

LOUISIANA STATE BOARD OF INTERIOR DESIGNERS
AND
LOUISIANA AUCTIONEERS LICENSING BOARD



COMPLIANCE AUDIT
ISSUED FEBRUARY 29, 2012

**LOUISIANA LEGISLATIVE AUDITOR
1600 NORTH THIRD STREET
POST OFFICE BOX 94397
BATON ROUGE, LOUISIANA 70804-9397**

LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

ASSISTANT LEGISLATIVE AUDITOR
FOR LOCAL AUDIT SERVICES
ALLEN F. BROWN, CPA, CFE

DIRECTOR OF COMPLIANCE AUDIT
AND ADVISORY SERVICES
ERIC SLOAN, CPA

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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

February 29, 2012

**MS. DEBORAH STEINMETZ, CHAIRMAN,
AND BOARD MEMBERS OF LOUISIANA
STATE BOARD OF INTERIOR DESIGNERS**

AND

**MS. TESSA STEINKAMP, CHAIRMAN,
AND BOARD MEMBERS OF LOUISIANA
AUCTIONEERS LICENSING BOARD**

Baton Rouge, Louisiana

Dear Ms. Steinmetz and Ms. Steinkamp:

We have audited certain transactions of the Louisiana State Board of Interior Designers (LSBID) and the Louisiana Auctioneers Licensing Board (LALB) for the period February 8, 2007, to December 2, 2011. Our audit was conducted in accordance with Title 24 of the Louisiana Revised Statutes to determine the propriety of certain allegations.

Our audit consisted primarily of inquiries and the examination of selected financial records and other documentation. The scope of our audit was significantly less than that required of an audit by *Government Auditing Standards*; therefore, we are not offering an opinion on either board's financial statements or system of internal control, nor assurance as to compliance with laws and regulations.

The following are the findings and recommendations resulting from our audit and management's responses are attached.

Improper Leave Accruals and Payments to Part-time Employees

The LSBID and LALB improperly allowed part-time employees to earn and use annual, sick, and compensatory leave. By allowing part-time employees to earn leave, both boards appear to have violated Executive Order BJ 2008-64, which prohibits part-time employees from earning leave. Furthermore, the LSBID's and LALB's practice of allowing part-time employees to earn leave may violate the Louisiana Constitution because neither board had the legal authority to incur expenditures for accrued leave and did not receive anything of equivalent value in exchange for the expenditures.¹

¹ **Article 7, Section 14 of the Louisiana Constitution** provides, in part, "That except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private."

Our audit revealed:

- From February 8, 2007, through July 18, 2011, Ms. Sandy Edmonds, current unclassified part-time executive assistant for both boards, recorded a total of 830 hours of leave earned and received payments totaling \$5,996 for 279 hours of leave used.
- From March 7, 2007, through August 14, 2009, one previous part-time employee of the LSBID was paid \$1,877 and two previous part-time employees of the LALB were paid \$6,831 for accrued leave upon separation from the boards.

Both the LSBID and the LALB were created by law under the Office of the Governor and are composed of members appointed by the governor. Leave policies and rules for unclassified employees under the Office of the Governor are established by Executive Order BJ 2008-64 (previously KBB 2006-30), Rules and Policies on Leave for Unclassified Service. According to these rules, a part-time employee is an employee with a work week of less than 40 hours per week. These rules establish that part-time employees of the executive department, Office of the Governor shall not earn annual, sick, and compensatory leave. However, both boards have allowed part-time employees to earn leave.

Ms. Sandy Edmonds

Ms. Edmonds works part-time for two separate state boards. On February 8, 2007, Ms. Edmonds began working 20 hours per week (increased to 25 hours on June 1, 2008) as the executive assistant for the LSBID. On August 10, 2009, Ms. Edmonds also began working approximately 15 hours per week as the executive assistant for the LALB. Although her combined work hours are 40 hours per week, you cannot take part-time positions with two separate state boards and combine them to make one full-time position.

According to her written agreements, with both boards, Ms. Edmonds works flexible hours from home, as well as the office (both boards share the same office), and does not maintain office hours or keep time and attendance records. As a part-time, unclassified employee of these boards, Ms. Edmonds' employment is governed by executive orders, not State Civil Service rules.

