's monthly report on applications received and claims paid. The fund committee shall determine the payment of claims when the Military Family Assistance Fund falls to within $15,000 of its minimum funding level.

E. The fund committee shall instruct the third party administrator with respect to the receipt and processing of all

applications for assistance from the fund if the fund falls to within $15,000 of its minimum funding level.

F. The fund committee may refer need-based requests for assistance and requests for one-time lump sum awards to the board for determination if the Fund Committee suspects that the grant of an award under the facts and circumstances of a particular case may not be in the best interests of the board or the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1610 (June 2011).

§981. The Board and Chairman of the Board

A. If the board suspects that an application is submitted in violation of the provisions of the law and these rules, it shall refer such application to the appropriate district attorney's office.

B. The board shall provide an annual report to the Joint Legislative Committee on the Budget on the overall activities of the program and any recommendations for consideration.

C. The chairman of the board shall appoint three board members and alternates to serve on the fund committee.

D. The board shall sit as a final board of appeals for all applications disapproved by the fund committee. An eligible applicant shall have no right to appeal the final decision of the board to any other court, tribunal, or hearing body.

E. The board shall make determinations on requests for assistance brought before the board.

F. The board shall exercise oversight of the activities of the third party administrator and the fund committee.

G. The chairman of the board shall provide for state administration of the program, the cost of which shall be paid from the balance of the Military Family Assistance Fund, not to exceed 5 percent of the total amount deposited into the fund in the previous fiscal year.

H. The Secretary of the Louisiana Department of Veterans Affairs may direct up to 10 percent of the total amount deposited into the fund in the previous fiscal year to be spent toward veteran outreach activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1610 (June 2011).

§983. Appeals

A. An eligible applicant may appeal the third party administrator's disapproval of all or any part of the request for assistance to the fund committee within thirty days of the receipt of the written determination disapproving the claim.

B. The fund committee is authorized by these rules to decline to consider any appeal that is not timely filed.

C. An eligible applicant may appeal the fund committee's disapproval of claim to the board within 30 days of the receipt of the written determination disapproving the claim.

D. The board is authorized by these rules to decline to consider any appeal that is not timely filed.

E. The decision of the board on a request for assistance shall be final. The third party administrator, the fund committee, and the eligible applicant shall not have a right to appeal the final decision of the board to any court, tribunal, or hearing body of any kind.

F. The eligible applicant may request reconsideration of a disapproval of claim by the third party administrator, the fund committee, or the board. The request for reconsideration shall be made within 30 days of the date of the eligible applicant's receipt of the written determination disapproving the claim. The request for reconsideration shall be made to the approval authority that disapproved the request for assistance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1610 (June 2011).

§985. Withdrawal of Applications

A. An eligible applicant and anyone properly acting on behalf of an eligible applicant shall have the right to withdraw the application at any time prior to final disposition of the application by the third party administrator, the fund committee or the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1611 (June 2011).

§987. Waivers

A. Prior to the approval of a claim, applications and the identity of eligible applicants and their related military personnel shall be confidential unless expressly waived by the eligible applicant in writing. The filing of an appeal before the fund committee or the board shall be considered a waiver of the identity of eligible applicants and their related military personnel or veterans.

B. Once a claim is approved, the identity of the eligible applicant, related activated military personnel or veterans, and any person filing the application on behalf of the eligible applicant, and the amount approved shall be public record.

C. Applications, the identity of applicants and their related military personnel or veterans, and all records of the board, the fund committee and the third party administrator related thereto, shall be available prior to any approval of the application, to necessary parties including but not limited to, the legislative auditor, the legislative oversight committee for rules and annual reports, and such other parties as necessary for prudent administration of the Military Family

Assistance Program and verification of elements of the application.

D. The board, the fund committee, and the third party administrator are expressly authorized to make public data concerning the number of applications received, the amount of claims approved, the geographic areas of the state from which such applications are received and approved, the number of disapproved applications, and the amount of funds in the Military Family Assistance Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1611 (June 2011), amended LR 45:1592 (November 2019).

Subchapter E. Veterans' Cemeteries

§990. Fee Waivers

A. The secretary of the department may waive all or part of the fee charged under R.S. 29:295 for burying spouses and dependent children in Louisiana veterans' cemeteries if unusual financial circumstances or hardships exist. Family members who believe they have unusual financial circumstances or hardships may request relief and consideration of a waiver of the burial fee for the deceased spouse or dependent child. Family members may apply for this consideration through the cemetery director. The application must include appropriate documentation to support a finding that an unusual financial circumstance or hardship exists. If the cemetery director determines that the application and supporting documentation reflect that an unusual financial circumstance or hardship exists, then the director will forward the request with an appropriate recommendation to the secretary for approval or disapproval to waive the fee in whole or in part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 45:1592 (November 2019).

Chapter 11. Elderly Affairs

Subchapter A. State Agency on Aging

§1101. Office of Elderly Affairs

A. Authority, Organization and Purpose

1. Chapter 7 of title 46 of the *Louisiana Revised Statutes* of 1950 (R.S. 46:931 et seq.) provides for the establishment and administration of the Office of Elderly Affairs (GOEA) within the Office of the Governor.

2. GOEA serves as the focal point for the development and administration of public policy regarding Louisiana's elderly citizens. GOEA is the sole state agency designated by the governor and the legislature to develop and administer the state plan on aging. GOEA also administers the Long Term Care Ombudsman Program.

B. Powers and Responsibilities

1. GOEA has the following powers and duties under state law:

a. to administer the Older Americans Act and related programs;

b. to collect facts and statistics and make special studies of conditions pertaining to the employment, health, financial status, recreation, social adjustment or other conditions affecting the welfare of the aged;

c. to keep abreast of the latest developments in aging throughout the nation and to interpret such findings to the public;

d. to provide for a mutual exchange of ideas and information on the national, state, and local levels;

e. to conduct hearings and to subpoena witnesses;

f. to make recommendations to the governor and to the legislature for needed improvements and additional resources to promote the welfare of the aging in the state;

g. to adopt and promulgate rules and regulations deemed necessary to implement the provisions of the law in accordance with the Administrative Procedure Act;

h. to exercise the functions of the state relative to nutrition programs for the elderly and handicapped citizens of Louisiana;

i. to operate the Office of the State Long Term Care Ombudsman;

j. to administer all federal funds appropriated, allocated, or otherwise made available to the state for services to the elderly, whether by block grant or in any other form, with the exception of funds for programs administered by the Department of Children and Family Services or the Department of Health, on August 15, 1995, and to distribute those funds in accordance with and consistent with R.S. 46:936;

k. to approve recommendations from any parish voluntary council on aging prior to the creation of a new state-funded senior center in the state; and

l. to provide meeting space and staff support for the Executive Board on Aging [R.S. 46:933(G)].

C. Functions of the Governor's Office of Elderly Affairs

1. Administrative Functions—

a. to develop and follow written policies in carrying out its functions under state and federal laws and regulations;

b. to develop and enforce policies governing all aspects of programs operating under the Older Americans Act, whether operated directly or under contract;

c. to manage and control funds received from federal and state sources.

2. Advocacy Functions—

a. to review, monitor, evaluate and comment on all federal, state and local plans, budgets, regulations, programs, laws, levies, hearings, policies, and actions which affect or may affect older individuals and recommend any changes in these which GOEA considers to be appropriate;

b. to review and comment, upon request, on applications to state and federal agencies for assistance in meeting the needs of the elderly;

c. to consolidate and coordinate multiple state and federal resources to facilitate the development of comprehensive community-based services for the elderly; and

d. to develop financial resources for programs on aging beyond those allocated under the Older Americans Act.

3. Service Systems Development Functions—

a. to develop and administer the state plan on aging;

b. to be primarily responsible for the planning, policy development, administration, coordination, priority setting and evaluation of all state activities related to the objectives of the Older Americans Act;

c. to divide the state into distinct planning and service areas, in accordance with guidelines issued by the Administration on Aging;

d. to designate for each planning and service area after consideration of the views offered by the unit or units of general purpose local government in such area, a public or private nonprofit agency or organization as the area agency on aging (AAA) for such area;

e. in consultation with area agencies on aging, in accordance with guidelines issued by the Administration on Aging, and using the best available data, to develop and publish, for review and comment, a formula for distribution within the state of funds received under title III of the Older Americans Act that takes into account:

i. the geographical distribution of older individuals in the state; and

ii. the distribution among planning and service areas of older individuals with greatest economic need and/or greatest social need, with particular attention to low-income minority older individuals;

f. to develop elder rights protection systems focused on protecting the rights of vulnerable older individuals who reside in the community and in institutional settings. It includes the provision of long term care ombudsman services; legal assistance development.

D. Governor's Office of Elderly Affairs Administration

1. Policies

a. OEA shall develop and enforce written policies in carrying out its functions under state and federal laws and regulations. These policies shall be developed in consultation with other appropriate parties within the state. GOEA shall keep its policies current, and revise them as necessary in accordance with the Louisiana Administrative Procedure Act.

2. Program Monitoring

a. OEA shall monitor the performance of all programs and activities initiated under the Older Americans Act for quality and effectiveness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, R.S. 14:403.2, OAA Sections 203, 305, 307 and 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2199 (November 1999), LR 28:1016 (May 2002), LR 31:1330 (June 2005), LR 42:1508 (September 2016).

Subchapter C. Councils on Aging

§1151. Establishment of Parish Councils on Aging

A. Issuance of Charters. Charters for the establishment of parish voluntary councils on aging (hereafter referred to as "council on aging") are issued by the Secretary of State upon the approval of applications by the Governor's Office of Elderly Affairs (GOEA) pursuant to R.S. 46:1602. Immediately upon issuance of the charter by the Secretary of State, each council on aging is authorized to receive public funds from any governmental or political subdivision. Such funds shall be subject to audit by GOEA and the legislative auditor, or his duly appointed representative.

B. Governance

1. The functions of each council on aging shall comply with the objectives of state laws and shall be governed by the policies and regulations established by the Office of Elderly Affairs. Copies of such policies and regulations shall be furnished to each council on aging by OEA prior to their effective date.

2. Each council on aging shall be voluntary as to its membership and as to all plans, programs and activities, and each shall be non-profit making and politically non-partisan and non-factional and shall be non-sectarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:87.2(E), 46:932(8), 46:1601, 46:1602, and 46:1605.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1467 (August 1999), amended LR 42:1510 (September 2016).

§1203. Applicable Laws and Standards

A. Service providers shall comply with all OEA licensing standards, all applicable accrediting standards, any applicable federal standards and all applicable state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1231.9(e)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:1476 (August 1999), LR 42:1512 (September 2016).

§1229. Office of the Long Term Care Ombudsman

A. Purpose. The purpose of the Louisiana Office of the Long Term Care Ombudsman is to ensure that residents of long term care facilities receive the quality of life to which they are entitled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:2010.4 and OAA Section 307(a)(12).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:35 (January 1985), LR 11:1078 (November 1985), LR 13:742 (December 1987), LR 15:379 (May 1989), LR 17:600 (June 1991), repromulgated LR 17:661 (July 1991), amended LR 18:267 (March 1992), LR 24:1928 (October 1998), LR 28:1018 (May 2002), LR 42:1513 (September 2016).

§1231. Senior Community Service Employment Program

A. Purpose. The purpose of the Senior Community Service Employment Program is to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 501, 20 CFR Part 674 and 20 CFR Part 89.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 24:1766 (September 1998), LR 28:1018 (May 2002), LR 42:1513 (September 2016).

§1239. Protective Services for the Elderly

A. Overview of Elderly Protective Services

1. Purpose. The purpose of protective services is to protect adults who cannot physically or mentally protect themselves and who are harmed or threatened with harm through action or inaction by themselves or by the individuals responsible for their care or by other persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 19:327 (March 1993), amended LR 20:543 (May 1994), LR 24:1763 (September 1998), LR 42:1513 (September 2016).

§1245. Family Caregiver Support Program

A. Purpose. The purpose of the Family Caregiver Support Program is to provide multifaceted systems of support services for family caregivers and for grandparents or older individuals who are relative caregivers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, Sections 371, 372, 373, and 374 of the Older Americans Act of 1965, as Amended in 2000, (P. L. 106-501); and 42 U.S.C. 6001.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 27:1518 (September 2001), amended LR 31:1331 (June 2005), LR 42:1513 (September 2016).

Subchapter F. Hearing Procedures

§1265. General Hearing Provisions

A. Purpose. The Governor's Office of Elderly Affairs (GOEA) shall provide the opportunity for a hearing, on request, to area agencies on aging submitting plans under Title III of the Older Americans Act, to any provider of a service under such a plan, or to any applicant to provide a service under such a plan; and to any unit of general purpose local government, region within the state recognized for area wide planning, metropolitan area, or Indian reservation that applies for designation as a planning and service area when GOEA initiates certain types of action or proceedings. This Section specifies the timing and procedures for the hearings.

B. Definitions

Act—the Older Americans Act (42 United States Code Section 3001 et seq.).

Administration on Aging—an agency of the U.S. Department of Health and Human Services, Office of Human Development Services. It is the Federal focal point and advocate for older persons and their concerns.

Area Agency on Aging—the agency designated by the Governor's Office of Elderly Affairs in a planning and service area to develop and administer the area plan for a comprehensive and coordinated system of services for older persons.

Area Plan—the document submitted by an area agency to the Governor's Office of Elderly Affairs in order to receive contracts from the Governor's Office of Elderly Affairs.

Assistant Secretary for Aging—the head of the Administration on Aging.

Contract—an award of financial assistance by the Governor's Office of Elderly Affairs to an eligible recipient.

Director—the director of the Governor's Office of Elderly Affairs.

Governor's Office of Elderly Affairs—the single state agency designated to develop and administer the state plan and be the focal point on aging in the state of Louisiana.

Hearing Examiner—an impartial person designated to preside at the hearing and render a proposed final decision.

Interested Person—any person who has a justifiable and clearly identifiable interest in the decision being appealed.

Party—any petitioner or the area agency or the Governor's Office of Elderly Affairs which proposed or decided the action being appealed.

Person—an individual, partnership, corporation, association, governmental agency or subdivision, or public or private organization of any character.

Petitioner—any person who has a right to a hearing under these rules and has filed a written request for a hearing.

Planning and Service Area—a geographic area of the state that is designated by the state agency for the purpose of planning, development, delivery, and overall administration of services under an area plan.

Service Provider—an entity that is awarded a subcontract from an area agency to provide services under the area plan.

State Agency—the single state agency designated to develop and administer the state plan and to be the focal point on aging in the state.

C. General Procedures for Hearing

1. Decisions Unresolved on Effective Date of These Rules. These rules shall be applicable to all cases involving actions in which the petitioner has filed a request for hearing within 30 days of the receipt of the notice of such action, and a hearing has not yet been held or informal disposition or arrangements made as specified in §1265.C.4.

2. Computation of Time. In computing any record of time prescribed by these rules, or by any applicable statute, the period shall begin on the day after the event or act cited in the rule or statute and conclude on the last day of the computed period, unless the last day be a Saturday, Sunday, or a legal holiday, in which case the period concludes on the next day which is neither a Saturday, Sunday, nor a legal holiday.

3. Representation of Petitioner. Any party may be assisted by an attorney at law authorized to practice law before the Supreme Court of the State of Louisiana. Any party may appear personally or be represented by an employee or officer, or other person authorized by the party to represent the party.

4. Informal Disposition. Informal disposition or arrangements may be made of any matters under these rules by written agreement between petitioner and the area agency or the Governor's Office of Elderly Affairs proposing or deciding the action that resolves the issue(s) that led to the hearing.

D. Incorporation of Administrative Procedure Act. There is hereby incorporated as a part of these rules, to the extent same be applicable and pertinent, the provisions of R.S. 49:951 et seq., the Administrative Procedure Act, as amended.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 305(b)(1), Section 307(a)(5) and 45 CFR 1321.43(e).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:618 (June 1985), amended LR 11:1078 (November 1985), LR 25:2207 (November 1999).

§1267. Hearing Procedures for Area Agencies

A. Purpose. The purpose of this Section is to establish procedures that Governor's Office of Elderly Affairs (GOEA) will follow to provide due process to affected AAAs whenever GOEA initiates particular types of action or proceedings.

B. Right to a Hearing. GOEA shall provide affected AAAs reasonable notice and opportunity for a hearing whenever GOEA initiates an action or proceeding to:

1. revoke the designation of an AAA;

2. designate an additional planning and service area in the state;

3. divide the state into different planning and service areas; or

4. otherwise affect the boundaries of the planning and service areas in the state.

C. Notice of Proposed Action

1. The Governor's Office of Elderly Affairs shall issue a written notice to the area agency which shall include:

a. a statement of the proposed action;

b. a short and plain statement of the reasons for the proposed action and the evidence on which the proposed action is based; and

c. a reference to the particular Sections of statutes, regulations, and rules involved.

2. The notice shall be sent by registered or certified mail, return receipt requested.

D. Request for Hearing

1. The request for hearing must be received by the Governor's Office of Elderly Affairs within 30 days following petitioner's receipt of the notice of the proposed action.

2. A request for hearing must be in writing and must state with specificity the grounds upon which the proposed action is appealed and all grounds upon which petitioner refutes the basis of the proposed action. The request must include:

a. the dates of all relevant actions;

b. the names of individuals or organizations involved in the proposed action;

c. a specific statement of any Section of the Act or regulations believed to have been violated;

d. a certified copy of the minutes or resolution in which petitioner's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of the quorum of the governing body of the agency or organization; and

e. a request for a transcript of the hearing, if desired.

E. Notice of Hearing

1. Upon receipt of a request for hearing the director shall, within 10 days, set a date for the hearing.

2. The Governor's Office of Elderly Affairs shall issue a written notice to the petitioner and interested persons which shall include:

a. a statement of time, date, and location of the hearing;

b. a statement of the legal authority and jurisdiction under which the hearing is to be held;

c. a reference to the particular Sections of statutes, regulations, and rules involved; and

d. a short and plain statement of the reasons for the proposed action that is being appealed and the evidence on which the proposed action is based.

3. Petitioner and other parties shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

F. Hearing Examiner. The director or his designated representative shall be the hearing examiner and preside at the hearing subject to the provisions of R.S. 49:960. The hearing examiner shall have authority to administer oaths, rule on motions and the admissibility of evidence, to recess any hearing from time to time, and rule on such other procedural motions as may be presented by the Governor's Office of Elderly Affairs or petitioner.

G. Rules of Evidence

1. In hearings, under these rules, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objection to evidentiary offers may be made and shall be noted in the record.

2. Documentary evidence may be received by the hearing examiner in the form of a copy or excerpt if the original is not readily available. On request, either party shall be given an opportunity to compare the copy with the original.

3. If a hearing will be expedited and the interests of parties will not be prejudiced substantially, any part of the evidence may be received in written form or the parties may stipulate as to facts or circumstances or summarize same.

4. Either party may conduct cross-examination required for a full and true disclosure of the facts.

5. Official notice may be taken by the hearing examiner of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of the Governor's Office of Elderly Affairs specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data; and afforded an opportunity to contest the material so noticed. The special skills or knowledge of the Governor's Office of Elderly Affairs and its staff may be utilized in evaluating the evidence.

6. Formal exceptions to rulings of the hearing examiner during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the hearing examiner, the action desired. When testimony is excluded by the hearing examiner, the party offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review. The hearing examiner may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof.

H. Ex Parte Consultations. Communications between the hearing examiner and any party or interested person or their representatives shall be governed by R.S. 49:960.

I. Depositions and Subpoenas. The taking and use of depositions and the issuance of subpoenas shall be governed by R.S. 49:956(5)-(8).

J. Hearing

1. Petitioner shall open and present its evidence to establish its position on the matters involved. Interested persons shall follow and present their evidence; then the Governor's Office of Elderly Affairs shall present its evidence. Petitioner may thereafter present rebuttal evidence only, such evidence to be confined to issues raised in petitioner's opening presentation and Governor's Office of Elderly Affairs following presentation or that of others. Petitioner shall be given the opportunity to offer final argument, but no additional presentation of evidence.

2. The hearing shall be completed within 120 days of the date the request for hearing was received.

K. Transcript. The proceedings of the hearing shall be transcribed on request of any party or person. The cost of transcription will be borne by the person requesting the transcript, unless otherwise provided by law. The Governor's Office of Elderly Affairs may require a deposit in the form of a certified check or cashier's check in an amount reasonably determined by the Governor's Office of Elderly Affairs to be adequate to cover all costs of transcription. In the event that transcription is not requested, the Governor's Office of Elderly Affairs, at its option, may produce a summary record of the proceedings of the hearing; provided that if such a summary record is produced by Governor's Office of Elderly Affairs, it shall provide the area agency with notice of the fact that such summary record was prepared and with the opportunity to copy or inspect same.

L. Final Decision

1. All final decisions shall be in writing and shall be rendered and acted upon by the director within 60 days of the close of the hearing. The area agency shall comply with the final decision. A copy of the decision shall be sent

immediately to the parties by registered or certified mail, return receipt requested.

2. Procedures for rehearing and appeal shall be governed by R.S. 49:959 and 965.

M. Record. The record in a hearing under these rules includes:

1. all pleadings, motions, and intermediate rulings;

2. evidence received or considered, or a resume thereof if not transcribed, except matters so obvious that a statement of them would serve no useful purpose;

3. a statement of matters officially noted;

4. offers of proof, objections and rulings on them;

5. proposed findings and exceptions; and

6. any decision, opinion, or report by the hearing examiner presiding at the hearing.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(5).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:618 (June 1985), amended LR 11:1078 (November 1985), LR 25:2208 (November 1999).

§1269. Hearing Procedures for Applicants for Planning and Service Area Designation

A. Purpose. The Governor's Office of Elderly Affairs is required to provide an opportunity for a hearing to any qualified applicant for designation as a planning and service area (PSA) whose application is denied by the Governor's Office of Elderly Affairs.

B. Right to a Hearing. The Governor's Office of Elderly Affairs shall provide an opportunity for a hearing, and issue a written decision to any unit of general purpose local government; region within the state recognized for purposes of areawide planning which includes one or more such units of general purpose local government; metropolitan area; or Indian reservation whose application for designation as a planning and service area is denied.

C. Request for Hearing

1. The request for a hearing must be received by the Governor's Office of Elderly Affairs within 30 days following petitioner's receipt of the notice of the adverse decision.

2. A request for hearing must be in writing and must state with specificity the grounds upon which the Governor's Office of Elderly Affairs decision is appealed and all grounds upon which petitioner refutes the basis of the adverse decision. The request must include:

a. the dates of all relevant actions;

b. the names of individuals or organizations involved in the action;

c. a specific statement of any Section of the Act or regulations believed to have been violated;

d. a certified copy of the minutes or resolution in which the applicant's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of a quorum of the governing body of the agency or organization; and

e. a request for a transcript of hearing, if desired.

3. Petitioners shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

D. Notice of Hearing

1. Upon receipt of a request for hearing, the director shall, within 10 days, set a date for the hearing.

2. The Governor's Office of Elderly Affairs shall issue a written notice to the petitioner, which shall include:

a. a statement of time, date, location, and nature of the hearing;

b. a statement of the legal authority and jurisdiction under which the hearing is to be held;

c. a reference to the particular Section of statutes, regulations, and rules involved; and

d. a short and plain statement of the reasons for the decision that is being appealed and the evidence on which the decision was based.

3. If the Governor's Office of Elderly Affairs is unable to state in detail the evidence and reasons for the decision at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, a more definite and detailed statement shall be furnished not less than three days prior to the date set for the hearing.

4. Petitioner shall be given no less than 10 days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

E. Hearing Examiner. The director or his designated representative shall be the hearing examiner and preside at the hearing, subject to the provisions of R.S. 49:960. The hearing examiner shall conduct the hearing in an orderly fashion and in accordance with the procedures outlined herein. It is the responsibility of the hearing examiner to fully consider information relevant to the complaint and draft a fair decision based on such information.

F. Rules of Evidence. The rules of evidence for hearings held under §1269 of this manual shall be as provided in §1267.G.

G. Ex Parte Consultations. Communications between the hearing examiner and any party or interested person or his representative shall be governed by R.S. 49:960, the Administrative Procedure Act.

H. Depositions and Subpoenas. The taking and use of depositions and the issuance of subpoenas shall be governed by R.S. 49:956 (5)-(8) of the Administrative Procedure Act.

I. Hearing. The procedure to be followed for hearings held under §1269 shall be as provided in §1267.J.

J. Transcript. The rules governing transcripts for hearings held under §1269 shall be as provided in §1267.J.

K. Final Decision. All decisions shall be in writing and shall be rendered and acted upon by the director within 60 days of the close of the hearing. A copy of the decision shall be sent immediately to the applicant by registered or certified mail, return receipt requested.

L. Rehearing. Procedures for rehearings shall be governed by R.S. 49:959.

M. Record. The record in a hearing under this Section shall consist of the materials listed in §1267.M.

N. Appeal to Assistant Secretary for Aging. Any eligible applicant for PSA designation, whose application has been denied, and who has been provided a written decision by the GOEA, may appeal the denial to the Assistant Secretary for Aging in writing within 30 days following receipt of the state agency's decision. Such appeal shall be governed by the procedures outlined in the federal regulations issued by the Assistant Secretary for Aging.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 305(b)(1), (4), and 45 CFR 1321.47.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:618 (June 1985), amended LR 11:1078 (November 1985), LR 25:2210 (November 1999).

§1271. Hearing Procedures for Service Providers and Applicants

A. Purpose. The Governor's Office of Elderly Affairs (GOEA) shall provide an opportunity for a hearing and issue a written decision to service providers or applicants to provide services whose application under an area plan is denied or whose contract is terminated or not renewed.

B. Right to a Hearing. Any service provider or applicant to provide services whose application under an area plan is denied or whose contract is terminated or not renewed, except as provided in 45 CFR Part 74, Subpart M, may request a hearing by GOEA on such action after all hearing procedures of the area agency on aging (AAA) have been exhausted.

C. Request for Hearing

1. A petitioner must request the hearing from GOEA within 30 days following receipt of the AAA's final action letter.

2. The request for the hearing shall be in writing and must state with specificity all grounds upon which petitioner refutes the basis of the action. The notice must include:

a. a copy of the AAA's action letter;

b. the dates of all relevant actions;

c. the names of individuals and organizations involved in the action appealed;

d. a citation of any provision of the Older Americans Act or accompanying regulations believed to have been violated by the AAA in taking the action appealed; and

e. a certified copy of the resolution by which, or of minutes of the meeting at which, the petitioner's governing body authorized the appeal; and

f. designation of one or more persons to represent it during the appeal, both by majority vote of a quorum of the governing body.

D. Submission of Hearing

1. The AAA, upon written request from GOEA, shall furnish copies of the following documents to the GOEA:

a. the minutes of the meeting of the AAA's governing body at which the subject action was considered and taken;

b. the minutes of the meeting of the AAA's advisory council at which the subject action was considered and recommended;

c. area agency memoranda, staff reports, and evaluations relevant to the action appealed;

d. the criteria used in awarding the contract involved in the hearing; and

e. the petitioner's application for the contract involved in the hearing.

2. No additional evidence may be admitted on the hearing unless the director of GOEA requests it or schedules an evidentiary hearing under §1271.E.

E. Evidentiary Hearing

1. If the director of GOEA determines that a hearing involves a dispute as to a material fact the resolution of which would be materially assisted by oral testimony, he/she may schedule a hearing to take testimony. The director shall provide all parties at least 10 working days notice of the date, place, and time of the hearing. Said notice shall be sent by registered or certified mail, return receipt requested. The notice shall include a statement that with agreement of all affected parties, hearings may be conducted by telephone conference or other electronic means.

2. The director may serve as the hearing examiner, or may appoint an impartial hearing examiner to preside at the hearing. The hearing examiner shall have the powers described in §1267.F.

3. The rules of evidence described in §1267.G shall apply to an evidentiary hearing under this Section.

4. The hearing examiner shall make a record of the evidentiary hearing in accordance with §1267.M.

5. The rules pertaining to evidence, ex parte consultations, depositions, hearings and transcripts shall be as provided in Subsections G, H, I, J, and K of §1267, respectively.

F. Final Decision

1. The director shall decide all hearings under this rule but may direct a GOEA employee to make an initial review and recommend a decision.

2. The director shall decide the hearing solely on the basis of the record. The director shall not substitute his/her judgment for that of the AAA as to the weight of the evidence on matters committed to the AAA's discretion. The director shall affirm the action heard unless it is unlawful, arbitrary, or not reasonably supported by substantial evidence in the record.

3. The director shall render a final decision on the hearing in writing within 120 days after receipt of the notice of appeal. The director shall send a copy of the final decision to each party by registered or certified mail, return receipt requested, within three days after it is rendered.

G. Rehearing. Procedures for rehearing and appeal shall be governed by R.S. 49:959 and 965.

H. Record. The record for the hearing under this rule shall consist of the material listed in §1267.M.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(5).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:618 (June 1985), amended LR 11:1078 (November 1985), LR 26:79 (January 2000).

§1273. Hearing Procedures for Persons Filing Grievances with the Office of the State Long-Term Care Ombudsman

A. Right to a Hearing. The Governor's Office of Elderly Affairs (GOEA) shall provide an opportunity for a hearing and issue a written decision to any person filing a formal grievance with the Office of the State Ombudsman pursuant to §1229.L.3.b. or to the ombudsman against whom the grievance was filed, whenever either party disagrees with the decision rendered by the State Ombudsman pursuant to LAC 4:VII.1229 L.3.f or L.5.b.iii.

B. Request for Hearing

1. A request for hearing must be received by GOEA within 30 days following petitioner's receipt of the notice of the State Ombudsman's decision.

2. A request for hearing must be in writing and must state with specificity the grounds upon which the State Ombudsman's decision is appealed. The request must include:

a. the dates of all relevant actions;

b. the names of individuals or organizations involved in the action;

c. a specific statement of any laws or regulations believed to have been violated; and

d. all grounds upon which petitioner refutes the State Ombudsman's decision.

C. Notice of Hearing

1. Upon receipt of a request for hearing, the director shall, within 10 working days, set a date for the hearing.

2. GOEA shall issue a written notice to the petitioner and other interested persons which shall include:

a. a statement of time, date, exact physical location (to include street address and city), and nature of the hearing;

b. a statement of the legal authority and jurisdiction under which the hearing is to be held;

c. a reference to the particular Section of statutes, regulations, and rules involved;

d. a short and plain statement of the reasons for the decision that is being appealed and the evidence on which the decision was based; and

e. a statement that with agreement of all affected parties, hearings may be conducted by telephone conference or other electronic means.

3. Petitioner shall be given no less than 10 working days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

D. Hearing Examiner

1. The director or his/her designated representative shall be the hearing examiner and preside at the hearing, subject to the provisions of R.S. 49:950 et seq. The hearing examiner shall have authority to administer oaths, rule on motions and the admissibility of evidence, to recess any hearing from time to time, and rule on such other procedural motions as may be presented by the State Ombudsman or the petitioner.

2. The hearing examiner shall conduct the hearing in accordance with the procedures outlined herein and render a fair decision. In rendering his/her decision, the hearing examiner shall consider:

a. all information relevant to the complaint;

b. the provision of Section 307 (a) (12) of the Older Americans Act which requires the State Ombudsman or his/her representatives to "investigate and resolve complaints made by or on behalf of older individuals who are residents of long term care facilities relating to action, inaction or decisions...which may adversely affect the health, safety, welfare or rights of such residents"; and

c. R.S. 2010.4 (D), which states, "No representative of the Office of the State Ombudsman will be liable under state law for the good faith performance of official duties as defined by state and federal laws and regulations."

E. Rules of Evidence

1. The rules of evidence as applied in civil cases in the district courts of this state shall be followed. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably

prudent persons in the conduct of their affairs. Objection to evidentiary offers may be made and shall be noted in the record.

2. Documentary evidence may be received by the hearing examiner in the form of a copy or excerpt if the original is not readily available. On request, either party shall be given an opportunity to compare the copy with the original.

3. If a hearing will be expedited and the interests of parties will not be prejudiced substantially, any part of the evidence may be received in written form or the parties may stipulate as to facts or circumstances or summarize same.

4. Either party may conduct cross-examination required for a full and true disclosure of the facts.

5. Official notice may be taken by the hearing examiner of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of GOEA's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data; and afforded an opportunity to contest the material so noticed. The special skills or knowledge of GOEA and its staff may be utilized in evaluating the evidence.

6. Formal exceptions to rulings of the hearing examiner during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the hearing examiner, the action desired. When testimony is excluded by the hearing examiner, the party offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review. The hearing examiner may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof.

F. Ex Parte Consultations. Communications between the hearing examiner and any party or interested person or his/her representative shall be governed by R.S. 49:950 et seq. the Administrative Procedure Act.

G. Depositions and Subpoenas. The taking and use of depositions and the issuance of subpoenas shall be governed by R.S. 49:956 (5)-(8) of the Administrative Procedure Act.

H. Hearing. The procedure to be followed for hearings held under §1273 shall be as provided in Subsection 1267.J.

I. Transcript. The rules governing transcripts for hearings held under §1273 shall be as provided in Subsection 1267.K.

J. Final Decision. All decisions shall be in writing and shall be rendered and acted upon by the director within 60 days of the close of the hearing. A copy of the decision shall be sent immediately to the applicant by registered or certified mail, return receipt requested. A copy of the decision shall also be sent to any other persons directly affected by the decision.

K. Rehearing and Appeal. Procedures for rehearings and appeals shall be governed by R.S. 49:959 and 965.

L. Record. The record in a hearing under this Section shall consist of the materials listed in §1267.M.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.11(a), published in the Federal Register/Vol. 53, No. 169/Wednesday, August 31, 1988.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:265 (March 1992), amended LR 26:80 (January 2000).

Subchapter G. Drug Testing for Employees

§1281. Definitions

Controlled Substance—a drug, chemical substance or immediate precursor in Schedules I through V of R.S. 40:964 or Section 202 of the Controlled Substance Act (21 U.S.C. 812).

Designer (Synthetic) Drugs—those chemical substance that are made in clandestine laboratories where the molecular structure of both legal and illegal drugs is altered to create a drug that is not explicitly banned by federal law.

Employee—unclassified, classified, and student employees, student interns, and any other person having an employment relationship with the agency, regardless of the appointment type (e.g., full time, part time, temporary, etc.).

Illegal Drug—any drug which is not legally obtainable or which has not been legally obtained, to include prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed.

Reasonable Suspicion—belief based upon objective an articulable facts derived from direct observation of specific physical, behavioral, odorous presence, or performance indicators and being of sufficient import and quantity to lead a prudent person to suspect that an employee is in violation of this policy.

Safety-Sensitive and Security-Sensitive Positions—all positions with duties that may either authorize or require the operation or maintenance of a public vehicle, or the supervision of such an employee. All positions with duties that may require responsibility for or access to confidential or classified information.

Under the Influence—for the purposes of this policy, a drug, chemical substance that affects an employee in any detectable manner. The symptoms or influence are not confined to that consistent with misbehavior, nor to obvious impairment of physical in maintaining balance. A professional opinion or a scientifically valid test can establish a determination of influence.

Workplace—any location on agency property including all property, offices and facilities (including all vehicles and equipment) whether owned, leased or otherwise used by the agency or by an employee on behalf of the agency in the

conduct of its business in addition to any location from which an individual conducts agency business while such business is being conducted.

AUTHORITY NOTE: Promulgated in accordance with Executive Order MFJ 98-38 and R.S.49:1015 et seq.

HISTORICAL NOTE: Promulgated by Office of the Governor, Office Elderly Affairs, LR 28:2510 (December 2002).

§1283. Policy Provisions

A General Provisions

1. It shall be the policy of the Governor's Office of Elderly Affairs to maintain a drug-free workplace and a workforce free of substance abuse. Employees are prohibited from reporting for work or performing work for the Agency with the presence of illegal drugs, controlled substances, or designer (synthetic) drugs in their bodies at the initial testing levels and confirmatory testing levels or above the levels as established in the contract between the state of Louisiana and the official provider of drug testing services. Employees are further prohibited from the illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances, designer (synthetic) drugs, and illegal drugs at the work site and while on official state business, on duty, or on call for duty.

2. The agency will procure employee drug testing services through the Office of State Purchasing, Division of Administration, pursuant to applicable bid laws.

B. To assure maintenance of a drug-free workforce, it will be the policy of the Governor's Office of Elderly Affairs to implement a program of drug testing under the following conditions.

1. Reasonable Suspicion. Any employee will be required to submit to a drug test if there is a reasonable suspicion (as defined in this policy) that the employee is using drugs.

2. Post-Accident. Each employee involved in an accident which occurs during the course of employment will be required to submit to a drug test if the accident:

a. involves circumstances leading to a reasonable suspicion of the employee's drug use;

b. results in a fatality; or

c. results in or causes the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5).

C. Rehabilitation Monitoring. Any employee who is participating in a substance abuse after-treatment program or has a rehabilitation agreement with the agency following an incident involving substance abuse will be required to submit to random drug testing once every six months until the agency receives documented proof of a release from treatment by the physician or program director.

D. Pre-Employment. Each prospective employee, appointee, and all other persons beginning an employment relationship with the agency will be required to submit to drug screening at the time and place designated by the agency representative who administers the drug testing program, following a job offer contingent upon a negative drug-testing result. Pursuant to R.S. 49:1008, a prospective employee who tests positive for the presence of drugs in the initial screening shall be eliminated from consideration for employment.

E. Safety-Sensitive and Security-Sensitive Positions. These positions are identified within the agency by the appointing authority of the Governor's Office of Elderly Affairs and determined to be safety or security-sensitive after consultation with Louisiana Department of Justice.

F. Appointments and Promotions. Each employee who is offered a safety-sensitive or security-sensitive position (as defined in this policy) may be required to pass a drug test before being placed in such a position, whether through appointment or promotion.

G. Random Testing. Every employee in a safety-sensitive or security-sensitive position will be required to submit to drug testing as required by the appointing authority, who will periodically call for a sample of such employees, selected at random by a computer-generated selection process, and require them to report for testing. All such testing will, if practicable, occur during the selected employee's work schedule.

H. Confidentiality. All information, interviews, reports, statement, memoranda, and/or test results received by the executive agency through its drug testing program are confidential communications, pursuant to R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant.

I. Drug Test Failures. Pursuant to R.S. 49:1008, if a prospective employee tests positive for the presence of drugs in the initial drug screening, the positive drug test result shall be the cause of the prospective employee's elimination from consideration for employment or appointment.

1. Pursuant to R.S. 49:1011, the Office of Elderly Affairs will afford an employee whose drug result is certified positive by the medical review officer, the opportunity to undergo rehabilitation without termination of employment. All rehabilitation must be programs that are approved and listed by the Officer of Alcohol and Drug Abuse for state agencies.

2. An employee whose drug tests results are certified positive will be required to take 30 days leave either as annual (A) or sick (B) leave. All rehabilitation services or assistance will be conducted at the employee's expense. The employer is not responsible for the expenses accrued.

3. Failure to submit to drug testing or rehabilitation services may be reason for termination of employment with agency.

4. The Office of Elderly Affairs is committed to maintaining workplace free of harassment and intimidation for all its employees, and will not tolerate inappropriate actions regarding drug testing and confidential drug testing

information. This includes conduct, which has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

J. Responsibility. The Executive Director of the Governor's Office of Elderly Affairs is responsible for the overall compliance with this policy and will submit to the Office of the Governor, through the Commissioner of Administration, a report on the policy and drug testing program, describing process, the number of employees affected, the categories of testing being conducted, the associated costs of testing, and the effectiveness of the program by November 1 of each year.

K. Violation of the Policy. Violation of this policy, including refusal to submit to drug testing when properly ordered to do so, will result in actions up to and including termination of employment. Each violation and alleged violation of this policy will be handled on an individual basis, taking into account all data, including the risk to self, fellow employees, and the general public.

AUTHORITY NOTE: Promulgated in accordance with Executive Order MFJ 98-38 and R.S. 49:1015 et seq.
HISTORICAL NOTE: Promulgated by Office of the Governor, Office Elderly Affairs, LR 28:2510 (December 2002).

Chapter 13. State Plan on Aging

§1301. State Plan on Aging

A. To receive funding from the Older Americans Act the State Agency on Aging must have an approved State Plan on Aging. This plan must be on file with the Administration on Aging and be available for public review. At the minimum, the plan must include:

1. identification by the state of the sole state agency that has been designated to develop and administer the plan;

2. statewide program objectives to implement the requirements under Title III of the Act and any objectives established by the commissioner through the rulemaking process;

3. a resource allocation plan indicating the proposed use of all Title III funds administered by the state agency and the distribution of Title III funds to each planning and service area;

4. identification of the geographic boundaries of each planning and service area and of area agencies on aging;

5. prior federal fiscal year information related to low income minority and rural older individuals;

6. all assurances and provisions as outlined in the Older Americans Act and regulations, as well as the following assurances:

a. preference is given to older persons in greatest social or economic need in the provision of services under the plan;

b. procedures exit to ensure that all services under this Part are provided without use of any means tests;

c. all services provided under Title III meet any existing state and local licensing, health and safety requirements for the provisions of those services;

d. older persons are provided opportunities to voluntarily contribute to the cost of services;

e. other such assurances as are needed for compliance with the Act, regulations, other applicable federal law, state statutes, and/or state policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:342 (April 1985), amended LR 12:366 (June 1986), LR 12:511 (August 1986), LR 13:569 (October 1987), LR 17:1207 (December 1991), LR 19:1317 (October 1993), LR 23:1146 (September 1997), LR 26:1610 (August 2000), LR 30:1695 (August 2004), LR 35:662 (April 2009), LR 35:662 (April 2009), LR 37:320 (January 2011).

§1303. Development of the State Plan

A. The state agency will develop a state plan according to the following:

1. elect to utilize a one-, two-, three-, or four-year format for the state plan;

2. develop a data profile on the older Louisianans from available census data;

3. conduct statewide needs assessment activities including, but not limited to, public hearings;

4. assurances for state and area agencies on aging as set forth by the Older Americans Act;

5. goals and objectives;

6. publicize public hearing(s) giving dates, times, locations to public officials and other interested parties for their participation;

7. conduct public hearings and incorporate written and verbal comments into the revised plan, as appropriate;

8. submit final revised plan for approval by the governor;

9. submit approved plan from the governor to the Administration on Aging Regional Office for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:342 (April 1985), amended LR 12:366 (June 1986), LR 12:511 (August 1986), LR 13:569 (October 1987), LR 15:263 (April 1989), LR 17:1207 (December 1991), LR 19:1317 (October 1993), LR 23:1146 (September 1997), LR 26:1611 (August 2000), LR 30:1696 (August 2004), LR 35:662 (April 2009), LR 37:320 (January 2011).

§1305. Intrastate Funding Formula

A. Intrastate Funding Formula

1. The following is a descriptive summary of the current Intrastate Funding Formula's assumptions and goals, and the application of the definitions of greatest economic or

social need and a demonstration of the allocation of funds, pursuant to the formula, to each PSA.

2. Descriptive Statement

a. The current intrastate funding formula for the distribution of Older Americans Act Title III funds in Louisiana provides for a base allocation by parish. The following factors are considered in the distribution of funds remaining after base allocations are made: population aged 60 and over; population aged 60 and over below the Bureau of the Census poverty threshold; population aged 75 and over; and land area in square miles. Each of these factors is derived by dividing the planning and service area total by the state total.

b. Population aged 60 and over, and land area in square miles is assigned weights of one each. Population aged 60 and over below the Bureau of the Census poverty threshold is assigned a weight of nine-tenths. Population aged 75 and over is assigned a weight of one-tenth. The sum of these four factors is three.

c. Those elderly in greatest economic need are defined as persons aged 60 and older whose incomes are at or below the poverty threshold established by the Bureau of the Census. Those elderly in greatest social need are defined as persons aged 60 and over who have needs based on noneconomic factors such as social isolation caused by living in remote areas, or who are especially vulnerable due to the heightened possibility of frailty among elderly aged 75 and older. Other social needs are those, which restrict an elderly individual's ability to perform normal daily tasks, or which restrict his or her ability to live independently; they can be caused by racial or ethnic status, or language barriers. The intrastate funding formula accounts for these individuals by not allocating funds solely on the basis of population. The land area in square miles factor is included to compensate area agencies serving predominantly rural areas for the special problems encountered by sparse populations who may be spread over large geographical areas. The four funding factors combine to meet the special needs of socially and economically needy elderly, urban elderly and rural elderly.

d. The base funding allocation of $12,000 per parish is established on the assumption that this amount represents a minimum allocation for the administration of Older Americans Act programs. There is an increasing need to provide a continuum of care for the very old (aged 75 and older) as this segment of the population gets larger each year. Funding limitations dictate that this group is given special emphasis.

3. Numerical Statement of the Intrastate Funding Formula

a. Base Allocation per PSA: $12,000 per parish.

b. Formula Allocation per PSA:

Factors	Weight
PSA 60+ Population State 60+ Population	1.0
PSA 60+ Below Poverty Threshold State 60+ Population Below Poverty Threshold	0.9
PSA Land Mass in Square Miles State Land Mass in Square Miles	1.0
PSA 75+ Population State 75+ Population	0.1
Sum	3.0

4. $$\text{PSA FORMULA} = \frac{(i) \times 1 + (ii) \times 0.9 + (iii) \times 1 + (iv) \times 0.1}{3}$$

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 11:342 (April 1985), amended LR 12:366 (June 1986), LR 12:511 (August 1986), LR 13:569 (October 1987), LR 17:1207 (December 1991), LR 19:1317 (October 1993), LR 23:1146 (September 1997), LR 26:1611 (August 2000), LR 30:1696 (August 2004), LR 35:662 (April 2009), LR 37:320 (January 2011).

§1307. - §1323. Reserved.

Chapter 17. Women's Services

§1700. Preface

A. Act 43 of 1968 created a Women's Division and a Louisiana Commission on the Status of Women within the Louisiana Department of Labor.

B. Act 253 of 1972 created a Bureau on the Status of Women, which was established within the Division of Human Services of the Louisiana Health, Social and Rehabilitation Services Administration.

C. The operations of the agency have been carried out under a number of titles, including the Bureau for Women and the Women's Advocacy Bureau.

D. In July 1984 the Department of Health and Human Resources, through administrative action, elevated the Women's Advocacy Bureau to a Division of Women's Services.

E. Act 772 of 1985 created an Office of Women's Services in the Office of the Governor, transferring all powers, duties, and responsibilities from the Division of Women's Services in the Department of Health and Human Resources into the Office of Women's Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2127(B), R.S. 36:251 et seq. and R.S. 46:1751-1767.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Women's Advocacy Bureau, LR 12:677 (October 1986).

Subchapter A. Teen Parent Center

§1701. Fee Schedule for the Teen Parent Center Program

A.1. The Department of Health and Human Resources, Women's Advocacy Bureau, has adopted a fee schedule for the Teen Parent Center program, as mandated by federal

regulations, as published in the *Federal Register*, Vol. 47, Number 40, Monday March 1,1982, pg. 8682.

2. In accordance with Title XX of the Public Health Services Act (42 U.S.C. 3002) administered through United States Government, Department of Health and Human Services, Office of Adolescent Pregnancy Programs, all Teen Parent Center clients must be charged a fee for services provided. In accordance with the act, the following policy is being adopted. The policy and fee schedule are as follows.

B. Fee Policy. All persons receiving services from the Teen Parent Center shall be assessed a fee for each service received. The intake and initial assessment are not considered services. The fee for each service is based on the actual cost to the program incurred in the provision of that service.

C. Fee Adjustment Schedule

1. The fee adjustment schedule is designed to provide for proportional payment for each service based on the family's ability to pay. Three variable figures are utilized in figuring the schedule:

a, state median income as promulgated annually by the Secretary of the United States Department of Health and Human Services;

b. family size;

c. cost of service provided.

2. Persons whose gross family income is less than one-half the current state median income adjusted for family size will not be responsible for payment of services. Persons whose gross family income is more than 150 percent of the current state median income adjusted for family size will be charged the full cost of services provided. Between these two levels, fees will be adjusted in accordance with the following formula.

Gross Family Income as a Percent of Median Income Adjusted for Family Size	Fees as a Percent of Cost
50-55 percent	4 percent
55-60 percent	5 percent
60-65 percent	6 percent
65	8 percent
70	10 percent
75	12 percent
80	14 percent
85	17 percent
90	20 percent
95	23 percent
100	26 percent
105	30 percent
110	35 percent
115	40 percent
120	45 percent
125	52 percent
130	60 percent
135	70 percent
140	80 percent
145	90 percent
150	100 percent

D. Program Services

1. Program services are divided into two general categories: (a) Basic Services, and (b) Employment Services. Each of the two large groups are subdivided into the individual services that may be provided to clients. The following is a listing of the groupings and the codes assigned to each service for recording purposes.

Basic Services	Codes
Individual Counseling/referrals	100
Group Counseling/referrals	1002
Family Counseling/referrals	1003
Educational Workshop Sessions	1004

Employment Services	Codes
Job Preparation Workshop Sessions	2001
Employment Counseling	2002
Employment Referrals (beyond first five)	2003
Job Placement	2004

E. Determination of Fees/Income Verification

1. All clients whose gross family income is above the minimum indicated on the fee adjustment schedule shall pay a fee for each service provided. The determination of fees will be made during the intake procedures or as soon as verification of income information is obtained. In the case of clients who are unemancipated minors, the income information is to be obtained (or verified if provided by minor) from the parents or legal guardian. This can be done by telephone; however, the record should reflect the name of the person providing the information. If income information cannot be obtained by telephone, the Income Verification Form is given to the applicant, completed by the parents or legal guardian, and returned to the center. The intake worker will use the fee adjustment schedule to determine the fee once this information is received. The parents will then be informed of the fee by the intake worker. The completed intake form and/or the income verification form will become a part of the permanent record, and a ledger card will be given to the secretary/fee clerk, noting the fee rate.

F. Collection of Fees

1. During the intake procedure the client and the parent or guardian of the client will be informed that fees will be paid upon delivery of service. In the case of an emancipated minor who is responsible for his own debts, only the client will be informed of the fee collection. The clients will be instructed to see the secretary/fee clerk prior to leaving the center. The secretary/fee clerk will note payment on the client's ledger card or bill the client in the event that payment is not received. Billing will occur on a monthly basis.

2. All fees collected will be held by the secretary/fee clerk in a locked box until delivery to the Women's Advocacy Bureau accountant. This shall be the first working day of the month or when $50 is accumulated, whichever comes first.

G. Waiver of Fees

1.a. It is imperative that clients understand that no services will be refused due to inability to pay. The following circumstances warrant fee waiver:

i. lack of income over last three months;

ii. payment of unusually high medical bills; or

iii. death of income provider.

b. This information will be obtained during the intake and noted on the Fee Determination Form and on the client's ledger card.

Teen Parent Center Fee Adjustment Schedule											
Percent Median Income	Annual Gross Family Income By Number In Family								% of Cost Paid	Basic Service	Employment Counseling and Job Placement
	2	3	4	5	6	7	8	9+			
50	5,614	6,935	8,256	9,576	10,897	12,218	13,718	15,218	4	2.00	2.00
55	6,175	7,628	9,081	10,534	11,987	13,440	14,940	16,440	5	2.00	2.00
60	6,736	8,322	9,907	11,492	13,077	14,662	16,162	17,662	6	3.00	3.00
65	7,298	9,015	10,732	12,449	14,166	15,884	17,384	18,884	8	3.00	4.00
70	7,859	9,708	11,558	13,407	15,256	17,105	18,605	20,105	10	5.00	5.00
75	8,421	10,402	12,383	14,365	16,346	18,327	19,827	21,327	12	5.00	6.00
80	8,982	11,095	13,209	15,322	17,436	19,549	21,049	22,549	14	6.00	6.00
85	9,543	11,789	14,034	16,280	18,525	20,771	22,271	23,771	17	7.00	8.00
90	10,105	12,482	14,860	17,237	19,615	21,993	23,493	24,993	20	9.00	9.00
100	11,227	13,869	16,511	19,153	21,795	24,436	25,936	27,436	26	11.00	12.00
105	11,789	14,563	17,337	20,110	22,884	25,658	27,158	28,658	30	13.00	14.00
110	12,350	15,256	18,162	21,068	23,974	26,880	28,380	29,880	35	15.00	16.00
115	12,912	15,950	18,988	22,026	25,064	28,102	29,602	31,102	40	17.00	18.00
120	13,473	16,643	19,813	22,983	26,153	29,324	30,824	32,324	45	19.00	21.00
125	12,034	17,337	20,639	23,941	27,243	30,545	32,045	33,545	52	22.00	24.00
130	14,596	18,030	21,464	24,899	28,333	31,767	33,267	34,767	60	26.00	28.00
135	15,157	18,723	22,290	25,886	29,423	32,980	34,489	35,989	70	30.00	32.00
140	15,718	19,417	23,115	26,814	30,512	34,211	35,711	37,211	80	34.00	37.00
145	16,280	20,110	23,941	27,772	31,602	35,433	36,933	38,433	90	39.00	41.00
150	16,841	20,804	24,767	28,729	32,692	36,054	38,154	39,654	100	43.00	46.00

2. In the event that the client refused to pay or is unable to pay, the Payment Agreement Form is completed. The ledger card will reflect the client's ability or willingness to pay. If no payment can be collected, no billing will be necessary. For clients whose circumstances provided for them to pay less than the required amount, they will be billed for the full amount with all payments received recorded on the ledger card.

H. Changes in Fees. The client is to be informed that the secretary should be notified of any change which may later occur in income, employment, or family composition which might result in a change in the adjusted fee. The secretary shall also conduct a periodic check every 90 days with each client to determine any change in factors, including cost changes, which would cause change in the fee and adjusted fee. The counselor assigned to the case is also responsible for notifying the secretary of such changes as they occur. The secretary is to adjust the fee appropriately in accordance with the fee adjustment schedule. The adjusted fee must be approved by the center director and is indicated by her initial on the ledger card.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2127(B), R.S. 36:251 et seq. and R.S. 46:1751-1767.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Women's Advocacy Bureau, LR 9:618 (September 1983).

Subchapter B. Family Violence Program Minimum Standards

§1720. Policy and Governance

A. Basic Considerations. These standards emphasize the role of the governing body in setting policy, identifying need, developing a strategy to address needs and evaluating the effectiveness and efficiency of the organization. The role of the governing body and the executive director are clearly differentiated; staff do not govern and the governing body does not administer the day-to-day activities. The governing body establishes policies and the staff, at the direction of the executive director, implements programs reflecting those policies. A clear governance structure is in place.

B. Standards

1. The purpose of the program is clearly stated and compatible with the philosophy of the OWS/LCADV.

2. The program functions in accordance with its stated purpose.

3. The program has a designated governing authority.

4. The governing authority is accountable for the program. It ensures the program's compliance with the charter and with relevant federal, state and local laws and regulations.

5. Members of the governing authority and any advisory body to the governing authority are chosen in a manner that assures a broad base of knowledge and

participation in the governance of the program. There is a rotation mechanism to ensure a balance of new members and seasoned members.

6. The governing authority and any advisory body operate in accordance with acceptable practice.

a. The governing authority designates a person to act as executive director and delegates sufficient authority to this person to manage the program. An annual performance evaluation is conducted by the governing authority.

7. The governing authority establishes policies for the efficient and effective operation of the program.

8. The program takes a leadership role in identifying and addressing needs of family violence survivors and their children.

9. The program sets goals and objectives for its management; service delivery; and systems change functions, developing plans to achieve them.

10. The program evaluates the effectiveness and efficiency of its management, service delivery and systems change functions.

11. The program has documentation of its authority to operate under state law. There will be either a charter, partnership agreement, constitution, articles of association, or by-laws.

12. The program has documents identifying the governing body's addresses; their terms of membership; officers; and officers' terms.

13. The program has written minutes of formal meetings of the governing body and by-laws specifying frequency of meetings and quorum requirements.

14. The program informs designated representatives of the Office of Women's Services prior to initiating any substantial changes in the program, services or physical plant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2122B and R.S. 46:2127B1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:528 (April 2001).

§1721. Contract Requirements

A. Basic Considerations. These standards emphasize legal and contractual issues which the program is required to meet and are identified in the contract. These standards are not inclusive of all the requirements under the contract. It should be noted that the contract contains an over-arching provision which specifies that compliance with the OWS quality assurance standards is required.

B. Standards

1. The program is legally authorized to contract.

2. The program provides services required in the contract. These services include but are not limited to emergency shelter or referrals, 24-hour hot line; crisis, advocacy, support and group counseling; and support services.

3. The program services comply with the OWS program philosophy.

4. The program does not accept reimbursement from clients unless their grant specifically authorizes them to do so.

5. The program submits accurate and timely reports and budget revisions in the required manner.

6. The program retains books, records or other documents relevant to their contract for five years after final payment.

7. The program obtains an annual audit within six months of ending of fiscal year and submits same to OWS.

8. The program agrees to abide by the requirements of the following as applicable: Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974; Title IX of the Education Amendments of 1972; the Age Act of 1972; and the contractor agrees to abide by the requirements of the Americans with Disabilities Act of 1990.

9. The program acknowledges OWS as a funding agent on its program stationery, written material and when providing information about the program.

10. The program informs applicants or recipients of service of their right to a fair hearing in the event of denial, reduction, or termination of a service or the program's failure to act upon a request for service within a reasonable period of time.

11. The program restricts the use or disclosure of information concerning services, applicants or recipients obtained in connection with the performance of the contract to purposes which provide a benefit to survivors. The survivor is informed of any request for information and signs a voluntary consent before the information is made available.

12. The program does not use funds as direct payment to survivors or dependents.

13. The program imposes no income eligibility standards on individuals receiving assistance.

14. The program has procedures in place to insure confidentiality of records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2122B and R.S. 46:2127B1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:529 (April 2001).

§1722. Social Change

A. Basic Considerations. These standards address the program's education and advocacy efforts to ensure that survivors, their children, and those at risk of family violence, are protected and treated compassionately. The overall goal

is to create an effective response system in the community and to change cultural attitudes and institutional practices that perpetuate violence. It is important to remember, however, that standards can only address the issues for which the organization can be accountable. The program cannot be held accountable for whether a social change occurs. The program can be held accountable for their efforts to educate and advocate in the hope that change will result.

B. Standards

1. The program identifies those systems and organizations throughout its service area which affect the prevention and treatment of family violence.

2. The program evaluates the practices of those systems and organizations to determine which are harmful or ineffective.

3. The program prioritizes the community systems, organizations and institutions which need to be impacted first and develops a plan which defines strategies to change harmful or ineffective practices, reinforce helpful practices, and intervene where there are no established practices or policies. The plan is adopted by the board on an annual basis and is updated as necessary. The plan could be developed in collaboration with a local coordinating council or task force.

4. The program conducts public education sessions targeted to personnel employed by community systems organizations.

5. The program works collaboratively with those community systems used by family violence survivors which may include establishing safe and independent lives. The goal is to change institutional practices that place survivors at risk.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2122B and R.S. 46:2127B1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:529 (April 2001).

§1723. Foundational

A. Basic Considerations. These standards address the issues and concerns which apply across all areas of the organization and program implementation. They provide basic guidelines to assure the highest ethical standards with regard to behaviors of staff, volunteers (including boards of directors and advisory boards), and the guarantee of confidentiality. These standards ensure that informed and skillful assistance is provided to family violence survivors in an empowering, non-victim blaming way, determining the extent of danger and proper ways to prepare for future safety.

B. Standards

1. Ethics

a. Family violence programs abide by an accepted code of ethics that ensures excellence in service delivery and professionalism among family violence advocates when working with survivors and representing the program.

b. Programs are equal opportunity employers. No person is discriminated against seeking employment, or while employed, on the basis of age, sex, race, color, disability, national origin, religion, veteran status, marital status, sexual orientation, abuse status (i.e., battered or formerly battered), or parenthood.

c. Program employees do not discriminate in the provision of services or use of volunteers on the basis of any status described above. No program discriminates or retaliates against any employee who exercises her/his rights under any federal or state anti-discrimination law.

2. Confidentiality

a. Confidentiality of Facilities

i. When it is the policy of a family violence program to keep the location of their shelter or other facilities confidential, the program employees and volunteers are prohibited from disclosing information regarding the location of those facilities except in the following specific cases:

(a). to medical, fire, police personnel or agencies, when their presence is necessary to preserve the health and safety of survivors, employees, or volunteers at the facility;

(b). to vendors and others with whom programs have business relationships on a need-to-know basis. The executive director or designee ensures that written agreements are executed by representatives of such businesses pledging to keep the location of the facility confidential;

(c). to any other person when necessary to maintain the safety and health standards in the facility. The executive director or designee may disclose the location of the confidential facility for the purpose of official fire inspections, health department inspections, and other inspections and maintenance activities necessary to assure safe operation of the facility;

(d). to supportive individuals of a shelter resident who have been approved as a part of case management, who have been prescreened by staff, and who have signed an agreement to keep the address and location of the facility confidential. Staff ensures that the individual's presence at the facility does not violate the confidentiality of other shelter residents at the facility;

(e). confidential, written records of services provided by staff members, and/or volunteers are maintained. These records indicate the types of services provided; the individual or family to whom services were provided, the dates of service provision, the content and outcome of the interaction(s); the staff and/or volunteer providing the service(s); and provisions for future or on-going services.

b. Confidentiality of Survivor Information

i. Information received by family violence programs about survivors is confidential. Records on

survivors are kept in locked files to assure confidentiality. Employees and volunteers are prohibited from disclosing survivor information except in very limited circumstances. Employees and volunteers are prohibited from releasing information about survivors to other employees and volunteers of the same family violence program except in the event of a specific need-to-know. A staff member or volunteer is considered to have a need to know when their work relates directly to the survivor for whom information is available.

ii. Confidential information may be released after a survivor signs a statement authorizing the release. The survivor should be informed about:

(a). to whom the information will be released (name of person or agency);

(b). a date by which the information will be forwarded to the person or entity to whom it will be released;

(c). the purpose for which this information is being released to this person or entity;

(d). the specific information that will be released; and

(e). the right to withdraw permission at any time.

iii. Staff and volunteers report information about any suspected abuse or neglect of a child or dependent adult according to the Louisiana Child and Adult Protection statutes.

(a). Regardless of a person's status as a family violence survivor, staff and volunteers are required to report suspected abuse of a child or dependent adult.

(b). After the filing of a program initiated abuse report, family violence staff must cooperate with the Child or Adult Protective Services regarding the investigation of the abuse report. This includes assisting the protective services staff in gaining access to the survivor and child(ren) in a manner that maintains the confidentiality of the non-reported survivor receiving services from the family violence program. This, however, does not compel the following:

(i). violating the confidentiality of survivor/children who are not named in the abuse report as a victim or perpetrator of the abuse reported;

(ii). releasing information not directly relevant to the reported abuse.

c. Medical Emergency

i. Program staff and volunteers can release confidential information about a survivor during a medical emergency.

(a). Released information is relevant to the preservation of the health of an adult survivor or such a survivor's minor child in the event the survivor is not able to authorize the release or the survivor cannot be found in a timely manner.

(b). Released information is limited to the medical emergency.

(c). Released information is limited to the medical personnel or institution treating the adult survivor or minor child.

d. Fire Emergency

i. Where a fire exists, information that would otherwise be confidential may be disclosed to fire fighting personnel if such disclosure is necessary to preserve the health and safety of survivors, employees, or volunteers of the family violence program.

(a). Released information is limited to the fire emergency.

(b). Released information is limited to emergency fire and safety personnel treating the adult survivor or minor child.

e. Threats of Harm

i. Any form of firearm or weapon in the facility is prohibited even when locked in a locker at the facility. Program staff will include in their assessment for services appropriate questions to identify those survivors who possess firearms or other weapons and assist them in making arrangements for someone else to keep them while they are receiving services.

ii. Should a survivor pose a risk of harm to self or others, this information can be reported to an appropriate agency/individual. Program personnel will competently assess whether this disclosure is appropriate and necessary. Disclosure of this otherwise confidential information can be made to:

(a). licensed medical or mental health personnel or facilities, law enforcement personnel;

(b). identified, intended victim(s);

(c). the parent(s) of minor children making the threat.

Information released must be limited to that which is directly pertinent to the threatening situation.

f. Violence, Threatened Violence, or Other Crime by Survivor

i. In the event a survivor engages in or threatens to commit a violent act or other crime on the premises of a family violence program facility, such may be reported to law enforcement personnel. Program personnel will competently assess the circumstances and will disclose information only if deemed appropriate and necessary. Released information must be pertinent to the threatening situation.

g. Search and Arrest Warrants Meeting Specific Criteria

i. Family violence program employees and volunteers release otherwise confidential information in specific circumstances:

(a). when law enforcement personnel present a criminal arrest warrant which names the individual and alleges that the individual is located at the program, or its street address;

(b). when law enforcement present a search warrant that specifies the individual or the object of the search and alleges that the individual or object of the search is located at the program, or its street address.

h. Subpoenas

i. The executive director or designee of each family violence program is the only person authorized to respond to subpoenas for the program, employee, former employee, or volunteer. Should a process server present him/herself at the family violence program, he/she is directed to the administrative offices where the executive director or designee may be found. Identity of the shelter location cannot be confirmed to the process server.

ii. Regardless of what type of subpoena and regardless of whether the subpoena is for an appearance for a deposition or for an appearance at court, the executive director or her designee should advise whoever issued the subpoena of the provisions of the R.S. 46:2124.1 which is the privileged communications and records statute for family violence programs.

iii. If a survivor who is residing in the shelter has not given written permission for the program staff or volunteers to acknowledge that she is in fact a resident of that shelter, the person shall advise the process server that the identity of shelter residents is confidential but that in an effort to be of assistance that they:

(a). obtain the name of the person to whom the document is directed;

(b). document the type of subpoena being served, i.e., subpoena for deposition, subpoena duces tecum, subpoena to appear at a court hearing, etc.;

(c). obtain the name and telephone number of person requesting the subpoena (attorney, judge);

(d). obtain the date, time, and where to appear;

(e). obtain the name and telephone number of process server; and

(f). refer above information to the survivor (if known) or to the executive director or her designee or other appropriate person as dictated by policy of program.

i. Civil Child Custody Orders, Custody Papers, "Child Pick-up" Orders, Service of Process and Other Law Enforcement Documents

i. These documents do not in and of themselves present grounds for violation of survivor confidentiality. As described above, any such order or document must be accompanied by a criminal arrest warrant or a search warrant designating the program as the location to be searched and a description of who or what the search is authorized to produce. The executive director or designee is the only person authorized to respond to civil child custody orders, custody papers, "child pick-up" orders, service of process and other law enforcement documents.

j. Involuntary Commitment Orders

i. The statutorily protected privilege of confidentiality belongs to survivors, who have a right to know if legal documents have been issued that are addressed to or about them. Staff does not reveal that a survivor is in shelter or otherwise receiving program services. In the event of the attempted enforcement of a civil involuntary commitment order, staff, while maintaining privilege, makes every attempt to identify the name of the person trying to serve the order and any other relevant information. Staff then notifies the named survivor(s), when possible, of the order and the additional information.

k. Confidentiality Regarding Deceased Persons

i. Family violence programs maintain confidentiality of records after the person is deceased. Records of the deceased person belong to the family violence program and programs are under no legal obligation to release them. Further, programs have no legal authority to release records unless ordered by a judge or if the deceased person has signed a release prior to her death. If, however, breaching confidentiality would assist in the prosecution of the perpetrator of violence, the executive director or a designee shall seek the counsel of an attorney prior to releasing information.

l. Confidentiality of Minors

i. Except for the reporting of suspected child abuse and neglect or when a child is assessed to be of danger to her/himself or others, program staff is under no legal obligation to violate the confidence of a child.

m. Religious Activities

i. Organized religious activities by an outside group or individual or staff within a shelter or non residential domestic violence program are prohibited. Survivor-directed initiatives for religious activities shall not be prohibited but must not take place in common, community shelter or program areas. However, staff who work directly with survivors are encouraged to be aware of the survivor as a whole person. Such staff will include the survivor's spiritual as well as physical, mental and emotional well being as a necessary part of their work with the survivor.

Survivors are not prohibited from considering their rabbi, priest, pastor, shaman, or any other member of an organized religion, as an ally who may visit the survivor under the same guidelines as any other ally.

3. Safety Planning

a. Family violence programs provide 24 hour per day staff to assist survivors of family violence with determining levels of danger/lethality and assist them to develop a personalized plan for safety.

b. Safety planning includes a danger/lethality assessment to determine the survivor's immediate level of danger, completed by trained advocates and documented in

case notes or on a standardized form developed for the purpose of danger assessment.

c. Interim assessments are made during the shelter stay or nonresidential service.

d. Assessments screen for stalking and contain planning alternatives for stalking.

e. Safety planning meets the needs of the caller, i.e., a survivor wanting to leave, a survivor intending to stay, survivor with children and pets.

f. Safety planning is a continued process during a shelter stay or advocacy participation, especially at periods of increased risks, i.e., filing of court documents, court hearings, or any strategic move by the survivor or perpetrator.

g. Safety plans are survivor-directed, and staff facilitated/guided.

h. Safety plans are produced in a manner that allows for customization for individuals' specialized needs.

i. Safety planning contains emergency response protocols for use during in-progress emergency and in anticipation of an impending emergency. Minimum steps to assist survivors in determining existing options are provided to plan for the following:

i. getting help or getting away;

ii. accessing transportation;

iii. accessing a linkage to outside helpers;

iv. protocols for the safety of children and pets;

v. securing belongings;

vi. determining a safe, alternative escape location;

vii. getting assistance from the family violence program.

j. Documentation of safety planning includes but is not limited to:

i. a logged note indicating that safety planning was offered during hotline calls;

ii. case notes or a standardized form indicating safety planning was offered during initial residential and outreach intake services;

iii. case notes or a standardized form indicating safety planning was offered on a regular basis and especially during changes in a survivor's plans or in event of a significant occurrence affecting the survivor, survivor's children or the batterer. Examples: the survivor's court appearances, resumption of or beginning new job, an order for visitation of children by the batterer, a batterer being served stay away orders or being released from jail after an arrest involving the survivor and/or children.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2122B and R.S. 46:2127B1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:530 (April 2001).

§1724. Program Administration and Service Delivery

A. Basic Considerations. These standards encompass the overall practices and procedures that the program needs to ensure that survivors receive the services they are eligible for, interested in and in need of. Also, that those services are delivered in a manner which is survivor centered, non-judgmental, culturally sensitive and protects the dignity and right to self determination of the survivor. These standards include procedures for documentation of services, incident reporting, and grievance procedures addressing the relationship between philosophy and practice.

B. Standards

1. General Administration

a. The executive director exercises full responsibility for the day-to-day management of the organization.

b. Staff is responsible for implementing policies.

c. The program maintains an internal structure for efficient and effective administration.

d. The service delivery plan fulfills the program's mission.

e. Services are survivor centered, non-judgmental, culturally sensitive and strive to empower persons served.

f. The organization measures the efficiency and effectiveness of its management function.

g. Programs are conducted in accord with applicable professional, ethical and legal principles.

h. Service statistics are maintained and used in accord with acceptable practices.

i. The program identifies the area and population it serves in its brochures and reports.

j. The program recognizes and respects the autonomy, dignity and rights of program participants.

k. Relevant goals, objectives and plans are established for service delivery management.

l. The program seeks to serve persons who need its services and works to eliminate barriers to the provision of quality service to those who seek service.

m. The program provides access to crisis information and shelter 24 hours a day.

n. The program conducts intake services in accordance with acceptable practices.

o. The program conducts orientation for persons to be served. *Persons* is defined to include adults and children.

p. The program has a system for case management. It regularly plans, monitors and assesses the progress of each person served.

q. The program designs communal living policies which stress non-violence, are fair and survivor centered.