According to the executive order, Ms. Edmonds, as a part-time, unclassified employee, is not eligible to earn annual, sick, or compensatory leave. However, Ms. Edmonds has recorded leave earned, based on state government rates, and used leave from both boards. The following table summarizes the leave accrued by Ms. Edmonds for each board.

Attorney General Opinion 10-0171 states, in part, "It has been the consistent opinion of this office that in order for an expenditure of public funds to be permissible under the Louisiana Constitution 14(A), the public entity must have the legal authority to make the expenditures and must show: (i) a public purpose for the expenditure or transfer that comports with the governmental purpose for which the public entity has legal authority to pursue; (ii) that the expenditure or transfer, taken as whole, does not appear to be gratuitous; and (iii) that the entity has a demonstrable, objective, and reasonable expectation of receiving at least equivalent value in exchange for the expenditure or transfer of public funds."

Leave Recorded and Used by Sandy Edmonds As of July 18, 2011 (in hours)			
	LSBID	LALB	TOTAL
Annual Leave Balance	199	52	251
Annual Leave Used	65	27	92
Total Annual Leave	264	79	343
Sick Leave Balance	203	80	283
Sick Leave Used	61	0	61
Total Sick Leave	264	80	344
Compensatory Leave Balance	17	0	17
Compensatory Leave Used	126	0	126
Total Compensatory Leave	143	0	143
Total All Leave	671	159	830
Total Leave Hours Paid	252	27	279
Overpayment - Use of Leave	\$5,265	\$731	\$5,996

It should be noted that Ms. Edmonds provided e-mails between herself and a representative of the Department of State Civil Service (DSCS) during which Ms. Edmonds questioned whether Executive Order BJ 2008-64 applied to her. On February 22, 2011, DSCS informed Ms. Edmonds via e-mail that the executive order did not apply to her position. However, during our audit, DSCS representatives informed us that Ms. Edmonds was misinformed and that the LSBID and LALB are subject to the executive order and do not fall under civil service rules. According to DSCS representatives, both boards are under the Office of the Governor and need to follow the rules set forth in Executive Order BJ 2008-64.

Other Part-Time Employees

According to Ms. Edmonds and the boards' attorney, Ms. Anna E. Dow, it has always been the practice of both boards to allow part-time employees to earn leave. Ms. Edmonds and Ms. Dow informed auditors that previous part-time employees were paid for accumulated leave upon separation from the boards. From March 7, 2007, through August 14, 2009, one previous part-time employee of the LSBID was paid \$1,877 and two previous part-time employees of the LALB were paid \$6,831 for accrued leave upon separation from the boards.

Improper Merit Pay Increases

Contrary to Executive Orders BJ 2010-05 and BJ 2011-09, Merit Increase Freezes, the LSBID and LALB gave pay increases totaling \$11,059 to Ms. Edmonds during the period from July 1, 2010, through December 2, 2011. These executive orders, effective from March 19, 2010, through June 30, 2012, froze the boards' authority to award merit increases to all unclassified employees. Also, both boards may have violated the Louisiana Constitution because neither board had the legal authority to provide merit increases.¹

The following table summarizes the pay increases received by Ms. Edmonds during the pay freeze.

Sandy Edmonds' Pay Increases (As of December 2, 2011)				
Board	Effective Date	Pay Rate/Hour	New Pay Rate/Hour	Total Increase in Pay
LSBID	7/1/10	\$20.00	\$25.00	\$9,267.86
LALB	1/10/11	\$25.64	\$28.21	\$1,791.21
LALB	11/15/11	\$28.21	\$31.41	\$0.00**
Total				\$11,059.07
<i>**Has not been implemented.</i>				

Recommendation

The boards should adopt policies and procedures to ensure that employee payments and leave accruals are in strict accordance with state law and applicable executive orders. These policies should require the following:

1. Executive orders are reviewed prior to any employment actions taken by either board.
2. Only eligible employees are allowed to accrue and use leave time.
3. Employees maintain records of time and attendance.
4. Supervisors review and approve employee attendance and leave records.
5. The boards seek repayment for amounts paid which may have violated state law and/or executive orders.