Policy enforcement balances the rights of survivors with the need to ensure safety for survivors who choose not to follow policy.

r. The program works collaboratively with other family violence programs throughout the state and in other states as appropriate to meet the safety and security needs of survivors.

2. Assessing for Appropriate Services

a. Within initial contacts with survivors, staff assesses for the following:

i. eligibility for support and intervention services;

ii. immediate safety;

iii. batterer's potential for lethality;

iv. closely analyze batterer dynamics in same sex relationships to assure the person requesting services is the survivor, rather than the perpetrator;

v. special delivery needs based on a disability;

vi. special needs based on the requirements of a person's self-identified religious, cultural, ethnic, geographic or other affiliation(s);

vii. other appropriate services.

3. Appointments and Availability of Services

a. Intervention staff, whether shelter or nonresidential, is provided during times when most survivors need to access and receive services.

b. Survivors are informed of the process by which they may gain access, informally and by appointment, to advocates within the program in which they are receiving services.

c. At the time appointments are made, staff assists individual survivors in developing a safety plan, as necessary, for traveling to and from appointments.

4. Grievance Policy and Procedures

a. The program develops, and exercises the use of, when appropriate, a written grievance policy to be given to every survivor upon admission to services. The procedures shall include, but not be limited to:

i. procedures to follow in the event a survivor believes they have been denied services;

ii. procedures to follow in the event a survivor is dissatisfied with the quality of services;

iii. procedures to follow in the event a survivor is dissatisfied with behaviors of a staff person.

5. Incident Reports

a. The organization provides a written policy to assure serious incidents are properly reconciled. Individual reports will be written for any injuries, accidents, unusual events or circumstances involving staff, volunteers, visitors, vendors, or survivors. Staff are informed regarding what would constitute each. Provisions are made for evaluation of severity of the incident and any follow-up actions needed.

6. Community Relations

a. The program is readily identifiable and visible among its potential users, peer organizations and appropriate publics. Public relations and public education materials are available in other languages for any ethnic group with a presence in the community and the geographic area served and for special needs populations.

b. Policies for community relations and fund development are comprehensive and practical.

c. Relevant goals objectives and plans are established for community relations and fund development.

d. Community relations and fund development are conducted in accordance with applicable professional and ethical and legal principles.

e. The program uses designated personnel to implement its policies and procedures for community relations and financial development.

f. The program follows acceptable practices for public disclosure.

g. The program has accurate statistical data relevant to its services readily available.

h. The program conducts a public education program that raises the community's awareness of the causes, implications and the appropriate community response to family violence.

i. The program conducts a public relations program that projects an accurate positive image throughout its service area and raises the community's understanding of and support for its services.

j. The public education and public relations efforts reflect the program's philosophy and that philosophy is consistent with that of the OWS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2122B and R.S. 46:2127B1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:532 (April 2001).

§1725. Facility, Safety, Security and Health

A. Basic Considerations. These standards encompass the overall practices and procedures that the program employs to ensure that the facility and grounds that the program rents or owns are appropriately accessible, functional, attractive, safe and secure for the persons served, visitors, employees and volunteers. They ensure that the program meets legal requirements regarding access, safety and health as well as acceptable standards of cleanliness and functionality.

B. Standards

1. All facilities meet ADA standards.

2. Policies for the management of facilities are comprehensive and practical.

3. The program adheres to all applicable zoning, building, fire, health and safety codes and laws of the state and of the community in which the organization is located. Programs are annually monitored by the Office of Public Health and the State Fire Marshall.

4. Relevant goals, objectives and plans are established for building and grounds, safety and health.

5. The program uses designated personnel to implement its policies and procedures relative to facility, safety and health.

6. Comprehensive evaluations are conducted on a regular basis to measure the efficiency and effectiveness of the operations and maintenance of buildings and grounds, safety and health.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2122B and R.S. 46:2127B1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:533 (April 2001).

§1726. Financial Management and Fund Development

A. Basic Considerations. These standards stress that Generally Accepted Accounting Practices (GAAP) with regular internal and external reports and audits, are the foundation for prudent management of capital, endowment and operating income and expenses. It is the role of the governing body to ensure financial accountability and that the bulk of the program's resources are used to meet service needs.

B. Standards

1. Policies for financial management are comprehensive and practical.

2. Relevant goals, objectives and plans are established for financial management and long term financial stability.

3. Financial management is conducted in accordance with applicable professional, ethical and legal principles. Generally accepted accounting procedures and practices are implemented as required by the terms of the contract.

4. The program uses or contracts with designated and appropriately qualified personnel to implement its policies and procedures for financial management.

5. The program provides bonding of staff responsible for financial resources. It is recommended that the program provide and maintain adequate liability coverage for the governing body.

6. The program prepares financial statements that clearly and fairly present the organization's financial position.

7. The governing body adopts and the executive director implements comprehensive budgets in accordance with acceptable practices.

8. The governing body continuously reviews and analyzes its financial position.

9. The governing body adopts and regularly reviews salary range schedules and adheres to minimum wage laws.

10. The program prudently manages its operating, endowment and capital funds.

11. The program has sufficient cash flow to meet its operating needs

12. The program maintains adequate cash reserves.

13. The program does not enter into any agreement, written or otherwise, where public funds are paid, or committed to be paid, for services or goods, to any member of the governing body, staff, or members of the immediate family of said governing body or staff, or to any entity in which the foregoing have any direct or indirect financial interest, or in which any of the foregoing serve as an officer or employee, unless the services or goods are provided at a competitive cost or under terms favorable to the program. The program maintains written disclosures of any and all financial transactions in which a member of the governing body, staff, or their immediate family is involved.

C. Fund Development

1. The program has a long and short range fund development plan.

2. The program conducts a fund development program which secures sufficient funds to cover its operating and capital needs.

3. The program builds and maintains adequate financial reserves.

4. The governing body initiates and actively supports fund development efforts.

5. The program comprehensively evaluates community relations and fund development programs to measure efficiency and effectiveness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2122B and R.S. 46:2127B1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:534 (April 2001).

§1727. Staff and Volunteer Management

A. Basic Considerations. These standards encourage strong professional values. They assume that written policies and consistent practice are the cornerstone of a quality human resource system.

B. Standards

1. Policies for the management of staff and volunteers are comprehensive and practical.

2. Relevant goals, objectives and plans are established for staff and volunteer administration.

3. The administration of staff and volunteers is in accordance with applicable professional, ethical and legal principles.

4. The program employs sufficient staff and delegates sufficient authority to ensure the responsibilities the program undertakes are adequately carried out.

5. Comprehensive performance evaluations are conducted to measure the efficiency and effectiveness of staff and volunteer administration.

6. The program promulgates personnel policies that attract and retain qualified personnel.

7. A comprehensive manual containing all personnel policies is maintained, kept current, and made available to all staff.

8. The personnel policies provide for hours, leave and benefits that are designed to attract and retain qualified staff.

9. The program establishes written qualifications for all positions and employs persons who meet or exceed those qualifications.

10. Acceptable practices are followed for recruiting, hiring and assigning staff. Responsibility for hiring is clearly defined.

11. A written employee grievance policy is provided.

12. Acceptable screening practices which serve to protect the program and its clientele are clearly defined and followed. Employers, staff, or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, with the permission of said person, will have a criminal history records check conducted (R.S. 15:587.1).

13. The program recruits a diverse staff which is reflective of the community and geographic area in which the program is located.

14. Acceptable practices are followed for orientation, development and training of staff. Training content is compatible with OWS and LCADV's statement of philosophy. Forty hours of family-violence related training is required for staff. Sixteen hours of orientation for new staff is required plus 20 hours of training in the first year. Experienced staff accompany new employees at all times and they are not given sole responsibility for working with survivors until orientation is complete.

15. Acceptable practices are followed in supervising and evaluating staff. Clear times of supervision and reporting are established.

16. Acceptable practices are followed in terminating employment of staff. Responsibility for terminating employment is clearly defined.

17. A job classification system and salary ranges are maintained to attract and retain qualified personnel.

18. Comprehensive and current job descriptions are available for all staff positions.

19. A comprehensive confidential personnel record is maintained for each staff member.

20. Staff providing direct services are provided opportunities for debriefing to prevent burnout in an on-going forum, such as weekly staffing, maintenance or supervision meetings.

21. The program determines the need for volunteer services and utilizes the services of volunteers as appropriate.

22. The program adopts policies that attract and retain qualified volunteers.

23. A comprehensive volunteer manual containing all volunteer polices and practices is maintained, kept current and made available to volunteers. This manual includes policies and procedures regarding recruitment, screening, training, supervision and/or dismissal of volunteers used to provide both direct and non-direct services. The manual clarifies the roles and contributions of volunteers to the program's provision of service, with specific detail addressing how, when, where and the frequency with which volunteers will be used.

24. Comprehensive and current job descriptions are available for volunteer positions.

25. A comprehensive, confidential personnel record is maintained for each volunteer which includes, but is not limited to a signed confidentiality statement and a record of trainings completed by the volunteer.

26. The volunteer policies provide for hours, benefits and recognition that are designed to attract and retain qualified volunteers.

27. Acceptable practices are followed in recruiting, screening and assigning volunteers. Screening practices serve to protect the program and its clients.

28. Acceptable practices are followed in the orientation and training of volunteers. The organization must provide volunteers with 20 hours of training. Training content is compatible with OWS and LCADV's statements of philosophy.

29. Acceptable practices are followed in the supervision, evaluation and termination of the participation of volunteers.

30. Volunteers are qualified for their responsibilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2122B and R.S. 46:2127B1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:534 (April 2001).

§1728. Eligibility

A. Basic Considerations. These standards assure equal provision of services to family violence survivors and their dependents.

B. Standards

1. Persons eligible for the services of family violence programs include, but are not limited to family violence survivors, their legal dependents, and those that are or have

been in danger of being emotionally, physically or sexually abused and meet the following criteria:

a. adults, legally emancipated minors, or minors granted permission for services by a parent, guardian, judge's order or caretakers of eligible persons;

b. in the event of non-emancipated minors seeking services for themselves, programs shall acquire parental permission prior to providing applicable services;

c. those eligible under the above definition who are/have been abused, or who believe they are in imminent danger of being abused, by their current or former intimate partner;

d. those eligible above who have no safe place to go;

e. those eligible above who willingly agree to abide by program guidelines;

f. those with the ability to take primary care of themselves and their dependents within a communal living facility.

2. Programs provide services regardless of race, religion, color, national origin, gender, age (within above guidelines), mental or physical disability, sexual orientation, citizenship, immigration status, marital status or language spoken.

3. Programs provide services to male survivors who are eligible through collaboration with other organizations.

4. No minor dependent males or females with their parent or guardian are denied access to services on site. Survivors and their dependents may become ineligible if there is evidence that supports a history of violence and the refusal to follow safety guidelines either for themselves or others to cause the environment to become unsafe. Programs may apply to OWS for exemptions because of facility restrictions. Limited exemptions may be given on a case by case basis on presentation of a workable plan.

C. Special Needs and Circumstances

1. Alcohol or Drug Abuse and Addictions. Family violence programs do not withhold services to persons using alcohol or drugs, off the program property, solely based upon the use of the alcohol or substance. Programs provide a written policy demonstrating how repetitive substance/ alcohol use, or the demonstration of behaviors incongruent with community living, may affect continued stay in a facility or the limitations of other services available.

2. In cases where survivors require assisted living, eligibility is not withheld, but services made available through coordinated efforts between family violence program staff and other identified service providers.

D. Length of Stay (Emergency Shelter/Safe Home)

1. Programs offer safe shelter for a minimum of six weeks. Survivors are informed of the minimum length of stay and any criteria which may impact or shorten this stay.

2. Extensions of length of stay are contingent upon the survivor's progress toward meeting self-identified goals.

3. Reasons for denial of extensions requested by a survivor are documented in the case file and shared with the survivor in sufficient time for her to make other safe arrangements if necessary.

E. Repetitive Admissions

1. No program shall place a limit on the number of admissions to shelter without the presence of at least one of the ineligibility criteria.

F. Ineligibility

1. In some instances, applicants and current survivors may be denied services. Programs inform survivors seeking residential services of these instances as soon as possible in order for them to make a more enlightened decision about choosing to come to shelter, instead of waiting until intake when they have already risked leaving their abuser.

G. Criteria

1. The extent to which these criteria affect the long-term or future eligibility for services must be evaluated and documented on a case-by-case basis:

a. not an adult or emancipated minor, or granted permission;

b. active suicidal or homicidal behaviors;

c. previously been disqualified from services.

2. In the event the program cannot admit new survivors due to capacity, every effort is made to secure and facilitate admission to safe alternate accommodations. This placement may include, but not be limited to hotel/motels, safe homes, LCADV/OWS sister shelters, homeless shelters, or other facilities which can be safely and confidentially provided.

3. If, prior to admission, a person is determined ineligible for shelter services, information and referrals are made for other appropriate services.

4. If, after admission, a person is determined to be ineligible for services, program staff:

a. refers the person(s) to appropriate services elsewhere;

b. assists the person(s) with accessing transportation, if possible, to receive the services.

5. Programs maintain written protocols outlining the location(s) and methods by which shelter, advocacy/ counseling, and other services are delivered to eligible adult and minor male survivors needing services.

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HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:535 (April 2001).

§1729. Residential Services

A. Basic Considerations. These standards assure family violence programs provide appropriate and quality services

to survivors of family violence and their children in an empowering, non-blaming way.

B. Standards

1. General

a. Family violence shelters provide access, admittance and residence in temporary shelter for survivors of family violence and their children 24 hours a day, every day of the year.

b. Shift coverage provides on-site staff coverage 24 hours a day, seven days a week when a survivor is in residence at the shelter and/or when the hotline is answered at the shelter facility.

c. Regardless of the shift requirements, the first priority of the staff is to be responsive and accessible to a resident or hotline caller.

d. A family violence program provides a back up system for use during emergencies. A supervisor or designee is available "on call" by way of pager or in some manner of contact that allows for immediate response. Each program establishes a protocol that defines criteria and steps for using the back-up system.

e. Family violence programs provide a record of individual and group supervision for shelter employees. Supervision is implemented no less than monthly for part-time employees (20 or less in a week) and biweekly for full-time employees. Documentation of supervision for volunteers is recorded and implemented as if they were part time employees.

f. Documentation of staff/volunteer supervision reflects the fact that the supervision took place and a listing of general subject(s) covered in the session is in the personnel or volunteer's file. In the event of problems related to staff performance, documentation is performed according to the program's personnel policies.

g. Procedures for adequate staff communication to provide continuity of service for survivors, including a regular review of any problem areas to resolve, will be developed and implemented.

2. Shelter Services

a. Every survivor is provided:

i. emergency shelter which is structurally safe and accommodates the particular security concerns of family violence survivors. The method of providing this security needs to be documented and this knowledge made available to survivors;

ii. confidentially of stay at shelter. This is documented in a form and signed by the survivor during intake;

iii. emergency food, clothing, and hygiene items free of charge to adult survivors and their children. When medical services are needed the program helps survivors access services.

b. Advocacy/intervention services, including safety planning for the shelter stay and travel outside the shelter, are available and offered 24 hours a day, every day of the year, with trained advocates on site to provide face-to-face emergency services.

c. Family violence shelters ensure that staff members:

i. have immediate face-to-face contact with a new survivor admitted to shelter to help determine emergency needs, orient them to the shelter facility and procedures;

ii. conduct a formal face-to-face intake process with a new survivor upon admission to shelter and answer any questions the survivor may have. During this time the staff gives the survivor a copy of shelter guidelines and education material on family violence, being very sensitive to the survivor's ability to read and understand. The staff person doing the intake is trained on discipline guidelines for children in the shelter and how to assist the mother on following these guidelines through appropriate discipline techniques;

iii. sign a written agreement with each survivor about services to be provided by the shelter, which include but are not limited to:

(a). program services, its staff and volunteers;

(b). confidentiality agreements, including records;

(c). house guidelines, rights and privacy matters;

d. House guidelines are written in positive and respectful language, including those guidelines posted throughout the house. The purpose of the guideline is for protection, safety or health. Guidelines are limited to the most crucial of situations and reflect the intent to show that the shelter facility is the survivor's home. (OWS with the assistance of LCADV will review program guidelines and offer suggestions.) House guidelines include only those items under the following three categories.

i. Safety

(a). around confidentiality issues (confidentiality of staff and survivors and program locations, etc.);

(b). around security issues (possession of weapons, locked doors, etc.); and

(c). around physical safety (threats or acts of violence including discipline of children, etc.).

ii. Group Living

(a). programs encourage cooperation between survivors in communal living;

(b). programs make every reasonable effort to keep a survivor eligible for services regardless of her ability or willingness to participate in daily upkeep of the shelter facility and to adhere to the health and safety guidelines.

iii. Respect for Self and Others. Demerit and warning systems are not used.

iv. Survivors constitutional right to privacy in their person, property, communications, papers and effects is respected at all times by programs. Survivors are not under any circumstances subjected to unwarranted or unreasonable searches conducted by shelter staff of the survivors person, room, or property. However, circumstances may arise at a shelter where some sort of search may be necessary to protect the health or safety of other survivors or staff.

e. All survivors residing in the shelter for more than 72 hours are provided with an individualized service plan. The survivor plan reflects assistance to survivor's needs. Programs design service plans to facilitate revision in the event circumstances change. This plan includes:

i. release of information agreements;

ii. an individual or family plan of self-defined goals and actions to address needed services to maintain safety and create self-sufficiency;

iii. list of guidelines for children in the shelter;

iv. length of stay polices.

f. A protocol is developed by each program for safe travel of all survivors. All protocols contain a provision for survivor travel to the shelter for intake. Further, the protocol reflects survivors need for local travel whether provided by themselves, the program or public/private carriers.

3. Discharge of Survivors

a. Family violence shelters establish a length of stay policy that is flexible and that balances the needs of survivors and the program's ability to meet those needs. Length of stay policy cannot be shorter than six weeks.

b. Shelters document the attempt to provide an exit interview with each survivor prior to their departure. Minimum categories of exit interview include, but are not limited to, an assessment of program services, treatment by staff (respectful, helpful, available), knowledge of staff in the areas of dynamics of family violence, children's services, safety planning, and goal planning. This is to be completed by survivor through use of a survivor friendly survey. The exit interview provides for a revision of the survivor's safety plan (inclusive of children's safety issues) and linkage to outreach and/or follow up services provided by the program and other community resources. These items are listed in detail on an exit interview form. The exit interview survey and form must be approved by OWS and LCADV.

c. Involuntary Discharge. Shelters must make every effort to work with a survivor in order for them to remain in shelter, except for situations which compromise the safety of others such as:

i. the use of violence or threats of violence;

ii. the use of behavior that repeatedly disrupts the ability of other survivors/children to receive safe and effective services;

iii. possession of illegal substances;

iv. possession of firearms, stun-guns, knives or any other weapon that may be used or by accident to threaten a life;

v. active suicidal or homicidal behaviors;

vi. violating the confidentiality of another resident.

d. An individual service plan/contract is developed with the survivor and appropriate documentation placed in the survivor's file which demonstrates attempts to assist the survivor and/or her children with problematic/disruptive behaviors.

i. Example A. A survivor is drinking alcohol and returning to the shelter intoxicated. Once sobriety is established, the program staff addresses this problem with the survivor and offer to develop a contract or service plan regarding this situation, such as requiring the survivor to attend AA meetings and assisting the survivor to those meetings. If the contract is not followed or the situation reoccurs, then steps to find other resources for the survivor are offered. If this is not accepted, the survivor may be asked to leave. The contract and service plan are documented in survivor's file to reflect the process of offering assistance.

ii. Example B. A survivor's child's behavior is repeatedly disruptive or destructive. A worker addresses this problem with the survivor/parent and offers suggestions to remedy this by developing a plan which may include alternate resources such as a parental support group or referrals to other appropriate child service providers in the community.

e. Survivors may be asked to leave under the following circumstances:

i. credible threats to others, with intent to harm;

ii. unresolved disruptive or abusive behavior; or

iii. if the safety of the shelter is compromised by their continued presence.

4. Re-Entry

a. Shelters do not discriminate against a survivor by limiting the number of times of re-entry or by requiring a time limit between re-entry. Programs do not maintain a "no re-admit" list; however, it is permissible to "not admit at this time" if a survivor is not currently appropriate. This information is documented in survivor's file. Reentry status reflects the survivor's need and behaviors at the current time and is not based on past situations.

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HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 27:536 (April 2001).

§1730. Intervention Services

A. Basic Considerations. These standards assure quality intervention services provided within family violence programs.

B. Standards

1. General

a. The first priority of the staff is immediate response and accessibility for a hotline caller.

b. A family violence program provides a back up system for use during emergencies. A supervisor or designee is available "on call" by way of pager or in some manner of contact that allows for immediate response. Each program establishes a protocol that defines criteria and steps for using the back-up system.

c. Family violence programs keep a record of individual and group supervision for shelter employees. Supervision is implemented no less than monthly for part-time employees (20 or less in a week) and biweekly for full-time employees. Documentation of supervision for volunteers is recorded and implemented as if they were part time employees.

d. Documentation of staff/volunteer supervision reflects the fact that the supervision took place and a listing of general subject(s) covered in the session in the personnel or volunteer's file. In the event of problems related to staff performance, documentation is performed according to the program's personnel policies.

e. A protocol is developed by each program for safe travel of survivors. Protocols contain a provision for survivor travel to the shelter for intake. Further, the protocol reflects survivors need for local travel whether provided by themselves, the program or public/private carriers.

f. Programs document the attempt to provide an exit interview with each survivor prior to their departure. Minimum categories of exit interview include, but are not limited to, an assessment of programs, services, treatment by staff (respectful, helpful, available), knowledge of staff in the areas of dynamics of family violence, children's services, safety planning, and goal planning. This is completed by the survivor through use of a survivor friendly survey. The exit interview provides for a revision of the survivor's safety plan (inclusive of children's safety issues) and linkage to outreach and/or follow up services provided by the family violence program and other community resources. These items are listed in detail on an exit interview form. The exit interview survey and form is approved by OWS and LCADV.

g. Advocacy, case management and counseling services of family violence programs are empowerment-based and survivor directed. Empowerment-based intervention refers to survivor-directed interventions or services in which the survivor or recipient of services receives the support and assistance of trained staff who provide safety planning, assistance with meeting physical and emotional needs, education regarding the dynamics of domestic violence and living skills based on a case by case assessment. Empowerment also means allowing the survivor to make her own life choices within the basic eligibility guidelines of the program without coercion or threat of loss of services provided by the program.

h. Participation in intervention services shall be voluntary.

i. Methodology

i. Intervention services are provided in a manner best suited for individual survivors.

ii. The methods selected is provided only with approval of survivors.

iii. Family violence shelters/nonresidential services and outreach services include individual and group intervention services.

iv. Sessions are provided, as appropriate, to individual survivors.

v. Shelter residents are notified in writing that they have at least one hour per day, five days per week of individual sessions available to them at their request. Such sessions are provided by staff trained in techniques of individual, one-on-one intervention and focus on issues of safety planning for the survivor and dependents, physical and emotional needs assessment, planning for meeting those needs, education on the dynamics of family violence and knowledge of community resources with phone numbers provided and available for survivors and children.

vi. Group sessions for survivors and their dependents (separately) are provided, as appropriate, no less than once a week.

vii. Shelters provide developmentally appropriate, multi-age play groups for children on a daily basis during the week. Child care is provided during the parent's initial intake and individual and group sessions if play groups are not available during that time.

j. Restricted Methods

i. Couples counseling, in any form, is not provided by family violence programs.

ii. Family counseling that includes the presence of an alleged batterer is not provided by a family violence program.

iii. Mediation services are not provided or accommodated by family violence programs.

iv. Batterer Intervention Services are not allowed to take place on or near the premises of the family violence program. Furthermore, individual staff is not allowed to work with both survivors and batterers. Job descriptions for individual family violence program staff working with survivors and their dependents do not include work with the abusers. No staff whose responsibility it is to provide direct services to survivors, or to supervise or direct programs for survivors, is allowed to participate in or lead batterer intervention program services. These two programs remain entirely separate so that it is apparent to survivors that there is no conflict of interest within the program or staff. This does not, however, preclude staff from overseeing, for the purposes of holding accountable, batterer intervention program services.

k. Types of Intervention Services

i. Advocacy is defined as the performance of direct intervention in behalf of and with the permission of survivors, to further goals and objectives initiated by the survivor.

(a). Advocacy contacts addressed to individuals or groups not directly employed by the family violence program are not initiated without the survivor's direct permission. Proof of permission is provided by program staff by the recording of such on an approved Release of Confidential Information Form.

(b). Advocates provide only information necessary to achieve the goal of each individual advocacy contact.

ii. Counseling is defined as any individual or group interaction facilitated by program staff for the purpose of addressing emotional needs of adult or child users of services.

(a). Crisis Counseling

(b). Peer Counseling

(c). Supportive Counseling

(d). Educational Counseling

iii. Case Management is defined as any individual or group interaction facilitated by program staff for the purpose of assisting survivors with assessing needs, setting priorities, goal setting, implementing objectives, locating resources, or performing any activities pertaining to the accomplishment of goals. Case management is based upon survivor-identified goals and not a standardized or 'cookie cutter' formula. Case management shall reflect, at least the following:

(a). identify and prioritize survivor's needs, including safety planning;

(b). identify resources available to survivors;

(c). develop goals and objectives specific to the survivors' own goals and record these in a program-approved service plan;

(d). staff internal and external referrals to assist in goal/objective achievement;

(e). correlation with survivor's length of stay, if in a shelter;

(f). progression toward completion of survivor's goals and objectives;

(g). adaptation to survivor's changing needs, as appropriate.

l. Provision of Services

i. Each survivor in a shelter will be assigned a resident-advocate/counselor. This staff person is available to meet with the survivor daily, Monday through Friday. Daily face-to-face interaction with the survivor is made available to her in order to check on her safety and other needs and to offer to schedule a meeting time. If the survivor works, the survivor's advocate/counselor may contact survivor via telephone or visiting at workplace if this is desirable and chosen by the survivor.

ii. In the event that a advocate/counselor is sick or on vacation, it is that advocate/counselor's responsibility to make sure that another staff member meets with the survivor on that day. This is documented in the survivor's file.

iii. Empowerment advocacy does not mean the advocate/counselor sits and waits for the survivor to come to her office. Many times survivors of family violence need assistance to ask for the things they need and need to have this modeled for them. This is the advocate/counselor's responsibility to daily offer and model empowerment to survivors.

m. Appointments and Availability of Services

i. Intervention staff, whether shelter or nonresidential, is provided during times when most survivors need to access and receive services. Survivors are informed of the process by which they may gain access, informally and by appointment, to advocates within the program in which they are receiving services.

ii. At the time appointments are made, staff assists individual survivors in developing a safety plan, as necessary, for traveling to and from appointments.

2. Documentation

a. Documentation for Advocacy, Counseling and Case Management contains at least:

i. demographic data;

ii. lethality assessment;

iii. history of abuse;

iv. safety plan;

v. description of the abuser;

vi. individualized service plan;

vii. children's assessment (if children in the family);

viii. notification of exceptions to confidentiality, advising survivors of advocate's duty to release confidential information in the following circumstances:

(a). report child abuse;

(b). protect against danger to self or others;

(c). summon emergency services;

(d). maintenance of safety and health standards of shelter facilities;

ix. release of liability form;

x. informed consent to release confidential information form(s);

xi. exit interview.

b. Documentation for advocacy contains at least:

i. demographic data and appropriate releases of information as needed; and

ii. document dates of advocacy and contact.

c. Documentation for Case Notes reflects the following:

i. notes are entered in chronological order;

ii. notes have full signature of advocate/ counselor;

iii. entries are made immediately after all survivor contact;

iv. white-out is not used;

v. only necessary facts are recorded;

vi. notes do not contain any diagnosis or clinical assessments;

vii. notes on one survivor do not include other survivor names;

viii. errors are corrected by drawing one line through it, write "error;" and

ix. initial; then continue with note.

3. Computer Generated Case Notes

a. In the event of the use of computer-generated case notes or survivor records, it is the responsibility of each family violence program to assure confidentiality of information. Each program must maintain a written policy and accompanying procedures that reflect security measures. These contain, but are not necessarily limited to:

i. a generalized policy stating the responsibility of all staff and volunteers to assure survivor confidentiality;

ii. a standardized protocol for creating and securing computerized survivor data on all computers including portable laptops;

(a). stating which data entries are allowable and those which are not;

(b). outlining use and storage of disks;

(c). outlining the uses and protection of hard-drive storage (including protocols for use of passwords);

(d). outlining the use and methods of network systems storage;

(e). outlining protocols for the creation, routing and storage of hardcopy materials generated from computer-based records. Further, programs provide the following:

(i). access to computerized confidential records is protected by the use of appropriate software and passwords;

(ii). protocols for timely download or deletion of survivor-related information is provided when computers are shared without use of passwords;

(iii). in the event a protocol includes use of a computer's recycle bin, staff are required to delete the information from the recycle bin as a final step in the process of deleting confidential files.

4. Support Groups

a. Interactive group sessions are topic oriented, or informational and educational, and conducted in a process that is survivor-directed, and facilitated by qualified trained program staff/volunteers.

b. Family violence programs highly recommend that the adult survivors attend a minimum of three support groups while residing in a shelter or when being seen individually in non-resident advocacy. The unwillingness for this to occur by the survivor may not be used as a reason to remove survivors from programs. Also, children of adult survivors may not be restricted from attending children's group if the mother refuses support group, although the mother may be required to remain at the program while her child is in group.

c. Family violence programs provide at least one weekly group for adult survivors while providing at the same time, a multi-age play group for the children of the adult survivors. If the children's group is not always possible, then at the very minimum, appropriate child care is provided during the adult survivor's group.

d. Support group attendance is documented in each survivor's file to include, date of group, topic of discussion, any factual information pertinent to the survivor and signed by the group facilitator.

e. Family violence shelters are encouraged to provide support groups to residents and non-residents, including former residents.

f. Support group services provide understanding and support, which includes, but is not limited to:

i. active and reflective listening;

ii. addressing the needs identified by those attending group session;

iii. building self-esteem;

iv. problem solving;

v. recognition that survivors are responsible for their own life decisions and that batterers are responsible for their violent behavior.

g. Support group services provide education and information that includes, but is not limited to:

i. how batterers maintain control and dominance;

ii. the role of society in perpetuating violence against women;

iii. the need to hold batterers accountable for their actions;

iv. the social change necessary to eliminate violence against women, including discrimination based on

race, gender, sexual orientation, disabilities, economic or educational status, religion or national origin.

5. Court/Legal Advocacy

a. Family violence programs providing court advocacy assist survivors in receiving self-identified interventions and actions sought from the civil and/or criminal justice systems.

b. Court advocacy is provided by qualified, trained staff members or volunteers.

c. Family violence programs providing court advocacy services:

i. assure that appropriate staff and volunteers have a working knowledge of current Louisiana laws pertaining to family violence, as well as the local justice system's response to family violence, including court rules, in each parish services are provided;

ii. strictly monitor and prohibit staff members and volunteers from practicing law or providing legal representation if they are not properly certified to engage in such a legal practice;

iii. maintain a current list of local criminal and civil justice agencies and contact persons in each parish where services are provided;

iv. maintain a current referral list of local attorneys, including pro bono resources, who are sensitive and familiar with legal issues and orders of protection, for representation in civil and criminal cases, with contact person identified in each parish where services are provided;

v. train and offer assistance to the criminal and civil justice system within the parishes served, in order to build a working relationship and institute a law enforcement protocol involving family violence.

d. Family violence programs that provide court advocacy services provide the services in shelter and nonresidential settings.

e. Court advocates are responsible for documenting services provided and the outcome of those services in each survivor's file. If volunteers provide services, court advocates obtain the necessary information and document.

6. Children's Services

a. Programs have on staff a child advocate/counselor who is trained in a minimum of the following areas:

i. the developmental stages of childhood, including physical, social, cognitive, and emotional stages;

ii. developmentally appropriate process;

iii. a working knowledge of family violence and its effects on children (including the ways that mothers are often revictimized by the child welfare and educational system, etc.);

iv. assertive discipline techniques;

v. non-violent conflict resolution;

vi. the warning signs of child abuse;

vii. appropriate methods for interviewing children who have disclosed abuse;

viii. how the child welfare system works and their role as "mandated reporters."

b. Child Services include but are not limited to:

i. at shelters, child advocates conduct a child intake interview with the mother of the child(ren) within 48 hours of shelter arrival. Nonresidential programs conduct a child intake as soon as possible after the survivor's initial contact with the program. Intake forms are completed by the mother. Intake forms include areas of concern the mother has for each child, physical needs of the child, social or educational needs of the child, education level of the child, any learning disabilities or diagnoses, medications the child is on and what they are for, any child abuse suspected or documented, type of discipline used in the home and its effectiveness, check list for problem areas, such as, weight, eating, sleeping, hygiene, motor skills, language skills, bedwetting, handling conflict, relationship with adults and with other children;

ii. at the intake interview, the child advocate discusses child guidelines in detail, including discipline guidelines, offers help and guidance in following the guidelines, discusses child services offered. This information is documented in the survivor's record. If programs offer booklets giving this information, they can be given in addition to the required face-to-face interview with the mother;

iii. child advocates provide a physical and social assessment of each child within the first 72 hours of shelter and make appropriate referrals and appointments to meet the areas of need. In nonresidential programs the assessment follows the initial intake;

iv. child advocates have a face-to-face meeting with each child or sibling group within 48 hours of shelter following the child intake interview. In this meeting the child advocate introduces herself, lets the child(ren) know she is there to help them in any way she can, provides a tour of the shelter, talks about the guidelines of the shelter, and the discipline guidelines. Some programs may provide shelter books which cover this material, but this does not replace the face-to-face meeting with the child(ren);

v. child advocates and trained volunteers conduct a daily (M-F) two hour playgroup for children from the ages of 3-11. In nonresidential programs playgroups are held at the time that survivors are in support groups. This playgroup is a time to allow children to play in a safe, structured environment. The playgroup is to be based on a developmentally-appropriate philosophy. While the playgroup is planned and facilitated by the child advocate, the child directs her/his own progress in the group. This is to empower the child, offering the child a safe and appropriate

place to say "no" and to learn consistency, structure, and non-violent conflict resolution;

vi. goals of the playgroup are: breaking the "conspiracy of silence," how to protect oneself, to have a positive experience, strengthening self-esteem and self-image;

vii. each child with the assistance of the child advocate develops a personalized safety plan. The plan addresses living at the shelter and also if the mother returns to the perpetrator. Both safety plans are done as soon as possible because no one knows when the mother may return. This is documented in the mother's file;

viii. child advocates may conduct a weekly education group for the mothers, including education on developmental stages and discipline techniques. Group attendance and topic to be discussed are documented in each survivor's file;

ix. child advocates are available to meet with each mother at least once a week in an individual session. This is a time when mothers can share problems they are having and get assistance with the solutions. Methods of parenting education are respectful and non-victim blaming of the adult survivor;

x. if at all possible, each child or sibling group is given an exit interview. In this interview child(ren) can assess child services and staff in some type of developmentally appropriate way. Safety planning and discussion of transition period are discussed. Exit interview is documented in survivor's file.

7. Crisis Line or Hotline

a. Family violence programs operate a 24-hour a day, seven day a week crisis line answered by a qualified, trained staff or volunteer.

b. Hotline numbers are listed in the local telephone book and widely distributed in areas served by the FV program.

c. Hotlines are answered using the name of the family violence program.

d. Hotlines are answered by trained staff or volunteers of the programs. The use of commercial or mechanical answering services is prohibited. Volunteers are not allowed to make final determinations about shelter eligibility.

e. Programs have a minimum of two telephone lines, one of which is the designated hotline.

f. Hotlines have call block, to safe guard against caller ID and *69 services. Local telephone companies can assist with needed information and services.

g. When holding/transferring calls:

i. staff completes initial assessment as to immediate danger before putting caller on hold;

ii. callers on hold are checked back with within two minutes;

iii. prioritize calls through safety and lethality assessment.

h. Staff/volunteers answering hotline calls are in a place that is quiet, free of distractions, and confidential; a private office if possible.

i. If a professional, or third party, calls on behalf of a survivor of family violence generalized information may be given about family violence and program services and requirements, but the staff person or volunteer must talk directly with the survivor regarding a personalized safety plan, danger/lethality assessment and shelter, or other services, and eligibility.

j. Hotline services include, but are not limited to:

i. crisis intervention;

ii. assessment of caller's safety and needs;

iii. emergency protocols (i.e., calling 911; is batterer present or within hearing);

iv. lethality/danger assessment;

v. FV education;

vi. information or referrals to available community resources;

vii. an appropriate form documenting each hotline call, the services offered and/or referrals made, and a plan of action, including information received in calls from professionals or third parties.

k. When using administrative and outreach phones:

i. anyone answering the telephone has a working knowledge of how to screen and assist hotline callers and the requirements of the crisis line, i.e., restrictions about being placed on hold, etc.;

ii. after-hours, weekends and holidays, administrative and outreach phones are answered by devices that clearly direct callers to the hotline.

l. Prior to receiving calls, hotline staff complete family violence training approved by OWS and LCADV.

m. If either party is using a cell or mobile phone, the caller is made aware that confidentiality cannot be guaranteed. Family violence programs do not use mobile remote phones for crisis lines because of confidentiality. This does not preclude digital phones that are confidential.

n. If call forwarding is used to assure staffing of the service, it is the responsibility of the program staff to assure safety and confidentiality. Some issues to be addressed through written protocols when calls are forwarded to non-program locations:

i. the potential for family member to answer or pick-up (by way of an extension line) a hotline call;

ii. the potential of a personal answering machine to pick-up on an incoming call;

iii. the potential for calls to be routed to a cellular telephone that is answered by an advocate/volunteer in public place;

iv. the potential of staff's/volunteer's personal telephone lines to be traced or identified through "caller ID" or other features.

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§1731. Transitional Living/HOUSING Program

A. Basic Considerations. These standards assure family violence programs offering transitional living/housing as part of their service delivery plan provide appropriate and quality services to survivors of family violence and their children in an empowering, non blaming way. Service provided through the transitional living/housing program is not an activity but a process that involves the survivor in goal setting, case management, needs assessment, resource identification and staff/survivor interaction.

B. Standards

1. Persons eligible for transitional living/housing are survivors of family violence who have some affiliation with the family violence program providing housing either in a residential or non-residential capacity, have left an abusive relationship and meet the following criteria.

a. The resident has a willingness to work or enroll in a continuing education or job training/readiness program.

b. The resident agrees to a criminal history check to ensure that there are no pending legal issues that pose a threat to the other residents.

2. Programs offering transitional living/housing develop and implement formal screening procedures that include the following:

a. application process;

b. screening process:

i. direct service staff approval;

ii. administrative approval;

c. verification process (verification of status should be given to applicant in writing):

i. accepted/ready for housing;

ii. accepted/added to waiting list;

iii. conditional acceptance (to include explanation);

iv. denied.

3. Programs offering transitional living/housing establish rental agreements with eligible survivors entering the program to include the following:

a. written agreement for transitional living/housing;

b. deposits (when applicable);

c. move in date;

d. guidelines for housing and transitional living;

e. visual inspection and inventory (if applicable) of housing site.

4. The grievance procedure reflects OWS Standards and individual program policy. Grievance procedures are provided, in writing, to each resident.

5. Programs provide comprehensive supportive service/case management that is survivor directed and includes appropriate referrals to alternate resources, safe living arrangements, safety planning, child care, children's activities, individual and group/support counseling, assistance with housing and public assistance programs, legal advocacy, life skill development and staff/survivor interaction.

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Subchapter C. Programs for Victims of Family Violence Fund

§1737. Guidelines for Application of Additional Marriage License Fees

A. Introduction. The Programs for Victims of Family Violence Fund was established by Acts 60 and 61 of the first Extraordinary Session, 1983 Louisiana Legislature, for the purpose of providing supplemental funding for family violence programs. Act 1056 of the 1986 Louisiana Legislature provides for the collection of additional marriage license fees by the clerk of court in each parish for deposit into the Programs for Victims of Family Violence Fund effective September, 1986. The amount of the additional fee will be $12.50 per marriage license. The fees will accumulate in the fund each fiscal year to be appropriated by the legislature for the following fiscal year. After the accumulated fees are appropriated by the legislature, the Office of Women's Services is authorized to make allocations from the fund to local family violence programs. The maximum allowable amount of monies available for distribution during any fiscal year to a program serving any parish or parishes will be the amount of fees collected in that parish or parishes during that fiscal year. Any monies generated by the fees collected in a parish, which have not been allocated for family violence services during that fiscal year, will remain to the credit of the parish and will be available for distribution to local family violence programs serving that parish.

B. Definitions

Family or Household Members—spouses, former spouses, or children of either or both such persons.

Family Violence—any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together.

C. Eligible Organizations

1. In order to be eligible to apply for funds under the Programs for Victims of Family Violence Fund, the applicant organization must, at a minimum, meet the following criteria:

a. must have the primary purpose of providing assistance to victims of family violence or operate a program whose primary purpose is providing assistance to family violence victims;

b. must be locally administered by a public or private nonprofit organization;

c. must provide services that include, but are not limited to, the following:

i. counseling for victims or their spouses;

ii. around-the-clock shelter which provides safe refuge and temporary lodging for victims of family violence and their minor, unmarried children, or referral to such a shelter;

iii. support programs that assist victims of family violence in obtaining needed medical, legal, or other services and information;

iv. educational programs relating to family violence in order to increase community awareness.

2. Must meet minimum health, safety, and program standards adopted by the Office of Women's Services. (Copies of standards available through Office of Women's Services, Box 94095, Baton Rouge, LA 70804-9095.)

3. Must demonstrate that it has received or can expect to receive funding equal to 20 percent of its anticipated cost of operation from the area served by the program. In-kind contributions may be evaluated and included as part of the required local funding.

D. Allowable Costs

1. The costs incurred for the provision of services to victims of family violence would include the following categories:

a. the payment of salaries and fringe for personnel working in the program;

b. the payment of travel expenses for personnel to conduct program business;

c. the payment of rent, utilities, food, supplies, and other general operating expenses of the program;

d. the purchase of equipment and essential furniture for the program;

e. the payment of indirect costs for administration of the family violence grant and for professional consultation services.

2. Line item changes may be made only with prior approval from the Office of Women's Services. The clerk of court may retain 5 percent of the fees collected in the parish for administrative costs prior to deposit into the fund. The Office of Women's Services will retain 5 percent of the amount appropriated from the fund for administrative costs.

3. State funds may not be used to urge any elector to vote for or against any candidate or proposition on an election ballot, or to lobby for or against any proposition or matter having the effect of law being considered by the legislature or any local governing authority.

E. Application Process

1. Notification of the availability of funds for family violence programs for each fiscal year will be given through the Office of Women's Services.

2. Application packets will be sent to all existing family violence program providers and all persons/organizations who have made past inquiries regarding funding. Interested potential applicants may request application packets from the Office of Women's Services, Box 94095, Baton Rouge, LA 70804-9095.

3. The application packet will be mailed within five working days of receipt of request.

4. The applications must be received by the Office of Women's Services by June 1 of each year.

5. All applications will be evaluated and prioritized according to the stated criteria for evaluation. During the evaluation process, applicants may be contacted by the Office of Women's Services to review and negotiate the application and proposed budget.

6. Applicants will be notified by the Office of Women's Services as to the final decision within 60 days of receipt of the application.

7. The contracts will be signed, and distribution of funds will begin within 45 days of final approval of the contract.

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HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 13:238 (April 1987), amended LR 14:230 (April 1988), LR 15:268 (April 1989), LR 16:302 (April 1990), LR 17:479 (May 1991).

§1741. General Provisions

A. The OWS Microenterprise Program will help families achieve self-sufficiency through the development of comprehensive microenterprise development opportunities as a strategy for moving parents on public assistance into self-employment and work thereby breaking the cycle of dependence on public assistance and moving families out of poverty. A microenterprise is a sole proprietorship, partnership or family business which has fewer than five employees. It is small enough to benefit from loans under $25,000 and generally too small to access the commercial banking sector.

B. OWS will collaborate with DED in the implementation of this program according to mutually agreed upon terms. OWS's program design will encourage collaboration and partnerships between Community-Based Organization (CBO's), Community Development Corporations (CDC's), Small Business Development Centers (SBDC's) and other institutions as a vehicle for efficiency, reducing costs, and providing high quality, comprehensive services.

AUTHORITY NOTE: Promulgated in accordance with Act 12 of the 2001 Special Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 28:1019 (May 2002).

§1743. Eligibility and Verification

A. Eligibility for OWS Microenterprise Development Program shall be determined by verifying eligibility for FITAP, KCSP, food stamps, CCAP, Medicaid, LaChip, SSI or Free or Reduced School Lunch. If a family does not meet the definition of need, but appears to be eligible for one of the qualifying programs, the family should be referred to the appropriate agency. Upon being determined eligible for one of the qualifying programs, the family meets the definition of needy. Verification includes but is not limited to: Notices of Eligibility (as detailed in the following examples and provided to practitioner agency by the program participant), a copy of current SSI check, a documented phone call to certifying agency, written documentation from certifying agency, and electronic data exchange, if available.

B. Eligibility may also be determined by verifying that earned income levels fall at or below 200 percent of the federal poverty level. Contractors can use the TANF-EZ form to record information for eligibility determination. Examples of documented verification can include, but are not limited to: Notice of eligibility for FITAP, KCSP, Food Stamps, CCAP, Medicaid, LaChip, SSI or Free or Reduced School Lunch or most recent employment pay stub that verifies income, letter from employer stating wages, letter of termination from employment, or copy of most recent tax return. Verification documentation must be provided within three days of application of services. Sub-Contractors shall be responsible for determining the TANF eligibility.

C. Documentation of each eligibility determination (approval or denial) must be maintained by and made available in accordance with Section VIII.B.3. Once eligibility is established, it is valid for a period of one year. However, funding of services will not extend past September 30, 2002.

AUTHORITY NOTE: Promulgated in accordance with Act 12 of the 2001 Special Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 28:1019 (May 2002).

§1747. General Provisions

A. These programs will encourage the formation and maintenance of two-parent families by providing training and crisis services to assist women and children living in a "special needs" situation, family violence, in order to promote their safety, self-sufficiency and the opportunity to develop healthy non-violent two-parent families.

1. Rural Outreach. Designed to create new services, create coordinated community response teams, and develop a Rural Project Assistance Program for financial assistance.

2. Children's Services. Designed to create, increase and enhance children's services as outlined in the Office of Women's Services Quality Assurance Standards.

3. Domestic Violence Training for the Department of Social Services. Designed to provide Office of Family Support and Office of Community Services staff members with the ability to recognize and refer clients that may be in a domestic violence situation as it relates to their specific job duties.

4. Law Enforcement Training. Designed to create an advisory task force of law enforcement groups, provide training for law enforcement groups, and to provide resource/referral information to law enforcement training participants to take back their communities.

AUTHORITY NOTE: Promulgated in accordance with Act 12 of the 2001 Special Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 28:1018 (May 2002).

§1749. Guidelines for Eligibility

A. There are no eligibility guidelines for training projects. Eligibility for Rural Project and Children's Project includes a family with parent/caretaker relative and child. Eligibility is valid if a child has been removed from the home due to domestic violence.

AUTHORITY NOTE: Promulgated in accordance with Act 12 of the 2001 Special Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 28:1018 (May 2002).

Chapter 19. Rural Development

§1901. Projects or Activities

A. The Office of Rural Development (ORD) provides financial assistance to local units of government throughout the state mitigating the effects of natural and economic emergencies and funding units of local government projects essential to community well-being.

B. Municipalities with populations of less than 35,000 and parishes with populations of less than 100,000 inhabitants will be considered rural for the purposes of this program.

C. The ORD applies the following guidelines to any project or activity funded.

1. All projects or activities funded must be related to rural development revitalization of a rural area, as defined in R.S. 3:313.

2. All funds shall be used to mitigate the rapid deterioration or assist the improvement of rural health, education, agri-business, transportation, public facilities, tourism, infrastructure, or other defined purposes essential to

the socioeconomic well-being and quality of life of Louisiana's rural areas.

3. Projects or activities should further enhance community services and broaden rural employment opportunities whenever possible.

4. Projects or activities should further the provisions of the Rural Development Law, R.S. 3:311-323.

5. At the start of each fiscal year, the executive director shall determine the equal funding level for all eligible parishes, which includes villages, towns and cities within each parish as well as the parish government, based on the total amount budgeted as aid to local governments for rural development grants. The ORD shall make awards to all parishes throughout the year up to that equal funding level.

6. In cases where the eligibility of the parish is limited (parishes over 100,000 in population with eligible unincorporated areas or eligible municipalities), the parish shall be funded to the maximum of those eligible levels so long as the amount does not exceed the amount to which rural parishes are eligible.

7. Parish governments may request funding for projects that serve a parish-wide area or an unincorporated area within the parish. In cases where a parish's application is for funding a project that is not parish-wide in scope and is designed to benefit an incorporated area within the parish, the governing body of the parish must submit a resolution of support for the project stating that determination.

8. Municipal governments (villages, towns, cities) may not exceed the total funding level as outlined in the ORD application guidelines for rural development grant funds for any fiscal year by having a parish government submit an application to fund a project within the corporate limits of a village, town or city, unless the project is a service that extends beyond the corporate limits and serves an adjoining portion of the parish or unless the project is in response to an emergency officially declared, as defined by state law (R.S. 38:2211 et seq.).

9. Grants approved by the ORD are expected to be completed within one year from the date of signing of the letter of commitment by the executive director of ORD. Extensions will be limited to two on each grant and an extension must be approved, in writing, by the executive director of ORD.

10. Rural development funds are not intended for salary only projects or ongoing salaried positions.

11. All invoices submitted for reimbursement must be in original form and marked by vendor to identify the invoice as expenses related to the approved ORD grant using the grant number furnished by ORD at the time of issuing the approved letter of commitment.

12. There shall not be awarded to any Local Governmental Agency (LGA), municipal or parish, an additional grant if a previous grant to that LGA is still open past a period of 24 months.

13. Changes or amendments to an application must be in writing and must be approved by the executive director, in writing. If the change in an application is so great that it goes from one category to another, the request must include a new abstract and a new budget and must be accompanied by a new resolution of support from the LGA's governing body.

14. Multi-parish regional projects are not intended to be funded by ORD funds, however, if each parish in a region agrees to fund a project that meets the criteria of the ORD grants, with the agreement of its local governing authority and the legislative delegation of that region, the total amount of the regional grant shall be prorated to each parish in that region. The prorated amount shall come out of the total allocated to each participating parish for that fiscal year.

15. A regional project may be funded, provided the legislature appropriates funding for a named regional project above the general appropriation for the ORD. *Regional* is defined as more than one municipality collaborating on a project parish-wide or more than one parish.

D. The director of the ORD shall develop an application procedure satisfying the purposes, intentions, and the implications of regulatory provisions contained in the Rural Development Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:311 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Rural Development, LR 24:1290 (July 1998).

§1903. Application Process

A. Rural development applications are available from the Office of Rural Development to all who request them. All requests for information may be submitted via mail to the Office of Rural Development, Box 94004, Baton Rouge, LA 70804-9004.

B. Municipalities, parish governments, school boards, other units of government, and special districts are eligible to apply for rural development funds. All applicants must be authorized by law to perform governmental functions and be provided governmental body support, and must be subject to state audit.

C. Current population figures are used to determine the eligibility for funding of municipalities based on appropriations by the legislature. The funding is outlined in the ORD application guidelines for rural development grant funds.

D. Funds from this program cannot be used to pay consulting fees charged to a unit of government for the preparation of the application, for administrative costs by agents of the project sponsor or any third party, or for previously created debt.

E. Grant recipients are required to maintain an audit trail verifying that all funds received under this program were used to fulfill the criteria for funding.

F. Payment shall be made to the Local Governmental Agency which is the project sponsor upon production of invoices and approval of the LGA's request for payment by

ORD, according to the agreed terms of a signed and executed letter of commitment.

G. Project funds shall be spent only for the project as described in the grant application designated by the same number as the project award. Changes in the project description and extension of the agreed time for completion must be made in writing, subject to the approval of ORD.

H. Use of grant funds for any project other than that described in the grant application or amended application, or in violation of any terms of the application or letter of commitment/agreement, will be grounds for ORD to terminate the agreement and revoke the funds for the project.

I. All invoices related to the project are the responsibility of the LGA project sponsor, and must be submitted to and approved by ORD before the funds will be released to the LGA, which remains responsible for payment to its vendors in the project.

J. The LGA as project sponsor will agree to hold harmless the State of Louisiana, Office of the Governor, and Office of Rural Development as a term and condition of the letter of commitment/agreement.

K. ORD will de-obligate funds from any unexpended amount, whether by failure to start a project in the agreed upon time frame in the letter of commitment or by unexpended funds in an officially closed project, and from revoked grant awards.

L. Failure of the LGA project sponsor to abide by any article of the local agency assurances section of the grant application or of the letter of commitment/agreement, including state audit procedures, federal and state laws, state ethical rules and policy guidelines of the ORD, shall result in revocation of the grant award and the responsibility of the LGA project sponsor to repay project funds released to it by ORD up to the full amount of the grant award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:311 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Rural Development, LR 24:1291 (July 1998).

Chapter 21. Racing Commission

Subchapter A. Substance Abuse and Drug-Free Workplace Program

§2101. Philosophy

A. The Louisiana State Racing Commission (LRC) is totally committed to deterring substance abuse or use which imperils the health and well-being of our employees and the citizens of this state. To accomplish this, the LRC hereby adopts these Substance Abuse and Drug-Free Workplace rules which will enhance the safety and welfare of our employees, increase overall productivity and the quality of our service to the public, preserve property and equipment, promote public safety, reduce absenteeism and job-related accidents which, in turn, will improve the image and reputation of the LRC and its employees.

B. The LRC's philosophy is consistent with the state of Louisiana's long-standing commitment to establishing a drug-free workplace. To deter the use of illegal drugs by employees of the state of Louisiana, the Louisiana Legislature enacted laws which provide for the creation and implementation of drug testing programs for state employees. Further, the Governor of the state of Louisiana recently issued Executive Order 98-38 providing for the promulgation, by executive agencies, of written policies mandating drug testing of employees, appointees, prospective employees and prospective appointees in accordance with R.S. 49:1001 et seq. The LRC fully supports these actions and is committed to a drug-free workplace.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:33 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2183 (October 2002).

§2103. Applicability

A. These rules apply to domicile employees, field auditors and appointees of the LRC, as well as potential employees and appointees to those positions.

B. Following a job offer, potential employees and potential appointees will be required to submit to pre-employment drug testing. All employees/appointees are subject to post-accident/incident, reasonable suspicion and return-to-duty/rehabilitation monitoring drug and alcohol testing. Employees who incumber safety-sensitive positions and applicants who apply for safety-sensitive positions are subject to both random and pre-selection drug and alcohol testing. Finally, prior to being reassigned, temporarily detailed, promoted or demoted to a safety-sensitive position, an employee is required to undergo drug and alcohol testing. A list of the safety-sensitive positions within the LRC is contained within §2121.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:33 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2183 (October 2002).

§2105. Requirements

A. To maintain a safe and productive work environment, all LRC employees are required to:

1. report for duty in the physical and emotional condition which maximizes his/her ability to perform assigned tasks in a competent and safe manner;

2. promptly and cooperatively submit to drug/alcohol testing when required by a supervisor or appointing authority;

3. notify a supervisor on the first scheduled workday following any arrest or conviction for DWI, drug or drug-related offense which occurs on or off duty.

B. The LRC prohibits the use, abuse and presence of unauthorized alcohol, illegal or unauthorized drugs, and other prohibited substances in the bodies of its employees while on duty, scheduled on-call or engaged in LRC business, on or off LRC/state premises. The presence of unauthorized alcohol, illegal or unauthorized drugs, and other prohibited substances in a state vehicle while on or off duty is also prohibited.

1. The presence of alcohol is indicated by a confirmed blood alcohol concentration of 0.05 percent or more by weight based upon grams of alcohol per 100 cubic centimeters of blood.

2.a. Illegal or unauthorized drugs include:

i. any drug which is not legally obtainable;

ii. any drug which is legally obtainable, but has been illegally obtained;

iii. prescription drugs not being used in accordance with the prescription; or

iv. any substance which affects the employee's ability to safely and competently perform assigned duties.

b. Controlled dangerous substances are listed in schedule I, II, III, IV and V of R.S. 40:964.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:33 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2183 (October 2002).

§2107. Drug/Alcohol Testing

A. All employees may be required to submit to drug and/or alcohol testing as a condition of employment, as a condition of continued employment, or as a condition of promotion, demotion, reassignment or detail to a safety-sensitive position. Whether announced or unannounced, tests will be administered under the following circumstances.

1. Pre-Employment. Drug tests are required of all prospective employees and appointees of the LRC. Each prospective employee/appointee shall be required to submit to drug screening at the designated time and place following a job offer. Pursuant to R.S. 49:1008, a prospective employee/appointee testing positive for the presence of a prohibited substance shall be eliminated from consideration for employment/appointment. Additionally, applicants for safety-sensitive positions listed in §2121 shall be required to submit to alcohol testing. Applicants who test positive for the presence of alcohol shall be eliminated from consideration for employment.

2. Post-Accident/Incident. An employee may be subject to drug testing following an on-duty accident where there is a reasonable suspicion that the employee was under the influence of drugs or alcohol. *Reasonable suspicion* is a belief, based upon reliable, objective and articulable facts derived from direct observation of specific physical and behavioral characteristics (behavior, speech, appearance, odor), which causes a prudent person to suspect that an employee has engaged in drug or alcohol use. Only an appointing authority shall require an employee to submit to post-accident/incident testing. Generally, this decision will be based upon the recommendation of supervisory personnel at the scene who have objectively and thoroughly reviewed the circumstances of the accident/incident. The supervisor will fully document the facts upon which the recommendation for testing is made. Any employee directly involved in an on-duty accident shall be required to submit to drug and alcohol testing if:

a. the accident involves circumstances giving rise to a reasonable suspicion that the accident may have involved the employee's drug or alcohol use and the employee's action or inaction may have been a causative factor;

b. the accident meets the criteria of §2107.A.2.a and results in or causes the release of hazardous waste as defined by R.S. 30:2173(2) or hazardous materials as defined by R.S. 32:1502(5); or

c. the accident results in a fatality or serious bodily injury.

NOTE: When post-accident/incident testing is ordered, an LRC representative shall transport the individual being tested to and from the testing site. Under no circumstances should any employee who is reasonably believed to be impaired or under the influence of any drug or alcohol be permitted to operate a motor vehicle.

3. Random. Random alcohol and drug testing is required of all employees holding safety-sensitive positions as listed in §2121. Such testing shall be periodic and unannounced, and employee selection therefor shall be by a computer-generated random selection process. All such testing shall, unless impracticable, occur during the employee's normal work hours.

4. Promotion/Reassignment/etc., to Safety-Sensitive Position. Current employees are required to undergo drug and alcohol testing prior to being reassigned, temporarily detailed, promoted or demoted to a safety-sensitive position as defined in §2121. An offer of promotion, reassignment, detail or demotion will be withdrawn if a positive drug or alcohol test result is reported, and employees are further subject to disciplinary action as specified in these rules.

5. Reasonable Suspicion. An employee shall be required to submit to drug and alcohol testing when he/she exhibits behavior or appearance that is characteristic of drug or alcohol use. The decision to test will be by an appointing authority based upon reliable, objective and articulable facts derived from direct observation of the employee's physical appearance, behavior, speech, body odor or physical manifestations. The observation must be made by supervisory personnel (two, if possible) who shall record, in writing, the observations leading to the recommendation for testing.

NOTE: When reasonable suspicion testing is ordered, an LRC representative shall transport the individual being tested to and from the testing site. Under no circumstances should any employee who is reasonably believed to be impaired or under

the influence of any drug or alcohol be permitted to operate a motor vehicle.

6. Return-to-Duty/Rehabilitation Monitoring. Any employee who retains his/her job following a violation of these rules shall be required, at his/her own expense, to undergo and complete any and all treatment recommended by a certified substance abuse professional. Any such employee shall be subject to periodic drug/alcohol testing. Further, any employee who voluntarily or, as a condition of continued employment, participates in an alcohol/substance abuse rehabilitation program, shall be subject to random drug/alcohol testing for a minimum of one year or longer as determined by the treating substance abuse professional. Any such employee shall be required to certify, in writing, his/her understanding and acceptance of such a rehabilitation agreement as a condition of returning to work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:34 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2183 (October 2002).

§2109. Drug Testing Procedures

A. Drug testing pursuant to this policy shall be for the presence of marijuana, opiates, cocaine, amphetamine/methamphetamine and phencyclidine (PCP) in accordance with R.S. 49:1001 et seq. Testing shall be performed by a contractor chosen by the Office of State Purchasing, Division of Administration. At a minimum, the testing procedure shall assure:

1. that all specimens for drug testing are collected, stored, transported and tested in compliance with United States Department of Health and Human Services (DHHS) guidelines (and applicable federal and state regulations) to ensure integrity of the testing process;

2. urine specimens will be collected with emphasis upon the privacy rights of the employee. Direct observation of the employee during collection of the urine specimen will be allowed only under the following conditions:

a. when there is specific, articulable reason to believe that the individual may alter or substitute the specimen;

b. when the individual has provided a urine specimen which falls outside the acceptable temperature range;

c. when the last urine specimen provided by the individual was verified by the medical review officer as adulterated; or

d. when collection site personnel observe conduct or behavior indicating an attempt to substitute/adulterate the sample or otherwise alter the integrity of the collection process;

NOTE: In all instances in which direct observation is deemed appropriate, the designated LRC representative shall review and concur, in advance, with any decision by collection site personnel to obtain a specimen under direct observation. This representative shall maintain, in a confidential record, the full name of the reporting collection site personnel and the specific facts relied upon to approve the direct observation. The record shall be signed by the LRC representative. All direct observations shall be conducted by same gender collection site personnel.

3. the split sample collection methodology must be used in accordance with R.S. 49:1006.D, with both the primary and split specimens properly stored and transported to the testing laboratory. The primary urine sample will be analyzed for the presence of marijuana, opiates, amphetamines/methamphetamine, cocaine and phencyclidine (PCP);

4. appropriate chain of custody forms shall be utilized to ensure the integrity of each urine specimen by tracking its handling, storage and transportation from point of collection to final disposition;

5. testing shall be performed by laboratories certified for forensic urine drug testing by the U.S. Department of Health and Human Services and in strict compliance with DHHS Guidelines;

6. the dual testing procedure shall be used for all samples. Each primary sample that tests positive for a prohibited substance shall be subject to an additional, more precise confirmatory test (gas chromatography/mass spectrometry);

7. all positive test results (those which exceed federally established cut-off levels as set forth in 49 CFR 40, Section 40.29), shall first be reported by the testing laboratory to the LRC's qualified medical review officer (MRO). The MRO is a licensed physician knowledgeable of substance abuse who has received specialized training in interpreting and evaluating test results in conjunction with an individual's medical history and other relevant biomedical information. The MRO will review the collection procedure, chain of custody and testing methodology before contacting the employee/appointee/applicant to rule out the possibility of error or that medications, medical history or any other condition caused the positive test result;

8. if the test is confirmed to be positive by the MRO, the employee may, within 72 hours of notification from the MRO, request, in writing, directly to the MRO, that the split specimen (initially collected but separated and stored during the collection process) be tested in a different DHHS certified laboratory. This split sample testing shall be allowed if timely requested and performed at the employee's expense;

9. once a positive test is confirmed and reported to the LRC by the MRO, an employee in a safety-sensitive position will be prohibited from performing safety-sensitive functions. A request for testing of the split sample will not delay any such employee's removal from performing safety-sensitive functions; and

10. if testing of the split specimen results in a negative result, the MRO will cancel the positive result of the initial test. All doubts shall be resolved in favor of the employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:35 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2184 (October 2002).

§2111. Alcohol Testing Procedures

A. Evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration will be used by certified breath alcohol technicians to determine the presence of alcohol in the employee's system.

B. The employee will be advised of the results of the breath-screening test. No further testing will be required if the test results are negative. If the screening test is positive for the presence of alcohol, a confirmation test will be performed within 20 minutes, but not less than 15 minutes of completion of the screening test. If the confirmatory test indicates a blood alcohol concentration of 0.05 percent or more by weight based upon grams of alcohol per 100 cubic centimeters of blood, the results will be reported as positive to the LRC's designated representative.

C. An employee occupying a safety-sensitive position will be immediately removed from performing safety-sensitive functions in the event of a positive alcohol test.

D. Positive test results will also be reported to the appointing authority whenever an employee refuses to complete or sign the breath alcohol confirmation testing form, provide breath or an adequate amount of breath (excluding medical inability), or fails to cooperate with the testing procedure in any way that prevents completion of the test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:35 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2185 (October 2002).

§2113. Enforcement

A. The use of illegal drugs, unauthorized alcohol and other controlled or unauthorized substances will not be tolerated. Substance abuse endangers the health and well-being of our employees, prevents quality service to the public and is inconsistent with the LRC's mission. While the LRC's position is firm, the LRC will resolve any reasonable doubt regarding the testing procedure or results in the employee's favor.

B. Disciplinary action will be taken after a complete and thorough review of the applicable data in accordance with Chapter 12 of the Civil Service Rules. Employees will be provided pre-deprivation notice and a meaningful opportunity to respond prior to the imposition of disciplinary action.

C. Penalty for a First Positive Test. A first positive test (drug or alcohol) will result in disciplinary action up to and including the possibility of termination. Factors to be considered in determining the appropriate sanction include, but are not limited to, the employee's work history, length of service, current job performance and the existence of prior disciplinary action. At a minimum, the first-time offender will remain off from work at least 30 calendar days. For any such period, the first 10 workdays will be a suspension, without pay. For the remaining 20 days, the employee will be permitted to use annual, sick or compensatory leave, if available. During this 30-day period, the employee shall obtain a substance abuse evaluation and commence any recommended rehabilitative treatment. Refusal to participate in the evaluation/treatment process, at the employee's expense, will result in termination.

D. Termination will be the recommended penalty for the following violations:

1. second positive drug test result or confirmed blood alcohol level above the applicable thresholds;

2. refusal to submit to a drug or alcohol test;

3. failure to cooperate in any way which prevents the completion of a drug or alcohol test;

4. submission of an adulterated or substitute sample for testing;

5. buying, selling, dispensing, distributing or possessing unauthorized alcohol or any illegal or unauthorized substance while on duty, in a state vehicle or on LRC/state premises; and

6. operating a state vehicle or personal vehicle while on duty under the influence of drugs or alcohol where testing administered by an authorized official confirms a violation of these rules.

E. Suspension will be the recommended penalty for the following violations:

1. failure to notify a supervisor of an off-duty arrest or conviction of DWI or drug-related offense at the beginning of the next scheduled workday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:36 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2185 (October 2002).

§2115. Confidentiality/Employee Rights

A. All drug and alcohol testing results and records (including all information, interviews, reports and statements) are considered confidential communications, pursuant to R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, except in an administrative or disciplinary proceeding or civil litigation where drug use by the tested individual is relevant. Exceptions to these confidentiality provisions are limited to written employee consent; federal agencies when licensure or certification actions are required; to a decision-maker in arbitration, litigation or administrative proceedings arising from a positive drug test; and as otherwise required by law.

B. In compliance with R.S. 49:1011, any employee, upon learning of a confirmed positive test result, shall, upon written request, have the right of access, within seven working days, to records and other documentation relating to the drug testing process and any records relating to the results of any relevant certification, review, suspension/revocation proceedings of the testing facility.

C. Employees should know that statistical records and reports of drug testing are maintained by the LRC, contract physicians and drug testing laboratories. This information is aggregate data and is used to monitor compliance and to assess the effectiveness of the drug testing program.

D. The LRC has no interest in informing law enforcement authorities of a positive drug test. However, nothing contained in these rules will be construed to preclude the delivery of any illegal drug, controlled dangerous substance, or other substance prohibited by this policy, discovered in/on LRC/state property, or upon the person of an LRC employee, to law enforcement officials. Likewise, any employee engaged in the sale, attempted sale, distribution or transfer of illegal drugs or controlled substances while on duty or on LRC/state property shall be referred to appropriate law enforcement authorities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:36 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2186 (October 2002).

§2117. Employee Assistance Program

*Editor's Note: The Louisiana Racing Commission has been moved from the Department of Economic Development and has its own Human Resources Division.

A. Early recognition and treatment of drug abuse or dependency are essential to successful rehabilitation. Employees experiencing a substance abuse problem are encouraged to seek assistance from the LRC's Employee Assistance Program (EAP) coordinator within the *Human Resources Division of the Department of Economic Development. Any such involvement will be held in strict confidence, but employees should know that supervisors and appointing authorities (who need to know) will be kept abreast of the employee's treatment and leave needs.

B. Employees referred to the EAP coordinator by supervisory personnel or who, as a condition of continued employment, participate in a substance abuse rehabilitation program will be subject to the return-to-duty/rehabilitation monitoring testing set forth in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:36 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2186 (October 2002).

§2119. General Provisions

A. The LRC reserves the right to have a licensed physician, of its own choosing and at its own expense, determine if use of prescription medication produces effects which impair the employee's performance or increase the risk of injury to the employee or others. In such case, the LRC will modify the employee's customary job duties or work activities for the period the employee is unable to safely perform his/her customary job duties. Alternatively, the employee may be required/permitted to use accrued leave.

B. Although the substance abuse testing defined in these rules is restricted to five specified drugs and alcohol, the LRC reserves the right to require employees to submit to additional testing, if warranted. Such tests will only be administered when post-accident or reasonable suspicion testing produce negative results and the employee's behavior clearly indicates impairment or other indicia of substance use. Separate samples will be collected for these additional tests and the testing process will fully comply with DHHS regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:37 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2186 (October 2002).

§2121. Safety-Sensitive Positions

A. There are no safety sensitive positions in the LRC at this time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:1001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:37 (January 2000), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:2186 (October 2002).

Chapter 22. Office of Community Development—Rulemaking Petitions

§2201. Submission of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition an agency to adopt a new rule, or to amend or repeal an existing rule.

B. To petition an agency within the Division of Administration for changes to the agency’s current rules, or for the adoption of new rules within the agency’s purview, an interested person shall submit a written petition to the Division of Administration, Office of the Commissioner. The petition shall include:

1. the petitioner's name and address;

2. the name of the promulgating agency for the rule in question;

3. specific text or a description of the proposed language desired for the adoption or amendment of a rule, or the specific rule and language identified for repeal;

4. justification for the proposed action; and

5. the petitioner's signature.

C. The rulemaking petition shall be submitted by certified mail and addressed to:

Office of the Commissioner, Division of Administration
Re: Rulemaking Petition
P.O. Box 94095, Capital Station
Baton Rouge, LA 70804-9095

AUTHORITY NOTE: Promulgated in accordance with RS 33:7611 and 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development LR 46:331 (March 2020).

§2203. Consideration of a Rulemaking Petition

A. Upon receipt, a rulemaking petition shall be forwarded to the promulgating agency for review.

B. Within 90 days of receipt of the rulemaking petition, the agency shall either:

1. initiate rulemaking procedures to adopt a new rule, or to amend or repeal an existing rule; or

2. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefore.

AUTHORITY NOTE: Promulgated in accordance with RS 33:7611 and 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 46:331 (March 2020).

Chapter 23. Local Government Assistance Program

§2301. Purpose

A. The Local Government Assistance Program (LGAP) provides financial assistance to local units of government in rural areas. The LGAP program will be administered by the Office of Community Development (OCD).