This correspondence is intended primarily for the information and use of management of the boards. I trust this information will assist you in your efforts to comply with Louisiana laws, including the Louisiana Constitution and executive orders. Should you have any questions, please contact me at (225) 339-3839 or Mr. Eric Sloan, Director of Compliance Audit and Advisory Services, at (225) 339-3850.

Sincerely,



Daryl G. Purpera, CPA, CFE
Legislative Auditor

DGP:ES:GC:dl

ADDITIONAL INFORMATION BASED ON MANAGEMENT'S RESPONSE

As mentioned in our report, Ms. Edmonds appears to have been misinformed by the Department of State Civil Service (DSCS); however, as a part-time, unclassified employee of the boards, Ms. Edmonds' employment is governed by executive orders. Although the boards are required by law² to file documentation with DSCS for all unclassified employees, this does not constitute authorization to engage in transactions contrary to existing executive orders. Finally, the executive orders issued to freeze merit increases applied to unclassified employees regardless of the source of public funds to be used for such increases.

² **R.S. 42:290 (A)** provides in part that the appointing authority of each agency, board, commission, department, or other entity in the executive branch of state government shall file with the Department of State Civil Service the name, address, position, date of employment, place of employment, hours of work, and salary or per diem of each unclassified employee under its jurisdiction.

MANAGEMENT'S RESPONSE



Louisiana

Office of the Governor
Auctioneers Licensing Board

Bobby Jindal
Governor

January 24, 2012

New Contact Information:

11736 Newcastle Avenue
Bldg. 2, Suite C
Baton Rouge, LA 70816

Telephone: 225.295.8420
Fax: 225.372.8584

Email: admin@LALB.org
Web Address: www.LALB.org

Daryl G. Purpera
Louisiana Legislative Auditor
1600 North Third Street
P O Box 94397
Baton Rouge, Louisiana 70804

**Re: Compliance Audit Report
Louisiana Auctioneers Licensing Board**

Dear Mr. Purpera:

The Chairman of the Louisiana Auctioneers Licensing Board has asked me to respond to your report. It is the intention of this Board to comply with all state and federal laws, as well as Executive Orders of the Governor

ANNUAL AND SICK LEAVE

We have reviewed the history of the accumulation of sick leave and annual leave by our current employee. It was the understanding of this Board that pursuant to statute the current employee was entitled to be paid sick leave and annual leave. This was confirmed by Louisiana Civil Service, who provided to the current employee written confirmation of her ability to be paid sick and annual leave. A copy of that confirmation is attached. Prior to the current employee's service with our board, part-time employees have always been paid leave, based upon the original information received from the Department of Economic Development. When this Board hired its first part-time employee in 1999, the employee received documentation of her right to accumulate leave. When this Board was transferred to the Office of the Governor in 2001, we were not informed that the policy had changed. LSA-R.S. 36:4.1. As a matter of fact, the statutes regarding the transfer indicated that after the transfer to the Governor's office, the Board would continue its operation as it had in the past, which is what it did. LSA-R.S. 36:803.

The executive order of the governor, BJ 08-64, states that annual, compensatory and sick leave will not be earned by part-time employees of the executive department, Office of the Governor. This statement has been interpreted in the

Mr. Purpera
January 24, 2012
Page 2

past by our Board and by state civil service as meaning only those who are immediately within the Office of the Governor, and not those employed by the Boards and Commissions transferred to the Office of the Governor. This fact was affirmed in writing on more than one occasion. Copies of those are attached.

The Board does not operate on taxpayer funds. It is fully funded by the licensing fees paid by licensed auctioneers. The Board is entitled by its own statute to employ an executive secretary. LSA-R.S. 37:3112. It was the Board's understanding that since it did not draw funds from the state treasury, that it would not be bound by these limitations. We filed a notice with both civil service and the Office of the Governor to pay accumulated leave to the board's former employee once she left. No state agency ever objected to the payment.

Further, it must be pointed out that the current employee is a 40 hour a week employee shared by this Board and the Louisiana State Board of Examiners of Interior Designers, which are boards in the Office of the Governor. If determined to be a full time employee, she would be entitled to annual, sick and compensatory leave under federal and state law, and the Executive Orders.