B. All municipalities and parishes within the state of Louisiana that are identified by HUD as non-entitlement communities are eligible to apply for assistance.

C. Local government classifications are defined as: Villages (pop. 1-999), Towns (pop. 1,000-4,999), Cities (pop. 5,000-35,000) and Parish governments.

D. OCD shall develop an application procedure satisfying the purposes and intentions of the LGAP.

E. The Office of Community Development applies the following guidelines to any project or activity funded.

1. At the start of each fiscal year, the director of OCD shall determine the equal funding level for all eligible parishes based on the total amount budgeted as aid to local governments for LGAP grants.

2. Applications will only be accepted for the following eligible activities; fire protection, sewer, water, renovations to essential governmental buildings, police protection, land acquisition, demolition, equipment, roads, drainage, and reasonable engineering costs (if associated with construction).

3. Funds from this program cannot be used to pay consulting fees charged to a unit of government for the preparation of the application, for administrative costs by agents of the project sponsor or any third party. Also, funds cannot be used to pay for previously incurred debt, improvements to private property, overtime for government employees, administration, engineering only or planning only projects, or recreation activities. LGAP funds are not intended for salary only projects or ongoing salaried positions.

4. Parish governments may request funding for projects that serve a parish-wide area or an unincorporated area within the parish.

5. Applicants may not exceed stated funding levels as outlined in the LGAP application guidelines for any fiscal year, except in those circumstances where other eligible applicants within each parish agree by resolution to allow funding levels to be exceeded.

6. Three-year contracts shall be issued for LGAP grants by OCD. Contract extensions and changes to the project must be requested in writing by the grantee and approved in writing by the executive director of OCD.

7. No award shall be made to an entity listed on the LLA's non-compliance list.

8. Applications received after deadline established by OCD will not be considered.

AUTHORITY NOTE: Promulgated in accordance with Act 27 of the 2006 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 32:2045 (November 2006), amended LR 46:21 (January 2020).

§2303. Application Process

A. LGAP applications are available from the Office of Community Development to all municipalities and parishes that request them. All requests for information may be submitted via mail to the Office of Community Development, P.O. Box 94095, Baton Rouge, LA 70804-9095.

B. Applications will be rated by OCD staff and award amounts will be based upon predetermined internal rating criteria.

C. All applicants must be authorized by law to perform governmental functions, and must be subject to state audit.

D. The most recent available population figures are used to determine the eligibility for funding of municipalities based on appropriations by the legislature (the funding is outlined in OCD application guidelines for LGAP funds).

E. There will be a level of funding set aside for applications that are determined to be of an emergency nature. Any unused emergency funds will be reallocated through the regular program.

AUTHORITY NOTE: Promulgated in accordance with Act 27 of the 2006 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 32:2046 (November 2006).

§2305. Payments and Reimbursement

A. Grant recipients are required to maintain an audit trail verifying that all funds received under this program were used to fulfill the stated purpose identified in the approved application.

B. Payment shall be made to the grantee upon production of invoices and approval of the grantee's request for payment by OCD, according to the contract.

C. Use of grant funds for any project other than that described in the contract will be grounds for OCD to terminate the contract and revoke the funds for the project.

D. All invoices related to the project are the responsibility of the grantee, and must be submitted to and approved by OCD before the funds will be released to the grantee. The grantee remains responsible for payments to its vendors.

AUTHORITY NOTE: Promulgated in accordance with Act 27 of the 2006 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 32:2046 (November 2006).

§2307. Programmatic Assurances

A. The grantee will hold harmless the State of Louisiana, Division of Administration, Office of the Governor, and Office of Community Development as a term and condition of the contract.

B. OCD will de-obligate funds from any unexpended amount; whether by failure to start a project in the agreed upon time frame in the contract or by unexpended funds in an officially closed project, or from revoked grant awards. All de-obligated funds will be reallocated through the regular program.

C. Failure of the grantee to abide by any article of the local agency assurances section of the grant application or the contract, including state audit procedures, federal and state laws, state ethics rules and policy guidelines of OCD, shall result in revocation of the grant award and the grantee will be required to repay the project funds to OCD.

D. No grantee will be allowed more than two open LGAP grants.

E. The grantee will assure that it will comply with R.S. 24:513 (State Audit Law), and state of Louisiana public bidding procedures, as well as comply with all other relevant federal and state laws, executive orders, and/or regulations. Failure to comply with any part of this contract will result in termination of this grant and will require that all funds paid be returned to the Office of Community Development.

AUTHORITY NOTE: Promulgated in accordance with Act 27 of the 2006 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 32:2046 (November 2006).

Chapter 24. Community Water Enrichment Fund

§2401. Purpose

A. The Community Water Enrichment Fund (CWEF) provides financial assistance to local units of government in rural areas. The CWEF program will be administered by the Office of Community Development (OCD).

B. All municipalities and parishes within the state of Louisiana that are identified by HUD as non-entitlement communities are eligible to apply for assistance.

C. Local Government classifications are defined as: Villages (pop. 1-999), Towns (pop. 1,000-4,999), Cities (pop. 5,000-35,000) and Parish governments.

D. OCD shall develop an application procedure satisfying the purposes and intentions of the CWEF.

E. The Office of Community Development applies the following guidelines to any project or activity funded.

1. At the beginning of each fiscal year, the Director of OCD/CWEF shall determine the equal funding level for all eligible parishes based on the total amount budgeted as aid to local governments for CWEF grants.

2. Applications will only be accepted for the following eligible activities: rehabilitation, improvement, and new construction projects for community potable water systems. Reasonable engineering costs (if associated with construction) are allowed.

3. The purchase of generators or chemicals will not be allowed under this program.

4. Funds from this program cannot be used to pay consulting fees charged to a unit of government for the preparation of the application, for administrative costs by agents of the project sponsor or any third party. Also, funds cannot be used to pay for previously incurred debt, improvements to private property, overtime for government employees, administration, engineering-only or planning-only projects. CWEF funds are not intended for salary-only projects or ongoing salaried positions.

5. Parish governments may request funding for projects that serve a parish-wide area or an unincorporated area within the parish.

6. Applicants may not exceed stated funding levels as outlined in the CWEF application guidelines for any fiscal year, except in those circumstances where other eligible applicants within each parish agree by resolution to allow funding levels to be exceeded.

7. Three-year contracts shall be issued for CWEF grants by OCD. Contract extensions and changes to the project must be requested in writing by the grantee and approved in writing by the Director of OCD/CWEF.

8. No award shall be made to an entity listed on the LLA's non-compliance list.

9. Applications received after deadline established by OCD will not be considered.

AUTHORITY NOTE: Promulgated in accordance with Act 513 of the 2008 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 35:951 (May 2009), amended LR 46:20 (January 2020).

§2403. Application Process

A. CWEF applications are available from the Office of Community Development to all municipalities and parishes that request them. All requests for information may be submitted via mail to the Office of Community Development, P.O. Box 94095, Baton Rouge, LA 70804-9095.

B. Applications will be rated by OCD staff and award amounts will be based upon predetermined internal rating criteria.

C. All applicants must be authorized by law to perform governmental functions, and must be subject to state audit requirements.

D. The most recent available population figures are used to determine the eligibility for funding of municipalities based on appropriations by the legislature (the funding is outlined in OCD application guidelines for CWEF funds).

E. There will be a level of funding set aside for applications that are determined to be of an emergency nature. Any unused emergency funds will be reallocated through the regular program.

AUTHORITY NOTE: Promulgated in accordance with Act 513 of the 2008 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 35:952 (May 2009).

§2405. Payments and Reimbursement

A. Grant recipients are required to maintain an audit trail verifying that all funds received under this program were used to fulfill the stated purpose identified in the approved application.

B. Payment shall be made to the grantee upon production of invoices and approval of the grantee's request for payment by OCD, according to the contract.

C. Use of grant funds for any project other than that described in the contract will be grounds for OCD to terminate the contract and revoke the funds for the project.

D. All invoices related to the project are the responsibility of the grantee, and must be submitted to and approved by OCD before the funds will be released to the grantee. The grantee remains responsible for payments to its vendors.

AUTHORITY NOTE: Promulgated in accordance with Act 513 of the 2008 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 35:952 (May 2009).

§2407. Programmatic Assurances

A. The grantee will hold harmless the state of Louisiana, Division of Administration, Office of the Governor, and Office of Community Development as a term and condition of the contract.

B. OCD will de-obligate funds from any unexpended amount; whether by failure to start a project in the agreed upon timeframe in the contract or by unexpended funds in an officially closed project, or from revoked grant awards. All de-obligated funds will be reallocated through the regular program.

C. Failure of the grantee to abide by any article of the local agency assurances section of the grant application or the contract, including state audit procedures, federal and state laws, state ethics rules and policy guidelines of OCD, shall result in revocation of the grant award and the grantee will be required to repay the project funds to OCD.

D. No grantee will be allowed more than two open CWEF grants.

E. The grantee will assure that it will comply with R.S. 24:513 (State Audit Law), and state of Louisiana public bidding procedures, as well as comply with all other relevant federal and state laws, executive orders, and/or regulations. Failure to comply with any part of this contract will result in termination of this grant and will require that all funds paid be returned to the Office of Community Development.

AUTHORITY NOTE: Promulgated in accordance with Act 513 of the 2008 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 35:952 (May 2009).

Chapter 25. Louisiana Recovery Authority

§2501. Board Members, Terms of Office, Expense Reimbursement

A. The Louisiana Recovery Authority Board shall provide leadership and oversight for the activities of the Louisiana Recovery Authority. The board shall consist of seventeen members. Thirteen members shall be appointed by and serve at the pleasure of the governor subject to Senate confirmation with no less than one member appointed from each congressional district. In addition to the appointed members, the speaker and speaker pro tempore of the House of Representatives and the president and president pro tempore of the Senate, or their designees who shall be members of the Louisiana Legislature, shall be members of the board.

B. Appointed board members shall serve terms that expire when statutory authority for the Louisiana Recovery Authority ceases on July 1, 2010.

C. Vacancies in the office of an appointed board member shall be filled in the manner of the original appointment for the remainder of such term.

D. Appointed members of the board shall serve without compensation, but may be reimbursed for reasonable and

necessary travel expenses upon the approval of the chairman in accordance with the State General Travel Regulations, PPM 49. Ex officio members of the board may seek per diem and mileage reimbursement in accordance with the rules of his respective house of the legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:220.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Recovery Authority, LR 32:2053 (November 2006), amended LR 34:2399 (November 2008).

§2503. Selection of Chairman and Vice Chairman, Election of Other Officers

A. The chairman and vice chairman of the board shall be selected by the governor. The board may elect other officers as it deems necessary to provide functions required as assigned by the board.

B. The chairman of the board shall be the principal executive officer of the board and shall, in general, supervise and control all of the business and affairs of the board. The chairman shall, when present, preside at all meetings and shall perform duties incident to the office of the chairman and other such duties as may be prescribed by the members of the board from time to time.

C. The vice chairman shall perform the duties of the chairman in the absence of the chairman or in the event of his death, inability, or refusal to act. When acting as the chairman, the vice chairman shall have all the powers of and be subject to all the restrictions placed upon the chairman. The vice chairman shall perform such other duties as from time to time may be assigned to him by the chairman or members of the board.

D. In the event the board creates the office of secretary, the secretary shall keep the minutes of the meetings in one or more books provided for that purpose, see that all notices are duly given in accordance with the provisions of state law, be custodian of the board records and keep a register of the post office address of each member which shall be furnished to the secretary by such member, and, in general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him by the chairman or by the members of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:220.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Recovery Authority, LR 32:2053 (November 2006).

§2505. Meetings

A. The board shall meet according to a schedule established by the board, at the call of the chairman, and as otherwise provided by the board.

B. Notice of meetings shall be given to board members and to the general public in accordance with R.S. 42:7.

C. All meetings of the board shall be open, except as otherwise provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:220.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Recovery Authority, LR 32:2054 (November 2006).

§2507. Committees and Task Forces

A. The board shall appoint an audit committee to ensure best practices and procedures in the management of any funds received, expended, or disbursed by the Louisiana Recovery Authority. The audit committee shall receive and review all reports produced by the inspector general, the legislative auditor, the independent accounting firm or firms engaged by the state or any agency of the state, and by any audit firm or firms retained by the Louisiana Recovery Authority. The audit committee shall present all findings of such reports to the board and make recommendations to the board as appropriate.

B.1. In addition to the audit committee, the board may also create task forces and committees as appropriate which may include members of the board and other stakeholders and conduct work through the use of such task forces and committees, provided that all final decisions shall be by a vote of the board.

2. Task forces and committees shall include, but not be limited to, the following subject areas:

a. Economic and Workforce Development;

b. Public Safety;

c. Infrastructure and Transportation;

d. Housing;

e. Environmental;

f. Public Health and Healthcare;

g. Human Services;

h. Education;

i. Long Term Community Planning;

j. Federal Legislation;

k. State and Local Legislation;

l. Coastal Protection.

C. The chairman of the board shall appoint the chairman, vice chairman, and members of each task force and committee and shall also appoint members to fill vacancies created on task forces and committees, unless otherwise provided by law or these rules.

D. Task forces and committees shall meet at the call of their respective chairman and as otherwise provided by the board.

E. Notice of meetings shall be given to task force and committee members and to the general public in accordance with R.S. 42:7.

F. All meetings of the task forces and committees shall be open, except as otherwise provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:220.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Recovery Authority, LR 32:2054 (November 2006).

§2509. Rules of Order

A. All meetings of the board, committees, and task forces shall be conducted in accordance with *Robert's Rules of Order*, unless otherwise provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:220.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Recovery Authority, LR 32:2054 (November 2006).

§2511. Manner of Acting

A. The act of the majority of the members present at a meeting at which a quorum is present shall be the act of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:220.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Recovery Authority, LR 32:2054 (November 2006).

§2513. Voting

A. Each member of the board entitled to vote as provided by law shall be entitled to one vote, which he must be present to cast. The vote for officers and upon any question before the meeting shall be by viva-voce and shall be recorded in the meeting minutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:220.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Recovery Authority, LR 32:2054 (November 2006).

§2515. Order of Business, Public Comments

A. The order of business for all meetings shall be as follows:

1. roll call;

2. reading and approval of minutes of preceding meeting;

3. reports of officers;

4. reports of committees or task forces;

5. unfinished business;

6. public comment;

7. new business;

B. The board shall receive public comments from interested individuals who have submitted cards requesting time to speak regarding an agenda item before the board, prior to taking a vote on such item. The board may also allow for public comments at other times during a board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:220.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Recovery Authority, LR 32:2054 (November 2006).

Title 4
ADMINISTRATION
Part IX. Telecommunications

Chapter 1. General Provisions

§101. Title

A. These rules shall be known as the administrative rules and regulations of the Office of Telecommunications Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1623 (September 1999).

§103. Authority

A. These rules are adopted pursuant to R.S. 39:140-143 and R.S. 39:1751-1755.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1623 (September 1999).

§105. Purpose

A. The purpose is to establish overall policy and define areas of responsibility for the provision and management of coordinated telecommunications services to support the programs of the executive branch of state government.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1623 (September 1999).

§107. Scope

A. These rules apply to the executive branch of state government as defined in R.S. 36:3(1) and any and all entities, state or non-state, approved to utilize state telecommunications systems and telecommunications services. All groups may be referred to collectively hereafter as agency or agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1624 (September 1999).

Chapter 3. State Agencies' Responsibilities

§301. General

A. All agencies must comply with the requirements and standards stated in these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1624 (September 1999).

§303. Telecommunications Coordinator

A. All agencies shall appoint one or more representatives to be designated as the agency Telecommunications Coordinator(s). The Telecommunications Coordinator shall be recognized by the Office of Telecommunications Management as the agency's authorized representative for approving and coordinating telecommunications activity. The appointment of the Telecommunications Coordinator authorizes that person, on behalf of the agency, to make changes and additions for telecommunications equipment and services and to obligate related funds. Communications concerning policy and operating procedures will be directed to agencies through their respective Telecommunications Coordinator(s). As multiple Telecommunications Coordinators may be appointed to represent an agency, a Telecommunications Coordinator may be designated to have responsibility for voice only, data only, or both voice and data.

B. Training designed to instruct the Telecommunications Coordinator on the procedural aspects of interfacing with the Office of Telecommunications Management and the design and operation of various telecommunications systems will be furnished by the Office of Telecommunications Management upon request by agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1624 (September 1999), LR 33:844 (May 2007).

§305. Telecommunications Problem Reporting

A. It is the agency's responsibility to report all repair problems to the Office of Telecommunications Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1624 (September 1999).

Chapter 5. Approval of Non-State Entity Use of State Telecommunications Services

§501. General

A. Non-state entities may be allowed to use state telecommunications services under particular circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1624 (September 1999).

§503. Approval Criteria

A. When one of the following criteria is met and upon approval of the Office of Telecommunications Management, non-state entities may use state telecommunications services. The non-state entities shall be either:

1. political subdivisions created by statute;

2. state credit unions;

3. Blind Services approved operators in state buildings;

4. the working press with offices in the State Capitol;

5. private educational institutions in the state of Louisiana with classes from kindergarten through twelfth grade, and colleges and universities, when requesting access to the LaNet Wide Area Network for educational and/or research purposes; or

6. any non-state entity working in cooperation with the Louisiana Department of Labor's efforts to comply with the federal Workforce Investment Act of 1998 (Public Law 105-220).

B. A non-state entity may be required to supply documentation or evidence of its creation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1624 (September 1999).

§505. Charges

A. The non-state entities being allowed to use the state provided services will be charged the same rates as state agencies and must pay for the service within 30 days of receipt of the Office of Telecommunications Management invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1624 (September 1999).

§507. Availability and Usage Constraints

A. The use of the state services by the non-state entities shall not preclude any state agency from use of those services. The non-state entity's use of these services should not result in any additional unreimbursed cost to the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

Chapter 7. Telecommunications Service Standards

§701. General

A. The state of Louisiana will utilize a statewide, consolidated concept of providing telecommunications services which are most cost effective and best meet the overall needs of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

§703. Local Service Standards

A. The Office of Telecommunications Management will determine the means of providing telecommunications services to be used within a given metropolitan area. The selection of the service will be based on the best overall service alternative for that area. Agencies will be provided service through this metropolitan service vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

§705. Long Distance Network Service Standards

A. The Office of Telecommunications Management will determine the means for providing long distance telephone service for each individual metropolitan area. State agencies will be provided service through this metropolitan service vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

§707. Telecommunications Building Access Standards

A. In general, telecommunications access to state-owned buildings shall be made through an as-needed competitive procurement activity that includes provisions and requirements for building access as a part of the state's needs to acquire telecommunications services. This Section is not applicable to those telecommunications service providers that have existing access facilities in state-owned buildings. In special cases where a telecommunications service provider is building out its network and desires access to a new or existing state-owned building in that process, this Section shall apply.

B. When determined by the Office of Telecommunications Management and with the concurrence of the agency/owner to be in the best interest of the state, building access and space in state-owned buildings may be made available to telecommunications service providers. It is the state's intention to provide access to the building through a state-owned and state-provided conduit system.

C. The Office of Telecommunications Management shall be responsible for developing a standard building access agreement. The Office of Telecommunications Management shall be responsible for developing installation standards and guidelines for use by telecommunications service providers. The Office of Telecommunications Management shall coordinate the processing of all requests by telecommunications service providers for building access. The telecommunications service provider shall be responsible for initiating a written request for building access to the Office of Telecommunications Management that contains specific details of accommodation requirements and types of services offered. The agency/owner shall be responsible for sending all requests from telecommunications service providers to the Office of Telecommunications Management. Each building access agreement shall be signed by the agency/owner and the telecommunications service provider and approved by the Office of Telecommunications Management.

D. The criteria for accommodation shall be first come/first served, reasonable availability of space, a demonstrated need for the type of service to be provided, and safety considerations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140-141, 143, R.S. 39:1751-1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 28:2350 (November 2002).

Chapter 9. Telecommunications Use

§901. General

A. All agencies are responsible for devising, implementing, and enforcing cost controls related to telephone usage and informing employees of such policies to preclude unnecessary and unauthorized charges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

§903. Authorized Use

A. State telecommunications systems and telecommunications services are provided for the conduct of state business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

§905. Receiving Collect Telephone Calls

A. Collect calls shall not be accepted on state telephones.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

§907. Calls Billed as a Third Number Call to State Telephone Numbers

A. Third number calls billed to state telephones are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

§909. LINC Management Reporting

A. LINC management reporting shall be provided by the Office of Telecommunications Management to agency management when available to assist in monitoring and controlling the usage of long distance service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

§911. Agency Usage Policy

A. Agency policy concerning telephone usage must be consistent with this Chapter and should be appropriate for the particular needs of each agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

Chapter 11. Telecommunications Service Requests

§1101. Submission

A. All agency requests for telecommunications systems and/or telecommunications services must be submitted on the appropriate forms to the Office of Telecommunications Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1625 (September 1999).

Chapter 13. Telecommunications Charges

§1301. Charges for Services

A. The specific charges for each line of service provided will be published in the Office of Telecommunications Management's *Catalog of Services*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1626 (September 1999).

Chapter 15. Directory Requirements

§1501. Responsibilities

A. The Office of Telecommunications Management will be responsible for the coordination and publication of all directory information for state telephone users. Respective agency telecommunications coordinators will be responsible for initiating directory listing changes and for verifying accuracy prior to publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1626 (September 1999).

Chapter 17. Telecommunications Procurement

§1701. Tariffs

A. When determined by the Office of Telecommunications Management to be in the best interest of the state and when available, general subscriber tariffs and related special billing assemblies may be used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1626 (September 1999).

§1703. Contract Contents

A. The request for proposals, or the invitation to bid, and its addenda with the vendor's response shall be incorporated into the final contract consummated with that vendor. In the event of ambiguity, the order of precedence will be the contract, the request for proposals or the invitation to bid, and the vendor's response.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1626 (September 1999).

§1705. Multi-Year Contract Use

A. Multi-year contract use must be justified and approved in writing. Such justification shall identify and consider all cost factors relevant to that contract. The multi-year method of contracting may be used in, but shall not be limited to, the following situations:

1. utility-type contracts; or

2. when it has been determined that vendors could provide lower unit prices over a longer period of time due to increased volume or lower production costs; or

3. when the cost and burden of contract solicitation, award, and administration of the procurement may be reduced; or

4. when the cost and burden of contract conversion or service implementation are excessive; or

5. when the Commissioner of Administration deems the use of a multi-year contract to be in the best interest of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1626 (September 1999).

Chapter 19. Vendor Responsibilities

§1901. General

A. All vendor contact for sales and service of telecommunications systems and telecommunications services shall be with the Office of Telecommunications Management and not directly with agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1626 (September 1999).

§1903. Bid Notification

A. It is each vendor's responsibility to notify the State Purchasing Office of its desire to receive notification of state telecommunications bids.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1626 (September 1999).

§1905. Telecommunications Contracts

A. Vendors shall not enter into any contract with any state agency for telecommunications systems or telecommunications services without prior written approval from the Office of Telecommunications Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1626 (September 1999).

Chapter 21. Waiver of Regulations

§2101. Commissioner's Authority to Waive Regulations

A. The Commissioner of Administration may waive in writing, upon the recommendation of the Office of Telecommunications Management, any provision in these rules when the best interest of the state will be served.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1627 (September 1999).

Title 4
ADMINISTRATION
Part XIII. Statewide Reporting Accounting Policy

Chapter 1. Collection Policy and Procedure

§101. Introduction

A. Overview

1. The following policies and procedures are presented in a broad format to be used by state agencies/departments within the Executive branch of government, including colleges and universities, to create their own detailed, agency-specific procedures, subject to approval by the Cash Management Review Board.

2. Implementation of these policies and procedures are mandated by Act 904 of Regular Session 2001 which enacts Subpart E of Part II of Chapter I of Title 39 of the *Louisiana Revised Statutes*, to be comprised of R.S. 39:88.1 through 39:88.4, and cited as the "Louisiana Collection and Procedure Act." Its purpose is to provide a comprehensive collection policy and procedure for collection of obligations due to the state be established for use by all state agencies.

3. Act 904 of Regular Session 2001 states: "The Commissioner of Administration shall prescribe and cause to be implemented a comprehensive collection policy and procedure to be used in all state agencies. … The policy and procedures manual shall include rules and regulations to assist state agencies in the identification and collection of delinquent accounts. … Each state agency shall comply with the provisions of collection policy and procedure manual and is authorized to establish and maintain internal controls not inconsistent with the provisions included in the manual. The Cash Management Review Board shall oversee the development of and implementation of the collection policies and procedures manual in each state agency and is authorized to adopt rules and regulations in furtherance of this responsibility."

B. Purpose

1. To establish guidelines for accounts that are considered to be uncollectible.

2. To establish authoritative approval process for uncollectible accounts to be written off for financial reporting purposes only.

3. To establish guidelines for agencies/departments to use for implementation of internal control policy and procedure of accounts receivable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:88.1 through 39:88.4 and Act 904 of Regular Session 2001.

HISTORICAL NOTE: Promulgated by the Office of Governor, Division of Administration, Office of Statewide Reporting and Accounting Policy, LR 28:2346 (November 2002).

§103. Accounts Receivable Process Overview and Objectives

A. Billing Process Overview and Objectives

1. To provide accurate and timely billing for amounts owed to the state.

2. To provide a means of tracking accounts receivable.

3. To provide billing capabilities for various types of receivables.

4. To provide the capabilities of monitoring the aging of accounts receivable, creating customer billings and statements based on the age of the receivable.

5. To provide internal control procedures and accountability.

6. Detailed policies and procedures are stated in the Control Agencies Policies and Procedures Manual under Chapter 13.4 and 13.5, Accounts Receivable Recognition Overview and Recording Revenue Recognition Overview.

B. Billing Event Overview and Objective

1. Recording of the billing event will be performed by the agency/department. Agency/department will initiate the data entry, obtain approvals and process the billing.

2. Invoices and statements are printed at the agency/department location and sent to the customer on a timely basis. Agency/department shall provide statements at least monthly.

3. Once a receivable has been incurred, an invoice should be prepared and sent to debtor on a timely basis.

4. Agency/department are responsible to track their own receivables. Keep records of and all correspondences pertaining to the account.

5. The agency/department will obtain complete and accurate information on each debtor in the event of default.

6. Each month a report is prepared to review the accounts for further action. The agency/department shall provide a report relating to accounts that are over 30 days, 60 days, 90 days, and older.

7. Agency/department shall inform and notify the debtor of additional fees, charges, and cost that may be incurred for failure to pay a debt:

a. fee that will be charged for NSF checks;

b. interest on unpaid balance per month;

c. attorney or collection agency fees;

d. late penalty fees.

8. Agency/department whose collections are based on taxpayers' records, and therefore do not issue invoices, are not subject to Paragraphs 1, 2, and 3 above.

C. Billing Receipts Overview and Objective

1. Agency/department receives the money. Credit the appropriate customer's account.

2. Compliance with R.S. 39:372 and the Louisiana Constitution Article VII, Section 9 (A) requires "all monies received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the State Treasury, except for certain listed therein." ("Immediately" is defined as within 24 hours of receipt. The State Treasury cash management practices require state-depositing entities to deposit receipts in the state's central depository account or designated regional depository accounts. The depositing agency is responsible for revenue classification in the accounting system.)

3. Detailed policies and procedures are stated in the Control Agencies Policies and Procedures Manual under Chapter 6, Cash Receipts.

D. Accounting Procedures Overview and Objective

1. Agency/department should maintain a proper segregation of duties such as opening the mail, recording the receipt, and maintaining the accounts receivable records. If not feasible, implement supervisory review and controls.

2. A monthly aged trial balance of all accounts should be checked and verified that the amount equals the balance in the general ledger, if applicable.

3. Obtain all necessary information on the debtor in the event of default such as:

a. current home and work address and phone number;

b. Social Security and/or federal employer identification number;

c. name of address of nearest relative or guardian;

d. date of birth;

e. credit references;

f. any other relevant information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:88.1 through 39:88.4 and Act 904 of Regular Session 2001.

HISTORICAL NOTE: Promulgated by the Office of Governor, Division of Administration, Office of Statewide Reporting and Accounting Policy, LR 28:2346 (November 2002).

§105. Collection Process Overview, Objective, and Policy Guideline

A. The following procedures are very general and broad for the purposes of identifying area of concerns and general concentration.

1. Collection Process Objectives

a. To establish and implement a collection policy and procedure that the Cash Management Review Board has approved.

b. To identify delinquent accounts.

c. To pursue delinquent accounts by creating collection letters that are tailored to the agency/department's need.

d. To apply late charges and interest to delinquent accounts.

e. To interface with other software to enhance the intercepting of payments.

f. To provide an updated customer account balance for any collection activity:

i. payments or NSF checks.

g. To provide the ability to write off uncollectible accounts with proper authority and documentation, debt is still owed to the state.

h. To establish and maintain internal controls.

2. Collection Process

a. Begins when the debt is recognized or the service is completed. The agency/department shall provide an invoice or statement in a timely manner to the debtor.

b. Different messages would appear on the statement according to the status of the account to remind the customer of the amount owed to the state, any payments and/or adjustments made since the last printed statement.

c. Apply interest and/or late charges as statutorily prescribed.

d. With the proper documentation and approval, write off from the financial statements any account that is deemed uncollectible after following the procedures outlined in §107.B. The debt is still owed to the state.

3. Collection Follow-Up Procedures

a. Policies and procedures are established and implemented at the agency/department that were approved by the Cash Management Review Board.

b. Send a minimum of one follow-up billing statement to debtor. The scheduled billing cycle shall be designated by agency/department.

c. Send second billing statement to debtor with a warning (dunning) message explaining the action that will be taken within a scheduled billing cycle from the first statement.

d. Third billing statement notifies the debtor that the account has been forwarded to a collection agency or attorney general's office within a scheduled billing cycle from the second statement.

e. Course of Action after the Third Billing Statement

i. Discontinue service and notify debtor by letter that service has been discontinued, if applicable to the agency/department.

ii. The agency/department will continue to collect amounts by all available means—private collection agency, debt offset, etc.

f. Further Action (discretion of agency/department policies and procedures approved by Cash Management Review Board).

i. Agency/department's secretary or undersecretary may approve the account to be written off or continue to collect (agency's discretion).

ii. Agency/department may continue its collection process or assign the account to a collection agency.

iii. Follow-up with the attorney general's office or collection agency on the status of the account.

g. If appropriate, contact past due customers by telephone at any time during the collection process to ensure collection.

4. Allowance for Doubtful Accounts

a. Each agency/department should establish an allowance for doubtful accounts to ensure that the agency/department's receivables are not overstated for financial reporting purposes.

b. The allowance method used shall be established by the agency/department with the Cash Management Review Board approval. However, the amount should be based upon historical data or other pertinent information relative to the receivable. Sound accounting theory must be used at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:88.1 through 39:88.4 and Act 904 of Regular Session 2001.

HISTORICAL NOTE: Promulgated by the Office of Governor, Division of Administration, Office of Statewide Reporting and Accounting Policy, LR 28:2347 (November 2002).

§107. Write-Off of Uncollectible Accounts Process Overview, Objective, and Policy Guidelines

A. Write-Off Objectives

1. To establish and implement a collection policy and procedure that the Cash Management Review Board has approved.

2. An authorization to write-off an account does not constitute a forgiveness of indebtedness.

3. Debtor remains obligated to the state.

4. Write-off authorizes a state agency to:

a. transfer an account to a dormant file;

b. discontinue incurring the expense involved in collecting the account;

c. discontinue reporting the amount as a receivable on the general ledger.

5. To encourage proper write-offs on a fiscal year end basis.

6. The agencies/departments will have the ability to write-off an account from their financial statements when it is evident that it is uncollectible.

7. To establish and authorize the board and/or committee within each state agency/department to recommend any write offs when the accounts are deemed uncollectible:

a. the board and/or committee shall be managerial level personnel within the appropriate department.

8. Detailed policies and procedures are stated in the Control Agencies Policies and Procedures Manual under Chapter 13—Accounts Receivable.

B. Write-Off Process

1. Agency/department must request an account to be written off through their respective board/committee.

2. Amounts over a specific designation require additional approval from the agency/department's secretary or undersecretary as recommended by the committee.

3. The request to write off a receivable by the agency/department must include the following information:

a. the name and address of the debtor;

b. the age of the account;

c. the nature of the amounts owed;

d. the collection efforts that have been made;

e. any other pertinent information to give a full understanding of the request such as debtor's employment status, debtor financial status, debtor's accessibility, etc.

4. Approved write-off must be reported on the quarterly accounts receivable report and retained in a dormant file and removed from current records.

5. For payments received on an account written-off, record the amount received as revenue, do not re-establish the receivable.

C. Write-Off Criteria

1. The amount is deemed uncollectible—age of the account.

2. The write-off will not prejudice the position of the state.

3. All reasonable collection efforts have been exhausted—private collection agency, attorney general's office and/or state's debt offset process.

4. The debtor cannot be located or a discharge of bankruptcy has occurred.

5. The applicable statute of limitations for collection of debt has expired.

6. The debtor is deceased and there is no estate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:88.1 through 39:88.4 and Act 904 of Regular Session 2001.

HISTORICAL NOTE: Promulgated by the Office of Governor, Division of Administration, Office of Statewide Reporting and Accounting Policy, LR 28:2348 (November 2002).

§109. Debt Intercept or Offset Process Overview, Objective, and Policy Guidelines

A. Warrant Intercept

1. Vendor/debtor is receiving a payment from the state, a request is made by a state agency to intercept the payment for a past due amount, the system automatically applies the payment to the past due amount, and the difference is sent to the vendor.

2. State legislation will be required to enforce this type of intercept.

B. Revenue Recapture

1. Past due amounts can be recaptured through tax refund.

2. Other means of recapture are lottery or gaming winnings.

3. Both recapture programs are administered through the Department of Revenue.

C. Offsets

1. Current offset allowed by R.S. 47:299.2 against income tax refunds are specifically used by:

a. Department of Justice Collections Section;

b. Louisiana Student Financial Assistance Commission's Student Loan Collection Section;

c. Division of Support Enforcement of the Office of Family Support in the Department of Social Services and any other office or facility of DSS;

d. Department of Health and Hospitals;

e. Department of Public Safety and Corrections;

f. Department of Labor.

2. Offset program could be greatly expanded to include other state agencies/departments and all tax refunds, not just income taxes, unemployment benefits, or any other payments made by the state.

3. Additional legislation will be required to expand the offset program.

D. Garnishments, liens, and judgments:

1. when such measures are deemed cost effective;

2. used by most state agencies/departments through private collection firms or attorney general's office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:88.1 through 39:88.4 and Act 904 of Regular Session 2001.

HISTORICAL NOTE: Promulgated by the Office of Governor, Division of Administration, Office of Statewide Reporting and Accounting Policy, LR 28:2348 (November 2002).

§111. Quarterly Reporting of Accounts Receivable Overview and Policy Guidelines

A. Objectives

1. To establish a report that shows each state agency/department's accounts receivable balances and activities during the quarter as mandated by R.S 39:79.

2. To establish guidelines and procedures for the quarterly reporting as stated by Memorandum SA 96-45.

3. To ensure the quarterly reports are consistent and as accurate as possible.

4. To have uniformity of reporting for all state agencies/departments.

5. To ensure the timely reporting of the quarterly report as stated by Memorandum SA 96-45.

B. Procedures for Quarterly Reporting

1. Quarterly Activity (Form AR-1):

a. gross receivables and debt at end of quarter;

b. estimated uncollectible for the quarter;

c. net receivable for the quarter;

d. write-offs for the quarter.

2. Aging of Receivables (Form AR-12):

a. current receivables-do not include those past due;

b. past due receivables: 1-30 days;

c. past due receivables: 31-90 days;

d. past due receivables: 181 days-1 year;

e. past due receivables: over one year;

f. total receivables past due;

g. total gross receivable;

h. total gross receivables must equal gross receivables and debt at end of quarter reported on Form AR-1.

3. Collections Activity for Receivables over 180 days (Form AR-3):

a. amount over 180 days past due;

b. collections within the agency;

c. collections with attorney general's office;

d. collections with private collection firm;

e. collections—other (specify the type);

f. collections—under protest;

g. amount over 180 days past due must equal 181 days-one year and over one year total amount reported on Form AR-2.

4. Write-Off Disclosure (Form AR-4):

a. number of accounts, if applicable;

b. amount of the write-offs;

c. reason for the write-off;

d. the total write-off must equal write-off disclosure reported on Form AR-1.

5. Annual Comparison of Receivables (Form AR-5)

a. Major revenue source;

b. amount past due—prior year ending balance;

c. amount past due—current year ending balance;

d. increase/decrease;

e. percentage of change;

f. explanation given for each comparison variance on the bottom of the page designated as "Explanation" for each category.

C. Accounts Receivable Quarterly Reports

1. Quarterly reports starting with September 30, 2000 is available on OSRAP website:

http://www.state.la.us /osrap/index.htm

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:88.1 through 39:88.4 and Act 904 of Regular Session 2001.

HISTORICAL NOTE: Promulgated by the Office of Governor, Division of Administration, Office of Statewide Reporting and Accounting Policy, LR 28:2349 (November 2002).

Chapter 3. Rulemaking Petitions

§301. Submission of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition an agency to adopt a new rule, or to amend or repeal an existing rule.

B. To petition an agency within the Division of Administration for changes to the agency's current rules, or for the adoption of new rules within the agency's purview, an interested person shall submit a written petition to the Division of Administration, Office of the Commissioner. The petition shall include:

1. the petitioner's name and address;

2. the name of the promulgating agency for the rule in question;

3. specific text or a description of the proposed language desired for the adoption or amendment of a rule, or the specific rule and language identified for repeal;

4. justification for the proposed action; and

5. the petitioner's signature.

C. The rulemaking petition shall be submitted by certified mail and addressed to:

Office of the Commissioner, Division of Administration
Re: Rulemaking Petition
P.O. Box 94095, Capital Station
Baton Rouge, LA 70804-9095

AUTHORITY NOTE: Promulgated in accordance with 39:88.2 and 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Statewide Reporting and Accounting Policy, LR 46:335 (March 2020).

§303. Consideration of a Rulemaking Petition

A. Upon receipt, a rulemaking petition shall be forwarded to the promulgating agency for review.

B. Within 90 days of receipt of the rulemaking petition, the agency shall either:

1. initiate rulemaking procedures to adopt a new rule, or to amend or repeal an existing rule; or

2. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefore.

AUTHORITY NOTE: Promulgated in accordance with 39:88.2 and 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Statewide Reporting and Accounting Policy, LR 46:336 (March 2020).

Title 4
ADMINISTRATION
Part XV Information Technology

Chapter 1. General Provisions

§101. General

A. Under the authority of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 39:15.1-6 in Act 712 of the 2014 Regular Legislative Session, the position of the state chief information officer (CIO) and the Office of Technology Services were established to manage and direct the following information technology initiatives:

1. establishing and coordinating all information technology systems and information technology services affecting the management and operations of the executive branch of state government;

2. overseeing and implementing a state master information technology plan on an annual basis;

3. establishing and directing the implementation of information technology standards, architecture, and guidelines;

4. reviewing, coordinating, and standardizing information technology;

5. implementing strategic information technology planning;

6. assessing the performance of information technology systems and technology operations and personnel;

7. overseeing and coordinating the centralization of the technology systems and data processing systems;

8. overseeing all telecommunication systems;

9. assuring compatibility and connectivity of Louisiana's information systems;

10. facilitating and fostering innovative applications of emerging technologies;

11. reviewing and overseeing information technology projects and systems for compliance with statewide strategies, policies, and standards;

12. providing support and technical assistance to the Office of State Procurement, the Office of Facility Planning and Control, and the Office of Planning and Budget;

13. overseeing and coordinating access to state information that is electronically available online from agency websites;

14. facilitating a process among state agencies to identify services that are favorable for electronic delivery;

15. providing direction to the Louisiana Geographic Information Systems Council and the Louisiana Geographic Information Center (LAGIC) for coordination of geographic data, geographic technology, and geographic standards of the state;

16. identifying information technology applications that should be statewide in scope;

17. reviewing and approving the receipt by executive agencies of information technology goods and services and telecommunication systems and services from non-appropriated sources, including but not limited to grants, donations, and gifts;

18. preparing annual reports and plans concerning the status and result of the state's specific information technology plans;

19. facilitating and fostering the identification of the policy and planning data needs of the state;

20. charging respective user agencies for the cost of information technology systems and information technology services provided by the office of technology services and may include all or part of the cost of the operation of the office;

21. acting as the sole centralized customer for the acquisition, billing, and record keeping of information technology systems or information technology services provided to state agencies;

22. developing coordinated information technology systems or information technology services within and among all state agencies and require, where appropriate, cooperative utilization of information technology; and

23. reviewing, coordinating, approving, or disapproving requests by state agencies for the procurement of information technology systems or information technology services including information technology proposals, studies, and contracts.

AUTHORITY NOTE: Promulgated in accordance with Act 712 of the 2014 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002), repromulgated LR 28:1954 (September 2002), amended by the Office of the Governor, Division of Administration, Office of Technology Services, LR 41:46 (January 2015).

§103. Submission of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition an agency to adopt a new rule, or to amend or repeal an existing rule.

B. To petition an agency within the Division of Administration for changes to the agency's current rules, or for the adoption of new rules within the agency's purview, an interested person shall submit a written petition to the Division of Administration, Office of the Commissioner. The petition shall include:

1. the petitioner's name and address;

2. the name of the promulgating agency for the rule in question;

3. specific text or a description of the proposed language desired for the adoption or amendment of a rule, or the specific rule and language identified for repeal;

4. justification for the proposed action; and

5. the petitioner's signature.

C. The rulemaking petition shall be submitted by certified mail and addressed to:

Office of the Commissioner, Division of Administration
Re: Rulemaking Petition
P.O. Box 94095, Capital Station
Baton Rouge, LA 70804-9095

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:15.1.1 and 49:953, et seq.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Technology Services, LR 46:336 (March 2020).

§105. Consideration of a Rulemaking Petition

A. Upon receipt, a rulemaking petition shall be forwarded to the promulgating agency for review.

B. Within 90 days of receipt of the rulemaking petition, the agency shall either:

1. initiate rulemaking procedures to adopt a new rule, or to amend or repeal an existing rule; or

2. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefore.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:15.1.1 and 49:953, et seq.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Technology Services, LR 46:336 (March 2020).

Chapter 3. State Agencies Responsibilities

§301. General

A. All agencies under the authority of Act 712 must comply with the policies and guidelines promulgated by the Office of Technology Services.

AUTHORITY NOTE: Promulgated in accordance with Act 712 of the 2014 Regular Session of the Louisiana Legislature.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002), repromulgated LR 28:1955 (September 2002), amended by the Office of the Governor, Division of Administration, Office of Technology Services, LR 41:47 (January 2015).

Chapter 5. Policy and Guidelines

§501. General

A. It is the intent of the Office of Technology Services to develop formal IT policies, standards and guidelines relative to information technology activities including but not limited to the following:

1. implementing IT standards for hardware, software, and consolidation of services;

2. directing and managing IT planning, procurement, and budgeting;

3. directing and managing centralization/consolidation of technology systems and services and provision of shared IT resources;

4. assuring compatibility and connectivity of Louisiana's information systems;

5. directing and managing IT projects and systems for compliance with statewide strategies, goals, and standards.

B. The policies, standards and guidelines of the Office of Technology Services will be promulgated via the OTS website at http://doa.louisiana.gov/.

AUTHORITY NOTE: Promulgated in accordance with Act 712 of the 2014 Regular Session of the Louisiana Legislature.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002), repromulgated LR 28:1955 (September 2002), amended by the Office of the Governor, Division of Administration, Office of Technology Services, LR 41:47 (January 2015).

§503. Policy Distribution

A. The official method of publishing/distributing OTS policies, standards and guidelines will be via the OTS website at: http://doa.louisiana.gov.

B. Other electronic delivery systems will be utilized as appropriate to notify agencies of adopted policies and guidelines.

AUTHORITY NOTE: Promulgated in accordance with Act 712 of the 2014 Regular Session of the Louisiana Legislature.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002), repromulgated LR 28:1955 (September 2002), amended by the Office of the Governor, Division of Administration, Office of Technology Services, LR 41:48 (January 2015).

Chapter 7. Submitting and Receiving Electronic Bids for Public Works Contracts and for the Purchase of Materials and Supplies by Political Subdivisions

§701. General Provisions

A. Electronic bid is to be an alternative, rather than exclusive, method to a paper bid.

B. In addition to including the information required for paper bidding, when accepting bids electronically, the advertisement must:

1. specify any special condition or requirement for the submission;

2. contain the electronic address of the public entity.

C. Online service provider minimum requirements:

1. compliance with applicable law and rules:

a. Public Works contract law, R.S. 38:2212;

b. materials and supplies contract law, R.S. 38:2212.1;

c. the Louisiana Uniform Electronic Transaction Act, R.S. 9:2601-2619, particularly R.S. 9:2619(A) which provides that the commissioner of administration shall encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this state, other states, federal government, and nongovernmental persons interacting with governmental agencies of this state [R.S. 9:2619(A)] while recognizing that, if appropriate, standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing most appropriate standard for particular application. [R.S. 9:2619(B)];

d. *Louisiana Administrative Code*, Title 4, Part XV, Chapter 7, Implementation of Electronic Signatures in Global and National Commerce Act—P.L. 106-229;

e. security standards promulgated by the Office of Technology Services of the state's Division of Administration;

2. be accessible over the internet via a modem or a network connection;

3. be available daily, 7 days a week, 24 hours daily, except for maintenance, and be reliable with better than 99.95 percent uptime with backup;

4. provide two-way service—publishes on the internet public works bid-related information from the political subdivision to the contracting community, and allows online, secure public works bid submission from the contracting community to the political subdivision;

5. automatically send bid receipt to bidder whenever a bid is submitted to the provider, with the receipt digitally signed by the provider and using the same technology used by the bidder to sign the bid;

6. have accurate retrieval or conversion of electronic forms of such information into a medium which permits inspection and copying;

7. ensure that bid cannot be read by anyone until the public bid opening. When bid is submitted to the provider, bid must be encrypted before sending using the political subdivision's key. Encryption level must ensure security;

8. ensure that if a bidder requests that an electronic bid be withdrawn before the bid deadline, it will not be passed on, or be accessible, to the political subdivision;

9. ensure that only the last electronic bid submission from a person is kept and passed on, or made accessible, to the political subdivision;

10. ensure that bid is not passed on, or accessible, to political subdivision until the public bid opening;

11. enable electronic bid bond submission and verification with at least two participating surety agencies;

12. ensure secure digital signature;

13. uses public/private key pair technology for encrypting and digitally signing documents;

14. provide telephone support desk, at a minimum, from 8 a.m. to 7 p.m., Monday through Friday, except for legal holidays. Provides voice mail after business hours with messages being addressed the next business day. Email and fax support addresses are available 24 hours a day and be answered the next business day.

AUTHORITY NOTE: Promulgated in accordance with Act 831 of the 2003 Regular Session of the Louisiana Legislature and Act 203 of the 2006 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 32:2052 (November 2006), amended by the Office of the Governor, Division of Administration, Office of Technology Services, LR 41:48 (January 2015).

Title 4
ADMINISTRATION
Part XVII. Records Management Policies and Practices

Chapter 1. Agency Records Management Officer Designation

§101. Designation

A. In compliance with R.S. 44:411, on or before July 1 of each state fiscal year, the chief executive officer of each agency, as defined by R.S. 44:402 shall designate a records management officer to act as liaison between the division and the agency on all matters related to records management for the term of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003).

§103. Process

A. Each agency shall communicate their records management officer designation by completing Form SS ARC 940 Records Management Officer Designation Form, (including signature of the chief executive officer and the date the designation was signed) and submitting the completed form to the state archivist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003).

§105. Responsibilities of an Agency Records Management Officer

A. Each agency should select a records management officer who:

1. can communicate effectively with agency personnel and with the division's personnel;

2. has adequate knowledge of how your agency is organized and its operations;

3. has the ability to work with the agency's information services section on records management issues related to electronic records created and maintained by the agency;

4. has the authority to oversee the records management program of the agency, including:

a. the development and implementation of an agency retention schedule;

b. the compliance with division and legal requirements for agency records;

c. the temporary storage of records at the State Records Center (if necessary) or the transfer of records for permanent storage with the state archives (if required or requested);

d. and the processing of disposal requests and destruction of agency records as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003).

§107. Changes in Records Management Officer Designees

A. Agencies wishing to change their agency's designee before their designation period has expired, must notify the state archivist within 30 days of such a change by completing Form SS ARC 940 and noting "AMENDMENT" on top of the page.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003).

Chapter 3. Retention Schedule Development

§301. Definitions

A. Unless otherwise defined in this Chapter, the definitions for key terms in this Chapter are provided in R.S. 44:402.

Approved Retention Schedule—a retention schedule which has been approved by the state archivist or his designee.

Records Series—a group of related or similar records, regardless of medium, that may be filed together as a unit, used in a similar manner, and typically are evaluated as a unit for determining retention periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003).

§303. Records Inventory

A. To facilitate the development of agency retention schedules in compliance with R.S. 44:411, each agency shall:

1. review the functions and activities of their agency;

2. develop a list of records produced, received and maintained by the agency;

3. identify the inclusive dates, the medium and volume of records maintained for each record series held by the agency. This provision may be facilitated by agencies

completing a records Management Inventory Form (SS ARC 960) for each record series to document their decision process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003).

§305. Writing the Retention Schedule

A. Each agency shall submit a draft retention schedule to the state archives for review and approval. In developing the draft, each agency will:

1. conduct adequate research to determine the length of time each record series needs to be maintained based on their administrative, legal, fiscal, and any historical/informational value. Legal citations should be included if statutes or rules exist, on either the state or federal level, the retention of certain records series;

2. develop specific retention and disposition instructions for each records series, including transference of inactive records to an appropriate records storage facility, the maintenance of long-term or permanent records within the agency, and/or transfer of custody of permanent records to the state archives control;

3. develop a draft retention schedule, using form number SS ARC 932, providing a brief description of the records series, suggested retention periods for each records series, recommended disposition instructions for non-permanent records, a notation for any records series that contains confidential information at the time of its creation in the remarks section and any citations used to formulate the retention value, if applicable. In the event that a subset of records are "declared" confidential due to pending investigation or similar event, a list of the records series involved should be transmitted to the state archives within 30 days of the declaration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003).

§307. Retention Schedule Maintenance

A. Each agency shall review its retention schedule annually to identify any record series requiring an addition, amendment or deletion to the agency's approved schedule. Each agency shall submit an amended SS ARC 932 noting any changes to its existing retention schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003).

§309. Retention Schedule Renewal

A. An agency schedule, once approved by the state archives will be valid for five years from the date of approval. Ninety days prior to the five year anniversary of a schedule's approval, each agency shall submit their schedule for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003).

Chapter 5. Storage of Records in State Records Center

§501. Definitions

A. For the purpose of this Chapter the following definitions apply.

Approved Records Center Box—a box that is 1.2 cubic feet in size, with dimensions of 15" x 12" x 10" and having no lids (fan fold tops only).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003).

§503. Eligibility

A. In accordance with R.S. 44:408, the State Records Center may accept records from state agencies when they meet the following criteria.

1. The records are scheduled on an approved records retention schedule.

2. The records belong to an office of the state executive or legislative branches of Louisiana government.

3. The records are considered inactive (not from current operational year).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003).

§505. Packing Instructions

A. Each box containing eligible records (as listed above) must comply with the following requirements.

1. The records are boxed in an approved records center box.

2. The records in each box are from the same records series with the same retention value.

3. The records should be packed in the same order as they are filed in the agency.

4. Boxes should not contain mixed media (i.e., microfiche with paper records).

5. Approximately 1 inch of space should be left in each box to facilitate retrieval.

6. Records should not be placed on top of other records in the box.

7. The approximate weight of each box should not exceed 35 pounds.

8. Packing tape is discouraged. If utilized, it may only be used to reinforce the bottom of the box.

9. To further protect the records in case of fire, agencies are strongly encouraged to pack their boxes with the records facing the long (15 inch) side of the box. If records being packed are letter-sized (8 1/2" x 11") the remaining space in the back of the box, may include additional records with the records facing the short side (12 inch) end of the box.

10. Boxes should not contain hanging file folders, three ring binders or binder clips.

11. If boxes contain records in a media other than paper (i.e., microfilm, audio/video tapes), the media type should be noted on the transmittal within the description of contents section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003).

§507. Labeling Instructions

A. Each agency must assign a unique agency box number to each box to be transferred by affixing the number to the upper right hand corner of the narrow end of the box (the end of the box) and may include a brief descriptor for the records (i.e., 1997, FY2002, A-F, #1001-2500, etc.) to the left of the agency box number. This box number (and descriptor) must correspond to an entry made on the agency's transmittal forms submitted for the box.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003).

§509. Disposal Date Cycles

A. Records stored in the State Records Center must be assigned one of two disposal cycles. Assignment should be made based on the following criteria.

1. July Cycle. Records that are retained based on fiscal year retention periods or meet their retention period between January 1 and June 30 during a given year.

2. January Cycle. Records that are retained based on calendar year retention periods or meet their retention period between July 1 and December 31 during a given year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003).

§511. Records Transmittal

A. Prior to the delivery of records to the State Records Center for storage, an agency must provide the records center with completed Records Transmittal and Receipt Forms (SS ARC 103), which will serve as an inventory sufficiently detailed to enable the records center to retrieve any record needed by the agency for reference.

1. A separate transmittal form (SS ARC 103) should be completed for each disposal date (i.e., January or July of a given year).

2. For each box, the agency should include the minimum information on their transmittal forms:

a. agency box number;

b. beginning and ending dates for the records in the box;

c. a brief meaningful description of the contents of the box (i.e., Employees A-E, Batch 151-210);

d. a notation if the records are on a media other than paper;

e. a notation if any of the records contain confidential information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003).

§513. Arranging Transfer

A. After completing the transmittal forms for the boxes to be stored at the State Records Center, the agency shall mail or fax the transmittals to the State Records Center at least two weeks prior to the date of transfer the agency is requesting. The State Records Center will contact the agency's records officer to finalize the delivery date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003).

§515. Delivery of Records

A. In general, delivery dates will be set on a first-come, first-serve basis. The State Records Center reserves the right to postpone or rearrange delivery dates or accept records of an agency in special circumstances or emergency situations, if the State Records Center staff or the records management officer statewide determine such an action is necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003).

§517. Ownership and Access

A. Records stored at the State Records Center remain property of the agency depositing them at the State Records Center. Only the depositing agency's designated employees and to a limited extent, State Records Center personnel will be provided access to records stored in the State Records Center. Any requests to see an agency's records from non-authorized parties will be forwarded to the agency for written approval. A written approval must include the name of the person, the records center box number for the records being requested and the signature of the agency's records officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003).

§519. Requesting Stored Records

A. An agency may request access to or check out their agency's records by following the following procedures.

1. The agency must contact the State Records Center by either mail, fax, phone or e-mail requesting access to or checking out a file(s) or box(es) by listing the records center box number for the boxes being requested and providing the file name(s) if particular files are being requested.

2. Requests will be processed on a first-come, first-serve basis. In the event that an agency has a true emergency, the State Records Center will try to accommodate a request for expedited service.

3. The State Records Center will contact the agency's Records Officer when the records in question are ready for review or pick-up. Upon arrival to the State Records Center, agency personnel will be required to show proper identification before access to the records will be granted.

4. Records being checked out from the State Records Center require a signed check out invoice by the employee checking out the records.

5. Once the agency checks out a record, the responsibility to return the record to the State Records Center belongs to the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003).

§521. Disposal of Records

A. Twice a year the State Records Center will generate disposal requests for agency records that have met their retention periods. Such disposal requests will be forwarded to the agency records officer for agency disposal approval. The agency will have 45 days to respond to the request. The State Records Center reserves the right to return to the agency any records listed on the disposal request after the allotted 45 days has lapsed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003).

§523. Agency Disposal Approval

A. Once the agency receives the disposal request, the agency records officer must ascertain if any of the records listed on the request require further retention or are required for pending or on-going litigation. The records officer should consult with the agency's legal counsel if there are any legal holds that require the records being retained for a longer duration.

1. If the records are not needed for any legal or administrative need, the agency records management officer shall sign the statement indicating that in consultation with the agency's legal counsel the records are no longer needed by the agency and may be destroyed.

2. If any record is still required by the agency, they may designate the records to be retained by noting the new disposal date requested and the reason for the extended retention. The agency may request the records be transferred back to their custody if they do not wish the records to remain in the State Records Center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003).

§525. Archival Review

A. Prior to the destruction of any records in the State Records Center, the state archives will review each disposal request for possible archival records. In the event that the state archives wishes to retain some records for archival review, the state archives will notify the agency which agency records they are transferring to the archives acquisition section for processing. Once transferred to the state archives the ownership of the record will transfer from the agency to the state archives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003).

Chapter 7. Transferring Records for Inclusion in Archives Collection

§701. General

A. In accordance with R.S. 44:411, agency shall secure written approval from the state archivist (or his designee) prior to the disposing of any records of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003).

§703. Eligibility

A. In accordance with R.S. 44:401, the state archives may accept records from state agencies according to the following criteria:

1. the records are scheduled on an approved records retention schedule;

2. the records have been determined to be of historical value or mandated by law to be kept as permanent records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003).

§705. Packing Instructions

A. For records that easily fit into archive box, each box containing eligible records as listed in §703 must comply with the following requirements.

1. The records are boxed in an approved archival box.

2. The records in each box are from the same records series with the same retention value.

3. The records should be packed in the same order as they are filed in the agency.

4. Boxes should not contain mixed media (i.e., microfiche with paper records).

5. The approximate weight of each box should not exceed 35 pounds.

6. Taping of printed descriptions to the box and use of packing tape is prohibited.

7. To further protect the records in case of fire, agencies are strongly encouraged to pack their boxes with the records facing the long (15 inch) side of the box. If records being packed are letter-sized (8 1/2" x 11") the remaining space in the back of the box, may include additional records with the records facing the short side (12 inch) end of the box.

8. Boxes should not contain hanging file folders, three ring binders or binder clips.

9. If boxes contain records in a media other than paper (i.e., microfilm, audio/video tapes), the media type should be noted on the transmittal within the description of contents section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003).

§707. Non-Standard Sized Packing Instructions

A. Prior to sending records that exceed 8 1/2" x 14", the submitting agency should contact the archives acquisitions section for further instructions on how to pack such records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003).

§709. Labeling Instructions

A. For boxes donated or sent to the state archives for permanent storage:

1. the agency must assign a unique agency number to each box to be transferred by affixing the number on one of the long sides of the box;

2. a brief descriptor for the records (i.e., Dept of State, Correspondence 6/1/00—12/31/00; Bd of Ethics—Campaign Finance Reports #98-04 through #98-100) under the box number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003).

§711. Archives Transmittal Form Required

A. Prior to the delivery to the state archives, the submitting agency must provide completed archives transmittal forms, which will serve as an inventory, sufficiently detailed, to enable archives staff to retrieve records as they are needed.

1. On each transmittal form, the agency shall include:

a. name and address of agency;

b. the records officer name and official title within the agency;

c. contact information (phone and e-mail address) for the records officer;

d. any restrictions that exist for the records included on the particular form;

e. the total number of boxes/items to be transferred;

f. signature of transmitting records officer and date signed by officer;

g. page number and total number of pages of transmittal (i.e., Page 1 of 5).

2. For each box or item, agency shall include on the transmittal:

a. title of records series as it appears on the agency's approved retention schedule;

b. more that one box may be listed on an archival transmittal form.

3. Submission and the acceptance of an archives transmittal form from an agency or donor by the state archives constitutes an Act of Donation to the state archives by the agency or donor, and transfers all rights and ownership of the records to the state archives.

4. The state archives will return a signed copy of the archival transmittal form signed by the receiving archivist after the transmittal has been processed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003).

§713. Arranging Transfer

A. After completing the archival transmittal forms for the items to be transferred to the state archives, the agency or donor shall transmit the forms at least one week prior to the date of transfer requested by the agency or donor. The state archives, after reviewing the forms, will contact the agency's or donor's contact listed on the transmittal to finalize the delivery date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003).

§715. Delivery of Records

A. In general, delivery dates will be set on a first-come, first-served basis. The state archives reserves the right to postpone or rearrange delivery dates or accept records of an agency in special circumstances or emergency situations, if the archives staff or records management officer statewide determine such an action is necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003).

§717. Long Term Records Storage

A. Records transferred to the state archives for permanent or long-term storage remain property of the agency depositing them with the state archives. Only the depositing agency's designated employees and to a limited extent, archives staff, will be provided access to records stored with the state archives. Any requests to see an agency's records from non-authorized parties (including public records requests) will be forwarded to the owner agency for written approval. Written approval must include the name of the person authorizing the access, the person access is being granted and the archives storage box number(s) in which the record(s) is located.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003).

§719. Requesting Stored Records

A. An agency may request access to or check out their agency's records by following the following procedures.

1. The agency must contact the state archives by either mail, fax, phone or e-mail requesting access to or checking out a file(s) or box(es) by listing the agency box number for the boxes being requested and providing the file name(s) if particular files are being requested.

2. Requests will be processed on a first-come, first-served basis. In the event that an agency has a true emergency, the state archives will try to accommodate a request for expedited service.

3. The state archives will contact the agency's records officer when the records in question are ready for review or pick-up. Upon arrival to the state archives, agency personnel will be required to show proper identification before access to the records will be granted.

4. Records being checked out from the State Records Center require a signed check out invoice by the employee checking out the records.

5. Once the agency checks out a record, the responsibility to return the record to the state archives belongs to the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003).

Chapter 9. Destruction of Public Records

§901. General

A. In accordance with R.S. 44:411, agency shall secure written approval from the state archivist (or his designee) prior to the disposing of any records of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003).

§903. Scheduled Records

A. Agencies wishing to dispose of records listed on their agency's approved retention schedule shall submit to the state archivist or his designee, Form SS ARC 930 (Request for Authority to Dispose of Records). Form SS ARC 930 must have the signature of either the agency's:

1. records officer as designated in LAC 4:XVII, Chapter 1; or

2. the chief executive officer; or

3. the general counsel for the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003).

§905. Non-Scheduled Records

A. Agencies wishing to dispose of records not listed on their agency's approved retention schedule shall submit to the state archivist or his designee, Form SS ARC 930 (Request for Authority to Dispose of Records) and a completed Records Management Inventory Form for each non-scheduled series listed on the disposal request. Form SS ARC 930 must have the signature of either the agency's:

1. records officer as designated in LAC 4:XVII, Chapter 1; or

2. the chief executive officer; or

3. the general counsel for the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003).

§907. Destruction Authorization

A. Once a disposal request has been received by the state archivist (or his designee), the agency will be notified within 30 days of receipt that:

1. their disposal request has been approved;

2. their disposal request has been denied along with an explanation why approval was not granted;

3. their disposal request contains records that should be transferred to the state archives for possible inclusion in the state archives; or

4. their disposal request requires more research and requires an additional 30 days to issue a response to the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003).

§909. Legal Hold Policy

A. Each agency is required to develop and implement an internal process for placing legal holds on records that are involved in state or federal investigations and/or litigation. Agencies should submit their policy within 30 days of creation to the state archives. The policy should address:

1. the agency's internal disposal approval process;

2. which employees are notified of a legal hold, when they are told and how they are told;

3. who is responsible for contacting possible third party vendors who may house records or data covered under a legal hold;

4. what steps should be taken by notified employees to safeguard records or data covered under a legal hold;

5. the agency's legal hold forms (including file level notice sheets) and instructions for any legal hold form/release forms created by the agency to implement the plan;

6. who within the agency has legal authority to lift the legal hold once the litigation or investigation has concluded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003).

§911. Disposal Methods

A. Once approval for disposal has been granted, an agency should dispose of the agency records in a manner acceptable to the level of confidentiality the record requires.

1. If a records series contains no information considered confidential in nature, an agency may use any acceptable disposal method including:

a. landfill;

b. recycling;

c. shredding;

d. incineration;

e. maceration;

f. pulverization.

2. If a records series contains information considered confidential in nature, an agency may use any of the following disposal methods:

a. shredding;

b. incineration;

c. maceration;

d. pulverization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003).

§913. Certificate of Destruction

A. Agencies shall document the destruction of their records by maintaining a certificate of destruction for all records requiring destruction approval from the state archives. Such destruction certificate shall consist of either:

1. the current state archives Certificate of Destruction Form (SS ARC 933) along with the approved destruction request from the state archives; or

2. an equivalent document that records the date the records were destroyed, the method of destruction, the approved Authority to Dispose of Records Form and the signature of at least one witness to the destruction or removal of the records. In the event that a recycling company is used for destruction, the date the records are transferred to the recycler for destruction will constitute the destruction date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003).

Chapter 13. Electronic Records

Subchapter A. Agency Responsibilities

§1301. Definitions

A. For the purpose of this Chapter the following definitions apply.

Agency Record—a record as defined by R.S. 44:402.

Electronic Mail (E-mail)—a system that enables an agency to compose, transmit, receive and manage text and/or graphic electronic messages and images across networks and through gateways connecting other local area networks.

Long-Term Record—a record with a total retention requirement of over 10 years but less than permanent.

Permanent—a record with a total retention of life of the agency and/or the state and intended to be maintained in perpetuity.

Short-Term Record—a record with a total retention requirement of 10 years of less.

Transitory—transitory records are records that have limited or no administrative value to the agency and are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003).

§1303. General

A. The head of each agency must ensure:

1. that a program is established for the management of state records created, received, retained, used, transmitted, or disposed of on electronic media;

2. that the management of electronic state records are integrated with other records and information management records management programs of the agency;

3. that electronic records management objectives, responsibilities and authorities are incorporated into pertinent agency directives and policies;

4. that procedures are established for addressing records management requirements, including, retention, access and disposition requirements;

5. that training is provided for users of electronic records systems, in the operation, care, and handling of the information, equipment, software and media used in the systems;

6. that documentation is developed and maintained about all electronic state records in a manner adequate for retaining, reading, or processing the records and ensuring their timely, authorized disposition; and

7. that a security program for electronic state records is established.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003).

Subchapter B. State Archives Imaging Policy

§1305. Imaging System Survey; Compliance

A. In accordance with R.S. 44:413, each agency shall complete a state archives imaging system survey and provide any amendments to their survey in a timely manner when original information provided is no longer accurate.

1. Survey Information. Each agency shall provide the following information to the state archives:

a. a listing of all records series maintained/managed by the system being surveyed;

b. the hardware and software being used (including model and version numbers) including total storage capacity;

c. the type and density of media being used by the system (magnetic, WORM, etc.);

d. the type and resolution of images being produced (TIFF class 3 or 4, and dpi);

e. the agency's quality control procedures for image production and maintenance;

f. the agency's back up procedures for the system and where (on-site, off-site) and how many sets of images exist;

g. the agency's migration plan for purging images from the system that have met their retention period.

2. Initial Survey Implementation. Any agency with an imaging system in operation before June 1, 2003 shall submit their survey response to the state archives by no later than July 31, 2003.

3. New Systems. In addition to completing the Imaging System Survey, any agency implementing an imaging system on or after June 1, 2003, must contact the state archives prior to implementation to ensure that a retention schedule, approved by the state archives, is in place and that the system can comply with their schedule's requirements.

4. Amending Imaging Survey Response. In the event that any changes in the initial information providing on an agency's imaging survey response, the agency shall submit an amendment to their survey response within 90 days of the change occurring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003).

§1307. Acceptable Means of Records Preservation

A. In accordance with R.S. 44:410, electronic digitizing (imaging) is an acceptable means for records preservation for the maintenance of short-term agency records, as defined in LAC 4:XVII.1301.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003).

§1309. Short-Term Records

A. Agencies utilizing imaging for the creation and maintenance of short term records, may use imaging without maintaining the original or a microfilm copy of the original provided that:

1. the records series has been included on the agency's retention schedule submitted to and approved by the state archivist or his designee;

2. a quality control inspection of the images is conducted prior to the destruction of the original source documents to ensure the visibility and accessibility;

3. the proper approval has been secured from the state archives prior to the destruction of the original source documents;

4. the records series maintained on imaging systems are stored in such a manner as to comply with the retention requirements (i.e., like retentions on the same optical disk or subdirectory).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
HISTORICAL NOTE: Promulgated by the Department of State, Office of the Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003).

§1311. Long-Term and Permanent Records

A. In accordance with R.S. 44:410, agencies utilizing imaging for the creation and maintenance of long term and/or archival records, may use imaging for administrative purposes provided that for preservation purposes the agency either:

1. maintain the original source documents for the retention period listed on the agency's retention schedule; or

2. produce a microfilm back up of the records and store the microfilm with the state archives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
HISTORICAL NOTE: Promulgated by the Department of State, Office of the Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003).

Subchapter C. Electronic Mail (E-mail) Guidelines

§1321. Series Retention of E-mail

A. E-mail should be retained based on content not on media type or storage limitations. Agencies should not encourage employees to unilaterally discard e-mail because of artificial limits on e-mail box capacities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
HISTORICAL NOTE: Promulgated by the Department of State, Office of the Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003).

§1323. E-Mail Is Not a Records Series

A. E-mail should not be treated as a single record series for retention scheduling purposes. E-mail should be incorporated into existing records series maintained by an agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
HISTORICAL NOTE: Promulgated by the Department of State, Office of the Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003).

§1325. Types of E-Mail

A. There are two broad categories of e-mail: record and non-record, based on their administrative and retention requirements.

1. Transitory. Transitory records are records that have limited or no administrative value to the agency and are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

a. Examples. Transitory information can include the following: unsolicited and junk e-mails not related to agency work, listserv and other e-mail broadcast lists that require subscription (including newspapers), reminders for meetings and events (i.e., cake in the conference room, staff meeting moved from 2 p.m. to 3 p.m.), personal non-work related e-mails received by employees.

b. Retention. There is no retention requirement for transitory messages. Public officials and employees receiving such communications may delete them immediately without obtaining approval from the state archives.

2. Record. Electronic mail records are records that have administrative value to the agency or are required to be maintained under state or federal law for a specified amount of time.

a. Retention. The retention requirement for e-mail records must follow suit with records with similar content found in other media (i.e., paper, film, electronic image). In the event that the content of the message does not fit into an existing record series on an approved retention schedule, the e-mail should be maintained in a manner consistent with R.S. 44:36 and should be added to the agency's approved retention schedule if the series is expected to remain active.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
HISTORICAL NOTE: Promulgated by the Department of State, Office of the Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003).

§1327. Maintenance of Electronic Mail

A. Records created using an e-mail system may be saved for their approved retention period by one of the following.

1. Print message and file in appropriate hard copy file.

2. Place in folders and save on personal network drive or C: drive.

3. Save to removable disk (including CD-ROM). 3.5" disks are not recommended for retention periods of more than one year due to the instability of this medium.

4. Transfer to an automated records management software application.

5. Managed at the server by an automated classification system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003).

§1329. User Responsibilities

A. It is the responsibility of the user of the e-mail system, to manage e-mail messages according to their agency's retention schedule.

1. It is the responsibility of the sender of e-mail messages within the agency's e-mail system and recipients of messages from outside the agency to retain the messages for the approved retention period.

2. Names of sender, recipient, date/time of the message, as well as any attachments must be retained with the message. Except for listserv mailing services, distribution lists must be able to identify the sender and recipient of the message.

3. User responsibilities may be mitigated by the use of a server level automated classification system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003).