However, it is our intention to comply with the law in full, and to take whatever steps are necessary to correct the error. As of this date The current employee has ceased accumulating leave and none will be paid to her in the future unless otherwise determined by the Office of the Governor, your office or the courts.

MERIT RAISES

The report also discussed Executive Orders BJ 2010-05 and BJ 2011-09, which are Merit Increase Freezes. BJ 10-05 states that the authority for this comes from R. S. 39:75 (B)(3), which does not exist. Subsection (C)(3) of that statute however does refer to the right of the Governor to freeze funds.

(3) The governor may issue executive orders in the form of freeze orders prohibiting the expenditure of monies for specific items. The total dollar savings estimated to be achieved in the deficit fund or funds and any other fund as a result of a freeze order shall be deducted from appropriations in the budget status report.

As stated above, the Board does not draw any funds from the state and therefore it is unclear whether this executive order should apply to the Board's employees. No reduction in the state's deficit funds can be achieved by freezing her pay.

The records reflect that the current employee' two raises were not as a result of

Mr. Purpera
January 24, 2012
Page 3

any merit raise, but due to her increased duties with regard to various responsibilities of the office, including responding to numerous public records requests, being named in a lawsuit and handling the responsibilities of at least two other lawsuits filed against the Board, numerous complaints filed with various state agencies. These obligations were outside the original contemplation of job duties when the current employee was hired. The reasons for the raises are clearly outlined in the recordings of the Board proceedings.

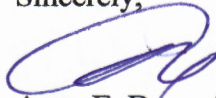
REPAYMENT

According to the report, the Board overpaid the current employee the sum of \$731.00 in leave time and \$1,791.21 in raises since July 1, 2010. Further, the Board apparently overpaid Ms. Sherrie Wilks, the former part-time employee referred to in the report, some \$14,613.40 in leave while employed and upon her leaving in 2009. We are checking our records to determine the accuracy of these figures. There is a three year prescription date in which we can file for a repayment of these amounts, pursuant to law. We would not be able to seek repayment from any other employee of the Board who left prior to 2009.

CONCLUSION

The Board agrees to review all executive orders prior to any employment actions taken by either board, even though we did review and were given written instructions regarding the last actions taken. Further, only eligible employees will be allowed to accrue and use leave time. Further, our employees will maintain records of time and attendance. Finally, this matter will be presented to the Board the option to seek repayment of any monies which may have violated state law and/or executive orders

Sincerely,



Anna E. Dow, Attorney
Louisiana Auctioneers Licensing Board

Sandy,

This applies to those employees within the Office of the Governor--i.e. that is, those employees who fall under the close personal retinue of the Governor.

This does not pertain to Boards and Commissions which fall under the Office of the Governor.

I hope this explains it clearly.

Thanks,

Liz Joiner

H R Consultant Specialist

Program Assistance Division

Department of State Civil Service

Phone: 225-342-8291

Fax: 225-342-0966

liz.joiner@la.gov

Work Hours: Monday thru Friday

7:00 A.M til 3:30 P.M.

From: Sandy Edmonds [mailto:admin@lalb.org]

Sent: Tuesday, February 22, 2011 8:36 AM

To: Liz Joiner

Subject: FW: executive order questions

Liz,

I have a board meeting at the end of this week and would love if you could provide an answer to the email below which asks:

Section 5 of the executive order states, "annual or sick leave shall not be earned by the following persons: 4. Part-time employees of the executive department, Office of the Governor."

Further it states in section 3: 'full time employees . . . not less than 40 hours per week'.

Do these statements pertain to employees of boards and commissions?

Thank you!

Sandy Edmonds



Louisiana Auctioneers Licensing Board

5222 Summa Court, Suite 352, Baton Rouge, LA 70809

Phone [225-763-5568](tel:225-763-5568) | Fax [225-763-5598](tel:225-763-5598)

Sandy@lalb.org

www.lalb.org

From: Sandy Edmonds [mailto:admin@lalb.org]
Sent: Wednesday, February 16, 2011 3:52 PM
To: 'Liz Joiner'
Subject: RE: executive order questions

Liz,

Sorry, I didn't explain question 2 correctly:

Section 5 of the executive order states, "annual or sick leave shall not be earned by the following persons: 4. Part-time employees of the executive department, Office of the Governor."