§1331. Agency Responsibilities

A. Each agency should adopt and disseminate to their employees an agency electronic mail (e-mail) proper use policy. The policy should include:

1. defining official use and set limits on personal use of electronic messaging (similar to limitations that exist for telephone, fax, and personal mail);

2. prohibiting the use of electronic messaging system to promote the discrimination (on the basis or race, color, national origin, age, martial status, sex, political affiliation, religion, disability or sexual preference), promotion of sexual harassment, or to promote personal, political, or religious business or beliefs;

3. prohibiting employees from sending electronic messages under another employee's name without authorization;

4. prohibiting the altering of electronic messages, including any attachments;

5. agency process for storing and maintaining electronic messages for the duration of the message's retention period;

6. notice that users of an agency's electronic messaging system should not expect a right of privacy and that electronic messages may be monitored for compliance and abuse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003).

§1333. Use of Records Management Application (RMA) Software

A. Agencies may use records management application (RMA) software to manage records in digital form. RMA software categorizes and locates records and identifies records that are due for disposition. RMA software also stores, retrieves, and disposes of the electronic records that are stored in its repository. Agencies should use RMA software that complies with DoD 5015.2-STD, "Design Criteria Standard for Electronic Records Management Software Applications," as issued by the U.S. Department of Defense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003).

Chapter 15. Microfilm Policy

§1501. General

A. This policy applies to the microfilming of any agency record that is to be maintained solely in microfilm format and to all microfilm which is created or maintained for the full retention period of the record as a security copy of an agency record. This policy does not apply to convenience film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003).

§1503. Definitions

A. The following words and terms, when used in this Chapter, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in these Sections have the meanings defined in the R.S. 44:402.

Aperture Card—card with a rectangular opening(s) into which 16mm/35mm microfilm frames can be inserted, mounted, or pre-mounted.

Batch—a quantity of chemicals or film which has been prepared at one time, and which has been identified through labeling or through other means by the manufacturer as a batch or lot.

CAD (Computer Assisted Design)—a method of creating microimages by computer-driven laser.

Convenience Film—microfilm copies of records created only for convenience of use and considered non records under R.S. 44:1.

Declaration by the Camera Operator—a target photographed on film following the filmed records that provides identification of beginning and ending records on the film; signature of the camera operator; date the declaration was filmed; and reduction range, if more than one ratio has been used.

Diazo—a photographic film containing one or more photosensitive layers composed of diazonium salts in a polymeric material which react with coupler(s) to form an azo dye image after film processing.

Duplicate Microfilm—a microfilm copy made from the original or master negative. Can be silver, diazo or vesicular film.

Essential Record—any agency record necessary to resume or continue an agency's business; to recreate its legal and financial status; and to preserve the rights of the agency, its employees, and its clients.

Microfilm—roll microfilm, microfiche, computer output microfilm (COM), and all other formats produced by any method of microphotography or other means of miniaturization on film.

Microfilm Container—generic term for any enclosure in close or direct contact with film such as a reel, can, bag, folder, sleeve (sheath), jacket, envelope, window mount or mat, slide mount, carton, cartridge, cassette, and aperture card.

Microfilming—the methods, procedures, and processes used to produce microfilm.

Original Microfilm—first generation of film produced when records are filmed.

Silver Original—first generation silver-gelatin film or other archival quality film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003).

§1505. Access to Referenced Standards and Practices

A. The copyrighted standards and recommended practices issued by the American National Standards Institute (ANSI) and/or the Association for Information and Image Management (AIIM) listed in this Chapter are considered best practice and each agency should strive to meet their minimum requirements for all microfilming of state records. A copy of each of the standards mentioned in this rule will be on file upon adoption of this rule and available for public inspection by appointment, during regular working hours at the Louisiana State Archives Building, 3851 Essen Lane, Baton Rouge, LA 70809. The standards are distributed by and available from the Association for Information and Image Management (AIIM), Suite 1100, 1100 Wayne Avenue, Silver Spring, MD 20910-5699.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003).

§1507. Retention Schedule Compliance

A. Microfilming of records must be in compliance with an approved agency retention schedule except, if an agency does not have an approved retention schedule, a microfilming needs assessment must be completed by the state archives to determine if filming is justified.

1. For microfilm maintained as roll film, no more than one record series is permitted on each roll of microfilm.

2. Original records that have been microfilmed may be destroyed or source documents that have been filmed prior to the expiration of their retention periods if the microfilm complies with this policy and in accordance with R.S. 44:36 and R.S. 44:39.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003).

§1509. Use of Original Microfilm

A. After the completion of production tests and quality inspection, original microfilm must not be unwound and used for any purpose except:

1. to produce duplicate copies of the film;

2. to carry out periodic inspection of stored original film;

3. to expunge records required by law;

4. to destroy records when retention period has been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003).

§1511. Annual Report Requirement

A. All agency microfilm produced in house by an agency or by an outside vendor shall make an annual report to the state archives in the form of letter or report and shall include:

1. equipment used by agency or vendor;

2. records series annually filmed by agency;

3. total number of:

a. 100' 16 mm reels;

b. 215' 16 mm, reels;

c. 35 mm reels;

d. microfiche;

e. jackets;

f. aperture cards;

g. images filmed;

h. duplicate reels produced;

4. the method(s) and/or vendor used to process agency microfilm;

5. the location of the original film produced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003).

§1513. State Centralized Microfilm Unit

A. In accordance with R.S. 44:415, all agencies shall contract with the state archives for microfilming services. If the state archives is unable to meet the agency's needs, the state archives can grant permission for the agency to contract with a private vendor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003).

§1515. Film Requirement

A. Film with a polyester base must be used for records having a retention period of 10 years or more. Any film type may be used for records having a retention period of less than 10 years, provided the microfilmed record will last for the required retention period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003).

§1517. Film Production

A. The records to be filmed must be arranged, identified, and indexed for filming so an individual document or series of documents can be located on the film. In instances where records are not self-indexing (i.e., not in a readily identifiable numeric or alphabetic sequence) an index must be maintained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1519. Image Marking

A. Any use of image marking should comply with standard ANSI/AIIM MS8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1521. Targets

A. Whenever possible, targets must all face the same direction as the records being microfilmed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1523. Image Sequence

A. Image sequence on roll microfilm must be at a minimum:

1. leaders with a minimum of 3 feet (36 inches) of blank film;

2. density target and resolution target;

3. title page (including agency of record);

4. records series identification page;

5. records on film;

6. declaration by camera operator;

7. density target and resolution target;

8. trailer with a minimum of 3 feet (36 inches) of blank film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1525. Retake Sequence

A. Filming sequence for retakes and additions on all microfilm must be:

1. title target identifying the retake or addition records;

2. the retake or addition records; and

3. declaration of the camera operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1527. Splices

A. Retakes and additions can be spliced either before the density and resolution targets at the beginning of the film or after the density and resolution targets at the end of the film. Retakes and additions can be on another roll of film if cross-indexed to the original roll on the title target and the container label of the retake.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1529. Inspection

A. Original processed microfilm must be visually inspected according to the following procedures.

1. A visual inspection of microfilm within two weeks of creation must be completed to verify legibility.

2. Film of essential records or records having a retention period of 10 years or more must be inspected image by image.

3. Film of non-essential records having a retention period of less than 10 years must be inspected at least every 10 feet of each roll or every third microfiche.

4. Images of documents must be uniformly placed on the film and must be free of any defects in the filming area that would interfere with the documents being read.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1531. Cameras and Ancillary Equipment

A. It is recommended that camera equipment be calibrated, tested, or otherwise inspected and adjusted at least twice annually or more often if required to comply with manufacturer's specifications or recommended operating and maintenance procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1533. Storage of Original Microfilm

A. Original film should be stored in a separate building from where duplicate copies or the original record are housed. In addition, films of different generic types, such as silver-gelatin, diazo, and vesicular films, should not be stored in the same storage room/vault or in rooms sharing common ventilation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1535. Storage of Original Microfilm at State Archives

A. Original film of original records at the state archives must be placed in an archives vault on a different floor than the original records or duplicate film. Films of different generic types, should not be stored in the same vault.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1537. Storage Environment

A. Original microfilm must be stored in a storage room or vault that:

1. offers protection from fire, water, steam, structural collapse, unauthorized access, and other potential hazards;

2. is equipped with a fire alarm and fire suppression system;

3. has adequate temperature and humidity controls:

a. for original film of records with a retention of 10 years or more, temperature must not exceed 72 degrees Fahrenheit, and a constant relative humidity of 45 percent must be maintained with a maximum variation of plus/minus 5.0 percent relative humidity in a 24-hour period;

b. for original film of records with a retention period of 10 years or less, the maximum temperature must not exceed 77 degrees Fahrenheit, and a relative humidity range between 20 percent and 60 percent must be maintained with a maximum variation of plus/minus 5.0 percent relative humidity in a 24-hour period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003).

§1539. Containers and Storage Housing

A. Storage housing materials must be noncombustible and non-corrosive. Microfilm containers for original microfilm must:

1. be used for processed microfilm to protect the film and facilitate identification and handling;

2. be chemically stable materials such as non-corrodible metals (anodized aluminum or stainless steel), peroxide-free plastics, and acid-free paper to ensure no degradation is caused to the images;

3. stored in a closed housing or may be stored on open shelves or racks if the film is in closed containers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003).

§1540. Container Labels

A. Labels must include:

1. whether the film is original microfilm or a duplicate, including generation number if known;

2. identification number;

3. name of agency;

4. records series title;

5. inclusive dates of records;

6. the beginning and ending records; and

7. retakes/additions, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003).

§1541. Inspection of Stored Original Microfilm

A. Inspection of stored original microfilm may be conducted in accordance with the following standards:

1. ANSI IT9.11;

2. ANSI/AIIM MS45; and

3. ANSI/NAPM IT9.1.

B. When inspection is done, the sample of microfilm to be inspected for each storage room or vault, if more than one, must be 1/1000th of the total volume of stored microfilm or at least 100 microforms (rolls, jackets, microfiche, aperture cards, COM, etc.), whichever is greater. Sampling procedures must be established that will assure that all parts of the group of microfilm are represented.

C. Inspection must be conducted every five years. Microfilm that has been stored under temperature and/or humidity conditions other than those specified in this policy must be inspected every two years.

D. Containers used to store the film must be inspected for evidence of rust, corrosion, or other deterioration and replaced, if needed.

E. Original microfilm must be inspected on a light box with rewinds or comparable equipment which will not scratch the film.

F. If deterioration is found, a more extensive inspection must be conducted to locate all deteriorating film.

G. Any deteriorating film must immediately be removed from the storage area and the problem corrected before returning the film to storage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003).

§1543. Computer Output Microfilm (COM)

A. All policies for COM are the same as other microfilm formats, except:

1. the COM original must be wet processed silver-gelatin film for essential records and records with a retention of 10 years or more;

2. the following standards for production, testing, and inspection of COM are recommended:

a. ANSI/AIIM MS1;

b. ANSI/AIIM MS5;

c. ANSI/AIIM MS28;

d. ANSI/AIIM MS39;

e. ANSI/AIIM MS43; and

f. ANSI/NAPM IT9.17.

B. If bar coding is used, the procedures in technical report AIIM TR12 should be followed.

C. The COM original must be visually inspected every 10 feet.

D. Eye-legible titling information must include the following:

1. name of agency;

2. records series title;

3. date(s) of records; and

4. starting and/or ending indexing information.

E. A reduction ratio not exceeding 48:1 must be used.

F. Adherence image sequence for filming, mentioned in this policy is not required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003).

§1545. Jacketing

A. All policies for jacketed microfilm are the same as other microfilm formats, except:

1. original microfilm may be placed in a jacket, if there is a security copy stored in the same fashion as original microfilm;

2. jacket header information should include a record identifier (name, number). If no security copy exists, the following must be included in the jacket header information:

a. name of agency;

b. records series title;

c. date(s) of records; and

d. starting and/or ending indexing information.

B. Header information must be created with a black carbon-type ribbon or ink that will not bleed, spread, or transfer.

C. Microfilm jackets should comply with ANSI/AIIM MS11.

D. The procedures in AIIM TR11 are recommended for the jacketing of film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003).

§1547. Aperture Card/CAD Systems

A. Film produced by aperture card/CAD systems are the same as other microfilm formats, except:

1. original microfilm and enclosure should pass the photographic activity test criteria outlined in the standard ANSI IT9.2;

2. a density test and a resolution test must be conducted on a sample of original microfilm at a minimum of once every 250 cards or every 1,000 images, whichever is greater;

3. aperture cards must have the following information on label headings:

a. name of agency;

b. records series title;

c. date(s) of records; and

d. unique identifier.

B. Adherence image sequence for filming, mentioned in this policy is not required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003).

§1549. Expungements

A. Such action must comply with statutory law.

1. If roll film is spliced, the following information must be inserted in place of the expunged record(s):

a. a start of expungement target;

b. replacement documents for documents that were expunged (if necessary);

c. an expungement certificate containing the following information;

d. the number of the district court ordering the expungement;

e. the signature, printed name, and title of the custodian of expunged records;

f. the date of expungement.

B. Images on film must not be expunged by punching holes through film, by using opaque, by blotting images with ink-type pen, or by using chemical means such as potassium dichromate (bleach) on film emulsion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003).

§1551. Destruction of Microfilmed Records

A. Microfilmed records must be destroyed only in accordance with R.S. 44:411(A)(2). Microfilmed records scheduled for destruction must be disposed of in a manner that ensures protection for any sensitive or confidential information. Destruction of records on a roll of microfilm containing multiple records series must be done by destroying the whole roll of film at the time the records on the film that have the longest retention period are eligible for destruction or, if filmed prior to the effective date of these standards, by deleting the section of the film containing records eligible for destruction and splicing the film. If the film is spliced, a destruction notice containing the following information must be inserted in place of the deleted records:

1. the records series title and the inclusive dates of the records;

2. the signature and printed name of the agency records management officer (RMO) approving deletion of the records;

3. the date of the deletion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003).

§1553. Documentation and Record Keeping

A. Microfilm Production

1. Agency records management officer (RMO) must require documentation to be maintained that identifies titles of records filmed, dates records filmed, disposition of records after filming, dates film processed, disposition of film, reduction ratio used, records series contained on each microfilm, and equipment on which each microfilm was filmed and processed. The documentation must be retained until final disposition of all microfilm documented in the log or equivalent.

B.1. The following information must be recorded for each inspection of stored microfilm:

a. the quantity and identification of microfilm inspected;

b. the condition of the microfilm, including description of any deterioration;

c. any corrective action required;

d. the date(s) of inspection and signed certification of inspector; and

e. the date any corrective action was completed.

2. The inspection log of stored microfilm must be maintained by year and within each year numerically according to microfilm identifier or number.

C. Agency microfilm programs must be reviewed yearly by the agency records management officer (RMO) for compliance with R.S. 44, Chapter 5, and this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003).

Title 4
ADMINISTRATION
Part XIX. Address Confidentiality Program

Chapter 1. Address Confidentiality Program

§101. Summary of Program

A. The Address Confidentiality Program (ACP) provides relocated victims of abuse, sexual assault, or stalking with a substitute address to use in place of their actual address when they apply for or receive state or local government services (e.g., driver's license, voter registration, public school records, etc.). The goal of the program is to prevent an assailant or potential assailant from finding the location of a victim through the state's public records. The program is not a witness protection program and does not assist participants in obtaining new names, Social Security numbers, or in relocating them to a new residence. The ACP does not provide legal advice to the participant.

B. The ACP acts as the agent of an ACP participant for purposes of service of process and forwards all first-class, certified, or registered mail to the participant.

C. The ACP works with state and local government agencies to ensure compliance of ACP legislation and to facilitate the use of the substitute address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:56 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1637 (August 2008).

§103. Eligibility Requirements

A. Any person attempting to escape from actual or threatened abuse, sexual assault, or stalking can apply for participation in the ACP. To participate in the program, a victim must meet the following criteria:

1. be a victim of abuse, sexual assault, or stalking;

2. be concerned for the safety of self, children, or household members;

3. be a resident of Louisiana;

4. relocate or plan to relocate to an address unknown to his/her abuser;

5. not have made any public record in new location (i.e., telephone number, utilities, driver's license, etc.);

6. live in a residence that the victim does not own (The ACP cannot protect victims if a house has been purchased in their name.); or

7. be 18 years of age or older:

a. be a parent or guardian acting on behalf of a minor; or

b. be a parent or guardian acting on behalf of an incapacitated individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1637 (August 2008).

§107. ACP Process

A. A victim of abuse, sexual assault, or stalking moves to a new location (in Louisiana) that is unknown to his/her abuser, and a public record of the new address has not been created (i.e., telephone number, driver's license, utilities, etc.).

B. The victim calls the ACP and is referred to an agency with a certified ACP Application Assistant.

C. The victim meets with an ACP Application Assistant to apply for participation in the ACP.

D. The ACP Application Assistant sends the application to the ACP.

E. The ACP reviews the information on the application and if all conditions have been met, the victim is certified as a program participant.

F. The new participant is assigned an ACP code, and an ACP authorization card is issued for each member of the household.

G. The program participant (and co-participants) can now apply for state and local government services using the substitute address as his/her legal address.

H. The ACP forwards all first-class, certified, and registered mail to the program participant's actual mailing address.

I. The program participant's actual residential address and telephone number are not public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:56, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1637 (August 2008).

§109. Definition of a Participant and Co-Participant(s)

A. A victim becomes an ACP participant after he/she meets the criteria set forth by the ACP legislation. A co-participant is a household member (i.e., child, spouse, sister, etc.) who lives with the participant and is listed on the ACP application. Household members are not required to be in the ACP; however, it is strongly advised that they be a part of the ACP as it is important for everyone in the household to use the substitute address.

B. The participant and co-participants share the same ACP code and the same substitute address. The participant and co-participants are afforded the same legal protections of the ACP and must agree to abide by the same rules and guidelines of participation in the ACP.

C. Once the participant has completed the proper application form, the secretary of state shall certify the applicant as a program participant which certification shall be valid for four years following the date of filing unless the certification is cancelled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:56 and R.S. 36:742.
HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1637 (August 2008).

§111. Substitute Address

A. The substitute address assigned to participants has no relationship to participants' actual address and all participants use the same address.

B. The substitute address can be used as the participant's residential, school, and work address. The address should always be used when applying for state and local government services. Private companies are not required to accept the substitute address; however, upon request, many companies use the substitute address. Program participants should also use the ACP address with work associates, friends, and family members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:54, and R.S. 36:742.
HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1637 (August 2008).

§113. Authorization Card

A. Each applicant is asked to sign an ACP authorization card and the card of every co-applicant under the age of 18. Co-applicants that are 18 or older, sign their own authorization card. The ACP issues an ACP authorization card for each member of the household. Use of the substitute address may begin when participants receive their ACP authorization card.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.
HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1637 (August 2008).

§115. ACP Code

A. The ACP code is a specific number assigned to each participant and co-participant and is used to sort and distribute participant mail. Participants and co-participants in the same household share the same ACP code and all mail addressed to a participant should include this number. If the ACP code is not included as part of an address; delivery of a participant's mail can be delayed and in some cases, may be returned to the sender.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.
HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1638 (August 2008).

§117. Mail-Forwarding Service

A. The ACP provides first-class mail forwarding service to participants using the substitute address. All first-class, certified, and registered mail received at the substitute address is forwarded as first-class mail to the mailing address provided on the application by the participant. The ACP does not forward books, magazines, periodicals, packages, or junk mail. Packages are returned to the sender and junk mail or magazines are discarded. Program participants can expect their mail to be delayed 5 to 10 days as all mail is forwarded from a Baton Rouge address. The ACP does not track or maintain records of any mail received on behalf of the program participants unless the mail is certified or registered.

B. Participants are asked to directly communicate with all their business/personal contacts to inform them of the substitute address they will be using as their mailing address and the address for public record. Participants are asked not to submit a change of address form to the U.S. Postal Service as this can cause confusion for the post office and can delay the participant's mail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.
HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1638 (August 2008).

§119. Voter Registration

A. A program participant may vote absentee by mail upon meeting the necessary requirements. The participant's substitute address shall be used for registration and voting and the participant's name and physical address shall not be included on any list of registered voters available to the public. A program participant shall not vote during early voting in-person or in-person at the polls on election day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.
HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1638 (August 2008).

§121. Service of Process

A. A program participant designates the ACP as an agent for service of process and receipt of mail and legal documents. The ACP receipt of documents constitutes the participant's receipt of the documents. Participants cannot use the program to avoid legal action or to hide from legal responsibilities by refusing to accept mail forwarded by the ACP. Participants are legally responsible for obligations contained in all documents forwarded to them by the ACP. ACP will accelerate delivery (i.e., Fed Ex, UPS, etc.) on legal papers participants are served. All legal delays for service of citation or other process on a program participant shall be extended 10 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.
HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1638 (August 2008).

§123. Disclosure of Records

A. The ACP is prohibited from disclosing the address or telephone number of a program participant except under the following circumstances.

1. The information is requested by a federal, state, or local law enforcement agency for official use only.

2. The information is required by direction of a court order.

3. The information is requested by an agency to verify the participation of a program participant when the verification is for official use only. ACP will give no additional information except to verify participation in the program.

B. The ACP will provide immediate notification of disclosure to program participants when disclosure is made under LAC 4:XIX.123.A.2 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1638 (August 2008).

§125. Notification to Courts

A. If at the time of application, a program participant is subject to court order or is involved in a court action related to divorce proceedings, child support, child custody, or child visitation, the ACP shall notify the court that issued the order or the court having jurisdiction over the action, of the certification of the program participant in the ACP and of the substitute address designated by the secretary of state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1638 (August 2008).

§127. State and Local Government Agency Exemption

A. A state or local government agency may request a waiver from the requirements of the ACP by submitting a waiver request. The waiver is an explanation of why the agency cannot meet its statutory or administrative obligations by using the ACP substitute address. If the ACP accepts the waiver, the agency will only use the participant's actual address for statutory or administrative purposes and will not be public record. Acceptance or denial of an agency's waiver request is not subject to further review.

B. Participants subject to the Sex Offender and Public Protection Registration Programs must disclose their actual residential address as required by the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1638 (August 2008).

§129. Certification

A. Applicants are certified as participants for four years following the date of certification unless withdrawal or cancellation occurs before the expiration date. Participants can renew their certification if they still consider themselves at risk by completing another application with an ACP Application Assistant within 30 days prior to their expiration date. Upon the receipt and approval of a completed ACP application, the applicant will be on record as a certified program participant and will receive a welcome packet with more detailed information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:53, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:1639 (August 2008).

Title 4
ADMINISTRATION
Part XXI. Granting Unserved Municipalities Broadband Opportunities (GUMBO)

Chapter 1. Program Summary

§101. Background and Authorization

A. This Part may be cited as the Louisiana GUMBO Broadband Grant Program Guide.

B. The Louisiana Office of Broadband Development and Connectivity, as authorized by R.S. 51:2370.1-2370.16, provides grants to private providers of broadband services to facilitate the deployment of broadband service to unserved areas of the state. The Granting Unserved Municipalities Broadband Opportunities (GUMBO) grant program funds eligible projects, through a competitive grant application process, in economically distressed parishes throughout the state.

C. The application materials, program guidelines, and criteria set forth in this Part govern the GUMBO grant program and have been developed based on the enacting legislation for the program, Act 477 of the 2021 Regular Legislative Session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1504 (June 2022).

§103. Definitions

Broadband Service—deployed internet access service with a minimum of 25 Mbps download and 3 Mbps upload transmission speeds (25:3 Mbps).

Cooperative—a corporation organized under Part I of Chapter 2 of Title 12 of the Louisiana Revised Statutes of 1950 or a corporation who becomes subject to those provisions pursuant to R.S. 12:401 et seq.

Director—the Executive Director of the Office of Broadband Development and Connectivity within the Division of Administration.

Economically Distressed Parish—an unserved area that is in need of expansion of business and industry and the creation of jobs, giving consideration to unemployment, per capita income, and the number of residents receiving public assistance within that unserved area.

Eligible Grant Recipient—a provider of broadband service, including a provider operated by a local government if the local government is compliant with the Local Government Fair Competition Act prior to July 1, 2021, with respect to providing such services, a cooperative, or any partnership thereof.

Eligible Parishes—any parish with unserved structures.

Eligible Project—a discrete and specific project located in an unserved area of an eligible parish seeking to provide broadband service to homes, households, businesses, educational facilities, healthcare facilities, and community anchor points not currently served. A project that is primarily engaged in middle-mile, backhaul, or similar work is not an eligible project. The inclusion of middle-mile, backhaul, or similar capacity is permissible in an eligible project, if the capacity does not otherwise exist and is necessary for the project's last-mile broadband connectivity to end-users. If a contiguous project area crosses from one eligible parish into one or more eligible adjacent parishes, the project shall be deemed to be located in the parish where the greatest number of unserved households are proposed to be served.

Household—any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him, both people shall be considered part of the same household. Children under the age of 18 living with their parents or guardians are considered to be part of the same household as their parents or guardians.

In-Kind—existing facilities, equipment, materials, and structures that a local government makes available in partnership with an internet service provider as a contribution to the proposed project, consistent with market rates. Examples include but are not limited to copper wire, coaxial cable, optical cable, loose tube cable, communication huts, conduits, vaults, patch panels, mounting hardware, poles, generators, batteries and cabinets, network nodes, network routers, network switches, microwave relays, microwave receivers, site routers, outdoor cabinets, towers, easements, rights-of-way, and buildings or structures owned by the local government that are made available for location or collocation purposes. This term may also include fees.

Infrastructure—existing facilities, equipment, materials, and structures that an internet service provider has installed either for its core business or public enterprise purposes. Examples include but are not limited to copper wire, coaxial cable, optical cable, loose tube cable, communication huts, conduits, vaults, patch panels, mounting hardware, poles, generators, batteries and cabinets, network nodes, network routers, network switches, microwave relays, microwave receivers, site routers, outdoor cabinets, towers, easements, rights-of-way, and buildings or structures owned by the

entity that are made available for location or collocation purposes.

Infrastructure Costs—costs directly related to the construction of broadband infrastructure for the extension of broadband service for an eligible project, including installation, acquiring or updating easements, backhaul infrastructure, and testing costs. The term does not include overhead or administrative costs.

Local Government—a parish, municipality, or school board, or any instrumentality thereof.

Office—the Office of Broadband Development and Connectivity within the Division of Administration.

Prospective Broadband Recipient—a household, home, business, educational facility, healthcare facility, community anchor point, agricultural operation, or agricultural processing facility that is currently unserved and is identified in an application submitted.

Shapefile—a file format for storing, depicting, and analyzing geospatial data depicting broadband coverage, comprised of several component files, such as a Main file (.shp), an Index file (.sbx), and a dBASE table (.dbf).

Unserved—notwithstanding any other provision of law, any federal funding awarded to or allocated by the state for broadband deployment shall not be used, directly or indirectly, to deploy broadband infrastructure to provide broadband internet service in any area of the state where broadband internet service of at least 25:3 Mbps is available from at least one internet service provider.

Unserved Area—a designated geographic area that is presently without access to broadband service offered by a wireline or fixed wireless provider. Areas included in an application where a provider has been designated to receive funds through other state or federally funded programs designated specifically for broadband deployment shall be considered served if such funding is intended to result in the initiation of activity related to the construction of broadband infrastructure in such area within 24 months of the expiration of the 60-day period related to such application established pursuant to R.S. 51:2370.4(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1504 (June 2022).

§105. Non-Applicability of other Procurement Law

A. In accordance with R.S. 51:2370.14(C), grants solicited and awarded pursuant to the GUMBO program shall not be subject to the provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq., or the Public Bid Law, R.S. 38:2181 et seq.

B. The procurement method used by the office to solicit applications, identify and score product features, cost, and technical factors, and award on the basis of best values shall be as set forth in Chapters 3 and 4 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1505 (June 2022).

Chapter 2. Project Area Eligibility Requirements

§201. Eligible and Ineligible Project Areas

A. Eligible areas for the GUMBO grant program are areas without deployed internet access service providing transmission speeds of at least 25:3 Mbps with wireline or fixed wireless, and which qualify as an unserved area as defined in this Part. These areas are the focus of broadband expansion under this grant program.

B.1. Ineligible areas for the program are areas that already have internet access service available to them at transmission speeds of at least 25:3 Mbps with wireline or fixed wireless. In addition, areas (census blocks) where a private provider has been designated to receive funding through Universal Service, Connect America Phase II, Rural Digital Opportunity Fund, or other federal or non-federal funds shall be considered served and therefore ineligible for the GUMBO grant program if such funding is intended to result in the initiation of activity related to construction of broadband infrastructure in the area within 24 months from the expiration of 60 days following the closure of the grant application period.

2. In the initial grant application period, providers receiving Universal Service, Connect America Phase II, Rural Digital Opportunity Fund, or other federal or non-federal funds to deploy service, within the established timeline of within 24 months from the expiration of 60 days following the closure of the grant application period, may designate such areas as ineligible and subject to exclusion and reservation from the GUMBO grant program, for a period of 24 months, by submitting to the office, within 60 days of the closure of the application period, a listing of the census blocks, shapefile areas, individual addresses, or portions thereof, comprising the provider's future project areas.

3. In subsequent grant application periods, in order to designate areas as ineligible and subject to exclusion, providers shall submit to the office census blocks, shapefile areas, individual addresses, or portions thereof, not less than 60 days prior to the beginning date of the application period.

4. Failure on the part of a provider to submit a relevant project area for ineligibility and exclusion shall result in those areas being eligible for GUMBO grant funding for the applicable grant application period. However, in such circumstance, providers shall be able to utilize the protest process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1505 (June 2022).

§203. Resources for Identification of Project Areas

A. Applicants can apply for funding to serve census blocks, shapefile areas, individual addresses, or portions thereof, as set forth in Chapter 3: Applications of this Part.

B. Although the Office of Broadband Development and Connectivity cannot provide a listing of all prospective broadband recipients within the state that have broadband service of less than 25:3 Mbps available, the office advises applicants to consider mapping tools and other resources located within the office's website as a starting point for identifying project areas.

NOTE: Mapping tools and other resources can be found on the website of the office, at connect.la.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1505 (June 2022).

Chapter 3. Applications

§301. Process Overview

A. No funding shall be disbursed by the GUMBO grant program except pursuant to an application submitted in accordance with this Chapter.

B. Applications for the GUMBO grant program shall be submitted via the website of the office.

C. The online application process may provide for mandatory and optional materials to be submitted with each proposal.

D. Prior to the publication of an application by the Office pursuant to R.S. 51:2370.4(C), the Office shall undertake a preliminary evaluation of the application with due diligence to examine whether the application appears on its face to comply with applicable program requirements. Until such time as this preliminary evaluation is complete, the provisions of R.S. 51:2370.16(3), relative to public records, shall apply. Following the preliminary evaluation, applicant financials and proprietary or trade secret information, when designated as such by the applicant and approved by the office, at its sole discretion, shall be exempt from public disclosure.

E. Through the evaluation and scoring process, if an applicant or application or any associated project are deemed to be technically unviable for any reason, including, but not limited to, applicant ability, proposed technology solution, financial stability, or any combination thereof, the office shall, at its sole discretion, remove the application or project area from consideration for the grant program. Any applicant or application or any associated project deemed technically unviable in any GUMBO grant application period is eligible to reapply in any succeeding GUMBO grant application period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022).

§303. Applications with Multiple Providers or Project Areas

A. An applicant may submit one application with multiple service providers if the applicant can demonstrate how the providers are collaborating to achieve universal coverage for the unserved locality or region.

B. An applicant may submit an application with support from more than one unit of local government.

C. Units of local government may endorse multiple applications with different service providers and may include project areas that cross jurisdictional boundaries.

1. Units of local government that provide letters of support, matching funds, or in-kind contributions to any application should provide the same, on a percentage basis relative to matching funds and in-kind contributions, to all applications proposing the use of like technologies in identical unserved areas with access provided to the exact number of prospective broadband recipients within its jurisdiction. Should multiple applications propose to serve unserved areas within its jurisdiction and include the use of unlike technologies, differing unserved areas, or a non-analogous number of prospective broadband recipients to be served, as compared against other applications, a local government may use reasonable judgement and reserve the right to determine its level of support, to include letters of support, matching funds, or in-kind contributions, on an application by application basis. A unit of local government that provides differing levels of support, to include letters of support, matching funds, or in-kind contributions, to differing applicants proposing one or more projects within its jurisdiction shall provide an explanation to the office as to why the local government's differing levels of support do not present an unreasonable or undue preference or advantage to itself or to any provider of broadband service. If, in the opinion of the office, differing levels of support by a unit of local government for differing applications presents an undue or unreasonable preference or advantage to itself or to any provider of broadband service, the office may disqualify from grant funding consideration any application or project area within the jurisdiction of the unit of local government.

D. An applicant may include one contiguous project area or multiple non-contiguous project areas in a single application. If designating more than one project area in a single application, each project area must be clearly noted and delineated, and the required technical data and budgetary information must be provided for each project area to allow for independent scoring of each project area. Any application that contains more than one project area and does not provide technical data and budgetary information specific to each project area, to allow for independent scoring of each project area subject to the scoring criteria listed in §405 of this Part, may be removed from grant funding consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022).

§305. Application Requirements

A. As set forth in greater detail in §§307-315 of this Chapter, each application shall include these components:

1. applicant information, statement of qualifications, and partnerships;

2. project area(s) and locations to be served;

3. technical report;

4. project budget(s), matching funds, costs, and proof of funding availability;

5. proposed services, marketing, adoption, and community support.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022).

§307. Application Information, Statement of Qualifications, and Partnerships

A. Every application shall include:

1. the identity of the applicant and its qualifications and experience with the deployment of broadband; in addition, the applicant shall include the following:

a. the number of years the applicant has provided internet services;

b. a history of the number of households and consumers, by year of service, to which the applicant has provided broadband internet access, as well as the current number of households to which broadband internet access (at least 25:3 Mbps) is offered;

c. the number of completed internet service infrastructure projects funded, in part, through federal or state grant programs, prior to the date of application submittal;

d. whether the applicant has ever participated in an internet service infrastructure project funded, in part, through federal or state grant programs, and if so, for each project, the nature and impact of the project, the role of the applicant, the total cost of the project, and the dollar amount of federal or state grant funding;

e. the number of penalties paid by the applicant, a subsidiary or affiliate of the applicant, or the holding company of the applicant, relative to internet service infrastructure projects funded, in part, through federal or state grant programs, prior to the date of application submittal; and

f. the number of times the applicant, a subsidiary or affiliate of the applicant, or the holding company of the applicant has ever been a defendant in any federal or state criminal proceeding or civil litigation as a result of its participation in an internet service infrastructure project funded, in part, through federal or state grant programs, prior to the date of application submittal.

g. an attestation that the applicant has not violated federal or state labor and employment law in the previous 10 years;

2. five years of financial statements, pro forma statements, or financial audits of the applicant to ensure financial and organizational strength regarding the ability of the applicant to successfully meet the terms of the grant requirements and the ability to meet the potential repayment of grant funds. If an applicant has been in business for less than five years, the applicant shall provide financial statements, pro forma statements, or financial audits for the number of years the applicant has been in business. Should an applicant declare that it does not have financial statements, pro forma statements, or financial audits, the office, at its sole discretion, shall decide what documents are necessary to fulfill the requirements of this section;

3. the identity of any partners or affiliates if the applicant is proposing a project for which the applicant affirms that a formalized agreement or letter of support exists between the provider and one or more unaffiliated partners where the partner is one of the following:

a. a separate private provider of broadband service, requiring a formalized agreement; or

b. a nonprofit or not-for-profit, or a for-profit subsidiary of either, and the applicant is:

i. being allowed access and use of the partner's infrastructure, on special terms and conditions designed to facilitate the provision of broadband services in unserved areas, requiring a formalized agreement;

ii. utilizing a matching financial and/or in-kind contribution provided by one or more partners, requiring a formalized agreement; or

iii. a parish, municipality, or school board, or any instrumentality thereof, may qualify as a nonprofit for the purposes of the GUMBO grant program. Letters of support by a parish, municipality, or school board, or any instrumentality thereof, supporting an application may be submitted as part of an application. A letter of support does not require a formalized agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022).