Further it states in section 3: 'full time employees . . not less than 40 hours per week'.

Do these statements pertain to employees of boards and commissions?

Thank you!

Sandy Edmonds



Louisiana Auctioneers Licensing Board

5222 Summa Court, Suite 352, Baton Rouge, LA 70809

Phone [225-763-5568](tel:225-763-5568) | Fax [225-763-5598](tel:225-763-5598)

Sandy@lalb.org

www.lalb.org

From: Liz Joiner [mailto:Liz.Joiner@LA.GOV]
Sent: Wednesday, February 16, 2011 3:29 PM
To: 'Sandy@lalb.org'
Subject: RE: executive order questions

Sandy,

1. Yes, your appointing authority may issue an unclassified pay adjustment for reasons other than annual merit increases.

2. The boards and commissions mentioned in the Executive Order refers to members that serve on the Boards and the Commission members.

If you have any further questions please feel free to contact me.

Thanks,

Liz Joiner

H R Consultant Specialist

Program Assistance Division

Department of State Civil Service

Phone: 225-342-8291

Fax: 225-342-0966

l.joiner@la.gov

Work Hours: Monday thru Friday

7:00 A.M til 3:30 P.M.

From: Sandy Edmonds [mailto:admin@lalb.org]

Sent: Wednesday, February 16, 2011 2:21 PM

To: Liz Joiner

Subject: RE: executive order questions

Liz,

From our phone conversation this morning- please confirm the following is true:

1. My board does have the authority to issue a pay rate adjustment for my unclassified position
2. Governor Jindal's executive order BJ 2008-64 does not pertain to our office. When Gov. Jindal mentions employees of the executive office, he is speaking only of employees in his direct office, not boards and commissions employees.

THANK YOU!!

Sandy Edmonds



Louisiana Auctioneers Licensing Board

5222 Summa Court, Suite 352, Baton Rouge, LA 70809

Phone [225-763-5568](tel:225-763-5568) | Fax [225-763-5598](tel:225-763-5598)

Sandy@lalb.org

www.lalb.org

From: Liz Joiner [<mailto:Liz.Joiner@LA.GOV>]
Sent: Wednesday, February 16, 2011 7:46 AM
To: 'Sandy@lalb.org'
Subject: RE: executive order questions

I apologize for the delay in my response. Yes, an unclassified pay adjustment may be given for other reasons. The intent of the Executive order was to eliminate the yearly unclassified increases that mimic the classified merit increase. In answer to your leave question: This refers to the unclassified employees in the Governor's office. If you have any further questions, please feel free to contact me. Thanks.

From: Sandy Edmonds [<mailto:admin@lalb.org>]
Sent: Tuesday, February 15, 2011 11:28 AM
To: Liz Joiner
Subject: RE: executive order questions



Liz,

Can you provide any assistance on this email I sent to you on February 7th?

Thank you,



State of Louisiana

DEPARTMENT OF ECONOMIC DEVELOPMENT

MEMORANDUM

M.J. "Mike" Foster, Jr.
Governor

Kevin P. Reilly
Secretary

TO: _____

FROM: Carolyn Bordelon
Human Resource Director

DATE: _____

SUBJECT: Unclassified Appointment Rules

The unclassified position, Executive Assistant, which you have been offered is to begin on 5/17/99 and end on _____, for a ^{hourly} monthly salary of \$ 10.00.

This position:

- 1. May earn Compensatory Leave Time
- 2. Does or Does not earn Annual or Sick Leave
- 3. Does or Does not get paid for holidays (Leave Without Pay-LWOP)
(Note: Earned Compensatory Time can be used for holidays)
- 4. If you are **not** in a leave earning status at this agency, you cannot use any annual or sick leave earned at another agency. Such leave will be transferred and held in abeyance until you return to leave earning status, retire or resign.

If you need any further explanation of the unclassified position rules, please contact the Human Resource Division.

I have read and understand the above rules:

SHERRIE WILKS
Employee's Name Printed

Mary Norton
Employee's Signature

cc: Timekeeper

REGISTRAR GENERAL
RECEIVED
JAN 30 1999

Spoke with Vicky Riggle of Civil Service regarding how to determine when my leave rate would change. I explained that I was not full time, and that my hours varied a little from pay period to pay period and wanted to calculate how much time I had put in so far and try to calculate when my leave rate would change to the 10 yr rate.

She told me that as of 5/17/99, when I was hired on with the Board, I had 6yrs, 8 months, and 29days of service with the state.

Using a 52 wk year, assuming an 8 hour work day, 2080 hours equals one year worked. So I needed to calculate the number of hours I had worked since I started on 5/17/99. Given that I had the above-mentioned service, we calculated that I would need to work 6767.99 more hours before I hit the leave change date. Upon hitting this mark, my leave would then change to a rate of .0807 hrs per hr worked.

For easier calculation I will use 6768.0 hours. When this mark is met, my leave rate will be changed to the rate of .0807

SUS



Louisiana

Office of the Governor
State Board of Examiners
of Interior Designers

Bobby Jindal
Governor

January 24, 2012

BOARD MEMBERS

CHAIR
Deborah Steinmetz, FIIDA, FASID

VICE CHAIR
T.L. Ritchie, IDEC

TREASURER
Robert C. King, ASID

SECRETARY
Carolyn Sawyer, ASID

Karen Carbo, IIDA

Karen Hazel

Jo Ann Hymel

EXECUTIVE DIRECTOR
Sandy Edmonds

LEGAL COUNSEL
Anna E. Dow

Daryl G. Purpera
Louisiana Legislative Auditor
1600 North Third Street
P O Box 94397
Baton Rouge, Louisiana 70804

**Re: Compliance Audit Report Louisiana State Board of
Examiners of Interior Designers**

Dear Mr. Purpera:

The Chairman and the members of the Louisiana State Board of Examiners of Interior Designers have asked me to respond to your letter. It is the intention of the Board to comply with all state and federal laws, as well as Executive Orders of the Governor.

ANNUAL AND SICK LEAVE

We have reviewed the history of the accumulation of sick leave and annual leave by our current employee. It was the understanding of this Board that pursuant to statute the current employee was entitled to be paid sick leave and annual leave. This was confirmed by Louisiana Civil Service, who provided to the current employee written confirmation of her ability to be paid sick and annual leave. Prior to the current employee's service with our board, part-time employees have always been paid leave, based upon the original information received from the Department of Economic Development. This Board was not moved to the Office of the Governor until 2001.

The executive order of the governor, BJ 08-64, states that annual, compensatory and sick leave will not be earned by part-time employees of the executive department, Office of the Governor. This statement has been interpreted in the past by our Board and by state civil service as meaning only those who are employed within the Office of the Governor, and not those employed by the Boards and Commissions transferred to the Office of the Governor. This fact was affirmed in writing on more than one occasion by civil service. Please see the attached correspondence from Civil Service.

The Board does not operate on taxpayer funds. It is fully funded by the licensing fees paid by Registered Interior Designers. The Board is entitled by its own statute to employ an executive director. LSA-R.S. 37:3174. It was the Board's understanding that since it did not draw funds from the state treasury, that it would not be bound by these limitations. We have filed notices with both civil

New Contact Information:

11736 Newcastle Avenue
Bldg. 2, Suite C
Baton Rouge, LA 70816

Telephone: 225.295.8425
Fax: 225.304.6655

Email: admin@LSBID.org
Web Address: www.lsbid.org

service and the Office of the Governor to pay accumulated leave to former employees once they left. No state agency ever objected to these payments.

Further, it must be pointed out that the current employee is a 40 hour a week employee shared by this Board and the Louisiana Auctioneers Licensing Board, which are boards both in the Office of the Governor. If determined to be a full time employee, she would be entitled to annual, sick and compensatory leave.

It is our intention to comply with the law in full, and to take whatever steps are necessary to comply.

MERIT RAISES

The report also discussed Executive Orders BJ 2010-05 and BJ 2011-09, which are Merit Increase Freezes. Both orders state that the authority for this comes from R. S. 39:75 (B)(3), which does not exist. Subsection (C)(3) of that statute does refer to the right of the Governor to freeze funds.