§309. Project Area(s) and Locations to be Served

A. Every application shall include the following.

1. Mapping and Descriptions

a. Data relating to areas to be served is required in order to confirm that the project is serving eligible areas, to

accurately score the application or project area, and track progress and completion of the project if awarded. Applicants shall submit data in any of the following ways, or in combination. If documentation is deemed insufficient, the office reserves the right to request additional supporting documentation. If the proposed project would result in the provision of broadband service to areas that are not eligible for funding, those ineligible areas shall be identified in the application along with the eligible areas.

b. Data included shall be relevant to the proposed project area and include the number of prospective broadband recipients that will be served and have access to broadband as a result of the project. For the proposed area to be served, the infrastructure cost per prospective broadband recipient must be provided, as well as the GUMBO cost per prospective broadband recipient. Data points should be tied to specific locations and be geo-coded for consideration as part of the application.

c. Areas projected to be served must be digitally submitted in a GIS shapefile, kml, CAD (.dwg), or MicroStation (.dgn) file format, and should be georeferenced to either the Louisiana North State Plane NAD83 (US Feet) coordinate system or the Louisiana South State Plane NAD83 (US Feet) coordinate system. The files can contain points representing locations or polygons outlining the specific areas to be served. CAD drawings must not contain external references. Service to any prospective broadband recipient should be referenced. The office reserves the right to request data and technical information in any format the office deems necessary.

d. Additionally, applicants may also submit applications for areas where transmission speeds are less than 25:3 Mbps, if data is available to support differences between advertised and transmission speeds.

e. Data Submission Requirements

i. Census Blocks—data shall be submitted as corresponding census block numbers encompassing the area(s) to be served through the proposed project.

ii. Shapefiles—data shall be submitted analyzing geospatial data depicting broadband coverage of the proposed project area.

iii. Address-Level Data—data shall be submitted as individual address points of locations where service will be made available through the grant build. All addresses must be geocoded to include latitudinal and longitudinal coordinates.

iv. Polygons—data shall be submitted as polygon geometry which contain the areas to be served, or with the expectation that the polygon submitted corresponds to service being available to all locations within the polygon. The applicant must use the most recent data available from the state, parish, or local government to identify all locations within the project area.

f. Additional Data Sets

i. To assist in clarifying or providing for a greater level of detail regarding the areas and locations to be served by a proposed project, additional data sets may be provided within the application. These data sets should serve as supporting information and material to the required data listed above and should not be submitted as an alternative.

Examples of additional data include, but are not limited to:

- Scrubbed data (no raw data) from citizen survey results or demand aggregation results with speed tests, if applicable. This data must identify the areas that have less than 25:3 service.
- Affidavits from citizens or other individuals certifying one or more of the following:
  - o they are not able to receive broadband service; or
  - o the only available service is cellular or satellite; or
  - o the only broadband service available by the existing providers is less than 25:3 service.

2. Assessment of the Current Level of Broadband Access in the Proposed Deployment Area

a. The application requires an assessment of the current level of broadband access in the proposed deployment area. Within this section of the application, the applicant should describe what they believe to be the current level of service within the area and provide the data source or methodology used to capture this information. Raw data may be submitted as part of the assessment.

3. Attestation of Project Area Eligibility

a. Applicants are required to sign the statement of attestation to attest to the office that the project area(s) identified within the application are eligible, as defined by Louisiana Revised Statutes 51:2370.1 through 2370.16 and this Part, to the best of their knowledge. The attestation statement and signature shall be included as part of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE:

§311. Technical Report

A. Applicants must provide a narrative, technical report detailing the technology/technologies to be used in the proposed project to serve prospective broadband recipients at their premises. Applicants must indicate the technology that will serve a prospective broadband recipient as wired infrastructure or fixed wireless and provide aggregated totals for each solution for each project.

B. Reporting requirements for all deployments:

1. technical detail of the technology/technologies to be used in the proposed project and the broadband transmission speeds offered to prospective broadband recipients as a result of the project. If it would be impracticable, because of geography, topography, or excessive cost to design a broadband infrastructure project that would deliver 100:100 Mbps, the applicant must provide an explanation. Transmission speeds of 100:20 Mbps are the minimum allowable under this grant program;

2. if the applicant is claiming points for partnerships, the applicant must provide a brief narrative explaining how the partnership or affiliation will facilitate deployment and reduce cost per prospective broadband recipient. For applications or project areas where the nonprofit or not-for-profit partner provides only matching financial support, that information can be documented in the budget section within the relevant application or project area. The applicant must also provide evidence of a formalized agreement, when applicable, as required in §307 of this Part;

3. a general explanation of whether work will be performed in-house or through contractors, and whether the applicant or any subcontractors are certified by the either the Hudson Initiative or Veterans Initiative (if any subcontractors are certified through the Hudson Initiative or the Veterans Initiative, a formalized agreement shall be provided);

4. a proposed construction timeline and duration of the deployment project period. The deployment project period is the time from award of the grant agreement to the time that service is available to the targeted prospective broadband recipients under the grant. The applicant shall describe deployment roll-out and include the number of end-users to be served in each phase, as well as an estimated timeline for each phase (10 percent, 35 percent, 60 percent, 85 percent, 100 percent). As it relates to the disbursement of grant funding, project completion shall be defined as a percentage of the total number of prospective broadband recipients proposed to be served by the project;

5. the average distance, in miles, between prospective broadband recipients to be served by the project; and

6. a business continuity and disaster recovery plan.

C. Reporting requirements for wired infrastructure deployment:

1. description of the general design of the project and deployment plan;

2. explanation of the existing networks and equipment to be used for the project;

a. if the applicant requires assets owned by another entity, the applicant should explain how the assets will be used for this project and, if applicable, provide a copy of the agreement between the applicant and the owner;

b. the total number of miles of project infrastructure deployment, and the number of miles of project infrastructure deployment accounted for by preexisting infrastructure;

3. detailed explanation of how the new or upgraded infrastructure will serve the prospective broadband recipients. In the case of the installation or upgrade of a specific site infrastructure, such as a point of presence or fiber hut (fiber), pedestal (cable), or a remote exchange/DSLAM (DSL), the applicant must include:

a. number of prospective broadband recipients that will be served by that site infrastructure, including businesses; and

b. the distance from the specific site infrastructure such as a POP, pedestal, or DSLAM to the end user(s) and the expected broadband speed that will be effectively delivered;

4. detailed description of the design work needed for deployment, such as, but not limited to, pole work, acquiring or updating easements, and/or property acquisition.

D. Reporting requirements for fixed wireless deployment:

1. description of the general design of this project and deployment plan;

2. explanation of the existing networks and equipment to be used for this project;

a. If the applicant requires assets owned by another entity, the applicant should explain how the assets will be used for this project and, if applicable, provide a copy of the agreement between the applicant and the owner; and

b. the total number of miles of project infrastructure deployment, and the number of miles of project infrastructure deployment accounted for by preexisting infrastructure;

3. detailed explanation of how the new or upgraded infrastructure will serve the prospective broadband recipients. In the case of the installation or upgrade of a specific site infrastructure, such as a vertical asset, the applicant must include:

a. description and specific location of the vertical asset;

b. owner of the vertical asset;

c. number of prospective broadband recipients that will be served by that site infrastructure, including businesses;

d. the distance from the vertical asset to the end user(s) and the expected broadband speed that will be effectively delivered;

4. detailed description of the design work needed for deployment, such as, but not limited to, acquiring access to existing vertical assets, acquiring or updating easements, and/or property acquisition;

5. description and specific type of the equipment used for deployment and the capable speed of the equipment;

6. explanation of the frequency/frequencies to be utilized for the deployment, whether the deployment will use licensed or unlicensed technologies, as well as mitigation of line-of-sight challenges (which should correspond to the number of recipients to be served).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1508 (June 2022).

§313. Project Budget, Matching Funds, Costs, and Proof of Funding Availability

A. Budget and Narrative

1. The project budget should reflect all eligible project costs. The project budget should include the minimum provider funding match of at least 20 percent, any local government funding match from a parish, municipality, and/or school board, or any instrumentality thereof, as well as in-kind contributions, and the requested GUMBO grant program funding.

2. Matching funds, and their associated sources, shall be detailed within the project budget and budget narrative. Eligible grant recipients are required to provide at least 20 percent matching funds of the total proposed project cost to participate in the GUMBO grant program. A local government, including a parish, municipality, or school board, or any instrumentality thereof, may provide matching funds for a project, in addition to the applicant. Local government matching funds are optional and not required. There is no limitation on the minimum or maximum percentage of a project's total cost that a local government may provide through a funding match. In-kind contributions to the project by a local government should also be listed in the project budget and budget narrative, if applicable.

3. Project funds (GUMBO grant funds and matching funds) shall be utilized for the deployment phase of the project, not the subsequent years of service. In addition, eligible project costs do not include recurring operating or maintenance costs, or sales and marketing of services.

B. Total Project Cost

1. Costs directly related to the construction of broadband infrastructure for the extension of broadband service, including installation, acquiring or updating easements, backhaul infrastructure, and testing costs are infrastructure costs and therefore considered eligible project costs. The term does not include overhead or administrative costs.

NOTES:
A project that is primarily engaged in middle-mile, backhaul infrastructure, or similar work is not an eligible project. The inclusion of middle-mile, backhaul, or similar capacity is permissible in an eligible project, if the capacity does not otherwise exist and is necessary for the project's last-mile broadband connectivity to end-users.
Applicants are encouraged to utilize vertical assets already in place or easily installed (poles, small monopoles, repeaters, etc.) as much as possible. Including new macro towers in a project may create lengthy construction timelines, especially around land purchase and environmental regulations.

C. Total Project Cost—per prospective broadband recipient

D. Infrastructure Cost—per prospective broadband recipient

E. GUMBO Cost—per prospective broadband recipient

F. Proof of Funding Availability

1. Applicants must submit a signed letter of funding availability from each source of funds committed for the project. If loan or other grant funds are pledged, a loan/grant commitment letter from each source of funds must be included.

2. Should an applicant be an awardee of Universal Service, Connect American Phase II, Rural Digital Opportunity Fund, or other federal or non-federal funds for the deployment of broadband service, the applicant shall attest as to whether or not the applicant's GUMBO application and associated project's buildout is dependent upon such awarded funds.

3. The applicant shall indicate whether the applicant, a subsidiary or affiliate of the applicant, or the holding company of the applicant has ever filed for bankruptcy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1509 (June 2022).

§315. Proposed Services, Marketing, Adoption, and Community Support

A. Every application shall include:

1. a description of services to be provided, including the proposed upstream and downstream broadband speeds to be delivered and any applicable data caps. Any applicant proposing a data cap shall provide justification to the satisfaction of the office that the proposed cap is in the public interest and consistent with industry standards;

2. the proposed advertised speed to be marketed to end-users (broken out by prospective broadband recipient);

3. the prices of all broadband service packages and the associated broadband transmission speeds that will be offered to consumers as a result of the project;

4. a plan to encourage users to connect that incorporates, at a minimum, community education forums, multimedia advertising, and marketing programs;

5. evidence of support for the project from citizens, local government, businesses, and institutions in the community. The applicant may provide letters or other correspondence from citizens, local government, businesses, and institutions in the community that supports the project. Letters of support from a parish, municipality, or school board, or any instrumentality thereof, will be deemed material for scoring purposes;

6. any low-income household service offerings, digital equity or literacy support, or programs or partnerships to provide these services. The applicant should also indicate current participation in, or plans to, accept the federal Lifeline subsidy.

B. It is highly encouraged that every application should include:

1. a workforce plan prioritizing the hiring of local, Louisiana resident workers, to include a signed letter of intent with a post-secondary educational institution that is a member of the Louisiana Community and Technical College System, containing an obligation upon the applicant, and contractors or subcontractors of the applicant, to put forth a good-faith effort to hire, when possible, recent graduates of broadband-related programs. At minimum, the workforce plan should also contain a commitment to offer wages at or above the prevailing rate and a description of the applicant's safety and training standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1509 (June 2022).

Chapter 4. Scoring

§401. Overview

A. The GUMBO grant program is a competitive grant program. Applications, or project areas within applications, if applicable, shall be scored independently as provided in this Chapter, based upon a system that awards a single point for criteria considered to be the minimum level for the provision of broadband service, with additional points awarded to criteria that exceed minimum levels.

B. Applications, or project areas within applications, if applicable, shall be scored independently, and applications or project areas receiving the highest score shall receive priority status for the awarding of grants. Should the final application or project area with priority status for the awarding of a grant have a request for GUMBO funding that exceeds the remaining GUMBO funds available, the final applicant with priority status shall have the option to agree to complete its proposed project in full with the remaining GUMBO funds available in that round. Should the final priority applicant decline, the office shall propose the same to the next highest scored application or project area. This process shall continue until such time as an applicant has agreed, or all remaining applications or project areas within the current grant round have declined. Should all applicants decline the office's offer, the remaining balance of GUMBO funding shall be added to the next succeeding round of GUMBO.

C. As a means of breaking a tie for applications or project areas receiving the same score, the office shall give priority to the application or project area proposing the lowest GUMBO cost per prospective broadband recipient.

D. Upon the close of the application period, and throughout the evaluation and scoring phase of the program process, a blackout period shall be instituted. This blackout period shall remain in effect until the announcement of awards. During this blackout period, applicants shall not initiate contact with the office, except as otherwise provided within this part. The office reserves the right to initiate contact with an applicant to seek clarification of an application or the data contained therein, request additional information, or as necessary in response to an overlapping project area or protest. An applicant may initiate contact with the office for the purposes of amending an application or project area due to overlapping or a protest, or to withdraw an application or project area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1510 (June 2022).

§403. Overlapping Applications or Project Areas

A. At the close of the application period, should one or more applications or project areas overlap one or more other applications or project areas, relative to one or more unserved census blocks, shapefile areas, individual addresses, or portions thereof, the impacted applicants, relative to overlapping applications or project areas, shall have the option and ability to resolve the overlapping unserved census blocks, shapefile areas, individual addresses, or portions thereof, through the applicants' own volition, discussion, and efforts. Applicants working to resolve an instance of overlapping applications or project areas, following the close of the application period, shall jointly notify the office of such efforts. An acceptable resolution and amended applications or project areas will be accepted by the office until 5 PM on the 30th day of the 60-day evaluation and protest period. Such an acceptable resolution between impacted applicants shall not result in the addition of partners to a previously submitted application or project area nor the expansion of an application's project area.

B. Following 5 PM on the 30th day of the 60-day evaluation and protest period, should one or more applications or project areas overlap one or more other applications or project areas, relative to one or more unserved census blocks, shapefile areas, individual addresses, or portions thereof, each application or project area shall be scored independently. The application or project area receiving the highest score shall proceed to grant funding consideration with its project area boundary intact. Any application or project area, regardless of the geographical size of the application or project area, overlapping a higher scored application or project area, shall be removed from grant funding consideration. A project area being removed from grant funding consideration shall not impact scoring of other project areas within the same application, if applicable. All project areas shall be scored independently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1510 (June 2022).

§405. Factors Subject to Scoring

A. Applicant Experience. The office shall award points based upon the applicant's experience, technical ability, financial wherewithal in successfully deploying and providing broadband service, and the matching funds percentage of the total cost of the project. For experience,

the office shall reference, by date of application submittal and without regard to the potential project, the number of years the applicant has provided internet services; the number of households to which the applicant currently provides broadband internet service access (at least 25:3 Mbps); the number of internet service infrastructure projects completed by the applicant, funded in part through federal or state grant programs, prior to the date of application submittal; penalties paid by the applicant, relative to internet service infrastructure projects funded in part through federal or state grant programs, prior to the date of application submittal; and whether the applicant, a subsidiary or affiliate of the applicant, or the holding company of the applicant has ever been a defendant in any federal or state criminal proceeding or civil litigation as a result of its participation in an internet service infrastructure project funded in part through federal or state grant programs, prior to the date of application submittal. Points shall be awarded as follows.

Years Providing Internet Service	Points
No prior service.	0
4 years or less	1
5 years to 9 years	2
10 years to 14 years	3
15 years to 19 years	4
20 years or longer	5

Households Provided Access	Points
None	0
4,999 or less	1
5,000 to 14,999	2
15,000 to 24,999	3
25,000 to 49,999	4
50,000 or more	5

Completed Internet Projects	Points
None	0
1 to 3 projects	1
4 to 6 projects	2
7 to 9 projects	3
10 to 14 projects	4
15 or more projects	5

Penalties Paid	Points
One or more	0
None	5

Defendant in Criminal or Civil Proceeding	Points
One or more	0
None	5

NOTE: If an applicant has not participated in an internet service infrastructure project funded, in part, through federal or state grant programs, the applicant shall not receive points in the "penalties paid" or "defendant in criminal or civil proceeding" scoring criteria.

B. Technical Ability. The office shall award points based upon the broadband transmission speeds (Mbps download and upload) that will be deployed as a result of the project. If more than one set of transmission speeds are offered to consumers, scoring shall be based on the slowest transmission speeds offered. The office shall award points based upon the scalability of the project's technology and infrastructure beyond the project's current maximum speed offering for future increases in bandwidth. Should a project include a mix of wireline and fixed wireless technology solutions, broadband speed and scalability criteria shall be scored based upon the technology that serves a majority of a project's prospective broadband recipients. The office shall reference the average distance, in miles, between prospective broadband recipients to be served by the project and shall award points to the five applications or project areas with the longest average distance between prospective broadband recipients. Points shall be awarded as follows.

Broadband Speeds (Mbps Down: Mbps Up)	Points
At least 100:20	1
100:100 and beyond	7

Scalability (Mbps Down: Mbps Up)	Points
At least 100:100	1
At least 300:300	3
At least 500:500	7
At least 1000:1000	10

Average Distance (in miles) Between Prospective Broadband Recipients	Points
Longest average distance	5
2nd longest average distance	4
3rd longest average distance	3
4th longest average distance	2
5th longest average distance	1
6th longest average distance or shorter	0

C. Financial Wherewithal. The office shall reference both a project's total cost per prospective broadband recipient and GUMBO cost per prospective broadband recipient. A project's total cost per prospective broadband recipient shall be calculated by dividing a project's total cost by the total number of prospective broadband recipients to be served by the project. A project's GUMBO cost per prospective broadband recipient shall be calculated by dividing a project's total GUMBO requested funding by the total number of prospective broadband recipients to be served by the project. In each criterion, the office shall award points to the 10 applications or project areas with the lowest costs per prospective broadband recipient. The office

shall also reference the number of bankruptcies filed (prior to the date of application submission). Points shall be awarded as follows.

Cost Per Prospective Broadband Recipient	Points
Lowest cost	10
2nd lowest cost	9
3rd lowest cost	8
4th lowest cost	7
5th lowest cost	6
6th lowest cost	5
7th lowest cost	4
8th lowest cost	3
9th lowest cost	2
10th lowest cost	1
11th lowest cost or higher	0

GUMBO Cost Per Prospective Broadband Recipient	Points
Lowest cost	20
2nd lowest cost	18
3rd lowest cost	16
4th lowest cost	14
5th lowest cost	12
6th lowest cost	10
7th lowest cost	8
8th lowest cost	6
9th lowest cost	4
10th lowest cost	2
11th lowest cost or higher	0

Bankruptcies	Points
1 or more.	0
No prior bankruptcies.	2

D. Matching Funds. The office shall calculate the provider's matching funds percentage of the total cost of the project and award points based on matching funds. Points shall be awarded as follows.

Provider Matching Funds (Percentage of Total Cost)	Points
20 percent	0
Each additional percentage point – beyond required 20 percent.	1
Each increment of 5 percentage points – beyond required 20 percent.	5 Bonus Points

NOTE: An applicant will receive 1 point for each percentage point of matching funds provided, beyond the required 20 percent. Additionally, an applicant will receive 5 bonus points for each increment of 5 percentage points of matching funds provided, beyond the required 20 percent. Points are awarded based upon the total percentage of matching funds provided, beyond the required 20 percent, irrespective of the number of providers contributing to a single project.

E. Local Government Support. The office shall award points based upon letters of support from local governments. The office shall reference letters submitted by a parish, municipality, or school board, or any instrumentality thereof. Points shall be awarded as follows.

Local Government Letters of Support, Numbers	Points (max. 3 points)
1 local government	1
2 local government	2
3+ local governments	3

F. Estimated Number of Unserved Households. The office shall award points to projects based upon the estimated number of unserved households within the eligible economically distressed parish, as determined by the most recent data published by the Federal Communications Commission or the most reliable source of information available as of the close of the application period, as determined by the office. Points shall be awarded as follows.

Number of Unserved Households	Points
499 or fewer	1
500 to 1,999	2
2,000 to 4,999	3
5,000 to 9,999	4
10,000 or more	5

NOTE: If a contiguous project area crosses from an eligible parish into one or more eligible adjacent parishes, the project shall be deemed to be located in the parish where the greatest number of unserved households are proposed to be served.

G. Percentage of Total Unserved Households Served. The office shall award points to projects that will provide broadband service based upon the percentage of the total unserved households within the eligible economically distressed parish that the project will newly and directly serve. Unserved households served as a result of other, non-GUMBO federal or state grant programs shall not be used in the calculation of this criterion. The number of unserved households shall be determined using the most recent data published by the Federal Communications Commission or the most reliable source of information available as of the close of the application period, as determined by the office. Points shall be awarded as follows.

Percent of Unserved Households Newly & Directly Served	Points
5 percent or less	1
6 percent to 10 percent	2
11 percent to 24 percent	3
25 percent to 49 percent	4
50 percent or more	5

NOTE: If a contiguous project area crosses from an eligible parish into one or more eligible adjacent parishes, the project shall be deemed to be located in the parish where the greatest number of unserved households are proposed to be served.

H. Unserved Businesses Served. The office shall award points to projects that will provide broadband service to unserved businesses newly and directly served by the project located within the eligible economically distressed parish, as determined by the most recent data published by the Federal Communications Commission or the most reliable source of information available as of the close of the application period, as determined by the office. Unserved businesses served as a result of other, non-GUMBO federal or state grant programs shall not be used in the calculation of this criterion. A residential-based business shall be classified by the applicant as either a residence or a business and shall not be counted as both. Points shall be awarded as follows.

Number of Unserved Businesses	Points
5 or fewer	1
6 to 10	2
11 to 15	3
15 to 19	4
20 or more	5

I. Leverage of Existing Infrastructure. The office shall award points based upon the applicant's ability to leverage its own or nearby or adjacent broadband service infrastructure in the proposed project area. For reference, the office will refer to the percentage of total mileage of project infrastructure composed of preexisting infrastructure. The office will also refer to the project's proposed estimated construction timeline, as measured from the award of the grant agreement, and award points in the following categories: construction start date and construction completion date. Construction completion date scoring will utilize two separate scoring criteria, one for wireline and one for fixed wireless. Should a project include a mix of wireline and fixed wireless technology solutions, the project completion date criterion shall be scored based upon the technology that serves a majority of a project's prospective broadband recipients. Points shall be awarded as follows.

Percentage of Mileage of Preexisting Infrastructure	Points
None	0
9 percent or less	1
10 percent to 19 percent	2
20 percent to 29 percent	3
30 percent to 39 percent	4
40 percent or more	5

Construction Start Date	Points
12 months or longer	1
Within 8 to 11 months	2
Within 5 to 7 months	3
Within 2 to 4 months	4
Within 1 month	5

Wireline Construction Completion Date	Points
24 months or longer	1
Within 18 to 23 months	4
Within 13 to 17 months	6
Within 7 to 12 months	8
Within 6 months or less	10

Fixed Wireless Construction Completion Date	Points
24 months or longer	1
Within 18 to 23 months	2
Within 13 to 17 months	3
Within 7 to 12 months	4
Within 6 months or less	5

J. Consumer Price. The office shall award points based upon the ultimate price of broadband service to the consumer as a result of the proposed project and shall reference the average price of all broadband service packages offered to consumers by an applicant as the result of the proposed project. The office shall award points to the 10 applications or project areas with the lowest average price of all broadband service packages offered to consumers by an applicant as a result of the proposed project. Points shall be awarded as follows.

Consumer Price (Lowest Average Package Price)	Points
Lowest average price	10
2nd lowest average price	9
3rd lowest average price	8
4th lowest average price	7
5th lowest average price	6
6th lowest average price	5
7th lowest average price	4
8th lowest average price	3
9th lowest average price	2
10th lowest average price	1
11th lowest average price or higher	0

NOTE: An applicant that has offered broadband service to at least 1,000 consumers for a period of at least 5 consecutive years is required to offer broadband service at prices that are, at least, consistent with offers to consumers in other areas of the state.

K. Local Government In-Kind Contributions and Matching Funds. The office shall award points to projects receiving in-kind contributions or matching funds from a local government for eligible projects within the jurisdictional area of the local government. A local government is defined as a parish, municipality, or school board, or any instrumentality thereof. Each local government has the option to provide in-kind contributions or matching funds to a project, and more than one local government can provide in-kind contributions or matching funds to any one project. Points shall be awarded as follows.

Local Gov't In-Kind & Matching	Points
No in-kind contribution or funding match	0
Each percentage point of total project cost provided by in-kind contributions or funding matches.	1
Each increment of 5 percentage points of total project cost provided by in-kind contributions or funding matches	5 Bonus Points

NOTE: An applicant will receive 1 point for each percentage point of the total cost of a porject provided by local government through in-kind contributions or matching funds. Additionally, an applicant will receive 5 bonus points for each increment of 5 percentage points of the total cost of a project provided by local government through in-kind contributions or matching funds. Points are awarded based upon the total percentage of in-kind contributions and matching funds provided by local governments, irrespective of the number of local governments contributing to the project.

L. Small Business Entrepreneurship. The office shall award points to projects in which the eligible grant recipient is a small business entrepreneurship certified by the Hudson Initiative (R.S. 39:2001 et seq.) or the Veteran Initiative (R.S. 39:2171 et seq.). Points shall be awarded as follows.

Certified Hudson / Vet Initiative Grant Recipient	Points
Grant recipient certified by the Hudson and/or the Veterans Initiative	10

M. Small Business Entrepreneurship Subcontracting. The office shall award points to projects in which the eligible grant recipient commits to a good faith subcontracting plan to contract with or employ a small business entrepreneurship certified by the Hudson Initiative (R.S. 39:2001 et seq.) or the Veteran Initiative (R.S. 39:2171 et seq.) to substantially participate in the performance of the project. Points shall be awarded as follows.

Certified Hudson / Vet Initiative Subcontractor(s)	Points (max. 20 points)
Each subcontractor certified by the Hudson and/or the Veterans Initiative	2

N. Summary of Scored Sections. As set forth in this Section, the scored categories of GUMBO program applications or project areas shall be as follows, repeated for comprehensive clarity.

Summary	
Scored Section	**Points**
A-1. Experience (Years Providing Internet Service)	0 – 5
A-2. Experience (Households Provided Access)	0 – 5
A-3. Experience (Completed Internet Projects)	0 – 5
A-4. Experience (Penalties Paid)	0 – 5
A-5. Experience (Defendant in Criminal or Civil)	0 – 5
B-1. Technical Ability (Broadband Speeds)	1 – 7
B-2. Technical Ability (Scalability)	0 – 10
B-3. Technical Ability (Distance Between Broadband Recipients)	0 – 5
C-1. Financial Wherewithal (Cost Per Prospective Broadband Recipient)	0 – 10
C-2. Financial Wherewithal (GUMBO Cost Per Prospective Broadband Recipient)	0 – 20
C-3. Financial Wherewithal (Bankruptcy)	0 – 2
D. Provider Matching Funds	0 – 1 – 5+
E. Local Government Letters of Support	1 – 3
F. Number of Unserved Households in Parish	1 – 5
G. Percent of Total Unserved Households Now Served	1 – 5
H. Unserved Businesses Now Served	1 – 5
I-1. Leverage of Existing Infrastructure (Percentage of Mileage of Preexisting Infrastructure)	0 – 5
I-2. Leverage of Existing Infrastructure (Timing of Construction Start Date)	1 – 5
I-3. Leverage of Existing Infrastructure (Timing of Wireline Construction Completion)	1 – 10
Or	
I-4. Leverage of Existing Infrastructure (Timing of Wireless Construction Completion)	1 – 5
J. Consumer Price	0 – 10
K. Local Government Matching	0 – 1 – 5+
L. Certified Hudson/Vet Initiative Grant Recipient	0 – 10
M. Certified Hudson/Vet Initiative Subcontractor	0 – 20
Total Possible Points:	**7 – 167+**

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1511 (June 2022).

Chapter 5. Protests

§501. Protests

A. All GUMBO applications shall be publicly available on the office's website for a period of at least 60 days prior to award. During the 60-day period, any interested party may submit comments to the director concerning any pending application.

B. The protest process, official decisions, and provider appeals shall be conducted in accordance with R.S. 51:2370.4(C) and 2370.5, as well as this Chapter.

C. A provider of broadband service may submit a protest of any application or project area on the grounds the proposed project covers an area where either broadband service exists, or construction of broadband infrastructure will begin within 24 months as described in §201 of this part and defined within the GUMBO grant program. Comments and protests shall be submitted in writing through the office's website, and all protests shall be accompanied by all relevant supporting documentation and shall be considered by the office in connection with the review of the application or project area. The protesting party bears the burden of proof.

D. Protests shall contain all relevant supporting documentation, including, but not limited to, the following:

1. a signed and notarized affidavit affirming the protest and attached information are true;

2. current Federal Communications Commission (FCC) Form 477 or equivalent;

3. minimum/maximum speeds available in the proposed project area;

4. number of serviceable locations within the proposed project area, including the speeds those serviceable locations are able to receive;

5. street level data of customers receiving service within the proposed project area;

6. point shapefiles that show each proposed passing in the challenged area, designated by a singular mapped point, in the protested area containing attribute data showing the addresses of each point;

7. polygon shapefiles delineating the general challenged area(s);

8. through the use of the project area map submitted by the applicant, a map indicating where the protested serviceable locations are within the proposed project area;

9. heat maps indicating received signal strength indicator (RSSI) in the challenged area.

E. Upon the close of the application period, and throughout the succeeding 60-day protesting period, a blackout period shall be instituted. This blackout period shall remain in effect until the announcement of awards. During this blackout period, protesting parties shall not initiate contact with the office, except as provided by this section. The office reserves the right to initiate contact with a protesting party to seek clarification of a protest, the data contained therein, or to request additional information.

F. Should a protest be validated, the office shall work with an applicant to amend an application or project area to reduce the number of unserved prospective broadband recipients and re-scope the application or project area. The office shall revise application or project area scores in accordance with amended applications. As a result of a validated protest and a reduction in the number of unserved prospective broadband recipients, an applicant shall also have the option to withdraw its application or project area.

G. The protest period for protesting an award shall not exceed 7 days from the announcement of awards.

H. Protest and appeal decisions provided by the director and the Commissioner of Administration shall be provided in writing to the protesting party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1514 (June 2022).

Chapter 6. Awards

§601. Protests

A. The protest period for protesting an award shall not exceed 7 days from the announcement of awards.

B. The protest procedure for protesting an award shall follow the rules presented in Chapter 5 of this part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022).

§603. Grant Agreement

A. A grant recipient shall have 30 days, from award of the grant agreement, to negotiate and sign the agreement. If the grant agreement is not signed by the grant recipient within 30 days from award of the agreement, the office shall reserve the right to rescind the award and proceed to award a grant agreement to the next highest scored applicant with priority status for the awarding of a grant.

B. Construction start and completion dates shall be calculated for scoring, compliance, and failure to perform purposes and evaluations, beginning with the date of the award of the grant agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022).

Chapter 7. Compliance

§701. Speed and Cost Compliance

A. The office shall require that grant recipients offer the proposed advertised minimum download and minimum upload speeds of at least 100:20 Mbps.

B. Grant recipients that have offered broadband service to at least one thousand consumers for a period of at least five consecutive years shall offer broadband service at prices consistent with offers to consumers in other areas of the state. Any other broadband provider shall ensure that the broadband service is priced to consumers at no more than the cost rate identified in the project application, for the duration of the five-year service agreement.

C. In calculating cost, the recipient may adjust annually, consistent with the annual percentage increase in the Consumer Price Index in the preceding year.

D. At least annually, a grant recipient shall provide to the office evidence consistent with Federal Communications Commission attestation that the grant recipient is making available the proposed advertised speed, or a faster speed, as contained in the grant agreement.

E. For the duration of the agreement, grant recipients shall disclose any changes to data caps.

F. Grant recipients shall be required to participate in federal programs that provide low-income consumers with subsidies on broadband internet access services. Initially, grant recipients will be required to participate in the Federal Communications Commission's Emergency Broadband Benefit program. Once the FCC's EBB program has terminated, the grant recipient shall participate in any

program so designated by the U.S. Department of the Treasury.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022).

§703. Reporting

A. Grant recipients shall submit to the office a monthly report for each funded project for the duration of the agreement. The report shall include reporting requirements selected at the discretion of the office. Such reporting requirements, once selected, shall be consistently applied to all grant recipients of any grant program round and be effective for at least one program year. Monthly reporting may be revised from program year to program year, at the discretion of the office.

B. Grant recipients, upon request from the office, shall provide:

1. project and expenditure reports, to include but not limited to: expenditures, project status, subawards, civil rights compliance, equity indicators, community engagement efforts, geospatial data, workforce plans and practices, and information about subcontracted entities; and

2. performance reports, to include but not limited to project outputs and outcomes.

C. The office, at its sole discretion and at any time, shall reserve the right to request any additional data and reporting information that the office deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022).

§705. Disbursement and Reimbursement

A. The Division of Administration shall be the designated agency for receipt and disbursement of state and federal funds intended for the state for broadband expansion or allocated by the state for broadband expansion.

B. All federal grant funds received by the state through the American Rescue Plan Act for the purpose of broadband expansion shall be disbursed in accordance with the GUMBO program.

C. Funding in accordance with completion shall be distributed to a grantee once the grantee has demonstrated that a project has reached the following percentile completion thresholds, which shall be defined as a percentage of the total number of prospective broadband recipients proposed to be served by the project:

1. 10 percent;

2. 35 percent;

3. 60 percent;

4. 85 percent;

5. 100 percent.

D. The final 15 percent payment shall not be paid without an approved completion report. Invoice for final payment shall be submitted within 90 days of completion date. All invoices are subject to audit for three years from the completion date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022).

§707. Failure to Perform

A. A grant recipient shall forfeit the amount of the grant received if it fails to perform, in material respect, the obligations established in the agreement.

B. Grant recipients that fail to provide the minimum advertised connection speed and cost at the advertised rate shall forfeit any matching funds, up to the entire amount received through the GUMBO program.

C. The office shall use its discretion to determine the amount forfeited.

D. A grant recipient that forfeits amounts disbursed under this part is liable for up to the amount disbursed plus interest.

E. The number of subscribers that subscribe to broadband services offered by the provider in the project area shall not be a measure of performance under the agreement for the purposes of this Section.

F. A grant recipient shall not be required to forfeit the amount of the grant received if it fails to perform due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, or such other occurrence over which the grant recipient has no control.

G. If a grant recipient fails to perform and fails to return the full forfeited amount required, the ownership and use of the broadband infrastructure funded by the GUMBO program shall revert to the Division of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1516 (June 2022).

§709. Federal Oversight, Civil Rights Compliance, and Other Applicable Federal Law

A. Grant recipients are subject to audit or review by the U.S. Department of the Treasury Inspector General and Government Accountability Office.

B. Grant recipients shall not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities:

1. title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d-1 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 22;

2. section 504 of the Rehabilitation Act of 1973 (section 504), 29 U.S.C. 794;

3. title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 28; and

4. Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 23.

C. Grant recipients and all proposed projects must comply with all applicable federal environmental laws. Additionally, grant recipients and all proposed projects must comply with the following federal laws and regulations:

1. the 2019 National Defense Authorization Act (NDAA);

2. 2 C.F.R. part 200; and

3. the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations 29 C.F.R. Part 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1516 (June 2022).