(3) The governor may issue executive orders in the form of freeze orders prohibiting the expenditure of monies for specific items. The total dollar savings estimated to be achieved in the deficit fund or funds and any other fund as a result of a freeze order shall be deducted from appropriations in the budget status report.

As stated above, the Board does not draw any funds from the state and therefore it is unclear whether this executive order should apply to the Board's employees. No reduction in the state's deficit funds can be achieved by freezing her pay.

The raise mentioned in the report was not a merit raise. The Board considered the pay increase awarded to the current employee was based upon additional duties assigned to her by the board.

REPAYMENT

There is a three year prescription date from date of leaving in which we can file for a repayment of these amounts, pursuant to law, which would apparently prevent retrieving funds from any prior employee. We are checking our records to determine the accuracy of the figures contained in the report.

CONCLUSION

The Board agrees to review all executive orders prior to any employment actions. Further, only eligible employees will be allowed to accrue and use leave time. Our employees will maintain records of time and attendance. The Board will investigate the option to seek repayment of any monies which may have violated state law and/or executive orders.

Sincerely,


Anna E. Dow, Attorney
Louisiana State Board of Examiners of Interior Designers

Sandy,

This applies to those employees within the Office of the Governor--i.e. that is, those employees who fall under the close personal retinue of the Governor.

This does not pertain to Boards and Commissions which fall under the Office of the Governor.

I hope this explains it clearly.

Thanks,

Liz Joiner

H R Consultant Specialist

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Phone: 225-342-8291

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From: Sandy Edmonds [mailto:admin@lalb.org]

Sent: Tuesday, February 22, 2011 8:36 AM

To: Liz Joiner

Subject: FW: executive order questions

Liz,

I have a board meeting at the end of this week and would love if you could provide an answer to the email below which asks:

Section 5 of the executive order states, "annual or sick leave shall not be earned by the following persons: 4. Part-time employees of the executive department, Office of the Governor."

Further it states in section 3: 'full time employees . . . not less than 40 hours per week'.

*

Do these statements pertain to employees of boards and commissions?

Thank you!

Sandy Edmonds



Louisiana Auctioneers Licensing Board

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Phone [225-763-5568](tel:225-763-5568) | Fax [225-763-5598](tel:225-763-5598)

Sandy@lalb.org

www.lalb.org

From: Sandy Edmonds [mailto:admin@lalb.org]

Sent: Wednesday, February 16, 2011 3:52 PM

To: 'Liz Joiner'

Subject: RE: executive order questions

*

Liz,

Sorry, I didn't explain question 2 correctly:

Section 5 of the executive order states, "annual or sick leave shall not be earned by the following persons: 4. Part-time employees of the executive department, Office of the Governor."

Further it states in section 3: 'full time employees . . not less than 40 hours per week'.

Do these statements pertain to employees of boards and commissions?

Thank you!

Sandy Edmonds



Louisiana Auctioneers Licensing Board

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Sandy@lalb.org

www.lalb.org

From: Liz Joiner [mailto:Liz.Joiner@LA.GOV]

Sent: Wednesday, February 16, 2011 3:29 PM

To: 'Sandy@lalb.org'

Subject: RE: executive order questions

Sandy,

1. Yes, your appointing authority may issue an unclassified pay adjustment for reasons other than annual merit increases.
2. The boards and commissions mentioned in the Executive Order refers to members that serve on the Boards and the Commission members.

If you have any further questions please feel free to contact me.

Thanks,

Liz Joiner

H R Consultant Specialist

Program Assistance Division

Department of State Civil Service

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Work Hours: Monday thru Friday

7:00 A.M til 3:30 P.M.

From: Sandy Edmonds [mailto:admin@lalb.org]
Sent: Wednesday, February 16, 2011 2:21 PM
To: Liz Joiner
Subject: RE: executive order questions

Liz,

From our phone conversation this morning- please confirm the following is true:

1. My board does have the authority to issue a pay rate adjustment for my unclassified position
2. Governor Jindals' executive order BJ 2008-64 does not pertain to our office. When Gov. Jindal mentions employees of the executive office, he is speaking only of employees in his direct office, not boards and commissions employees.

30 MAR 2011 9:15 AM