



GENERAL CIRCULAR NUMBER 2011-009

DATE: April 28, 2011

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Employee's Right to Address the Legislature

The Department of State Civil Service has received inquiries concerning classified employees rights and limitations to speak concerning issues pending before the legislature. The Louisiana Legislature opened the 2011 Regular Session on April 25, 2011. Article 3 Section 2 of the Louisiana Constitution provides that legislature shall take up matters fiscal in nature while in session in odd-number years. The legislature may file non-fiscal bills, but are limited to five such bills in an odd-numbered year.

Due to the severe budget deficit projected for fiscal year 2011/2012, most of the 2011 Regular Session will be taken up with budget issues. As classified state employees, some of these issues may have a direct impact on you about which you may wish to speak. Classified employees are prohibited from engaging in efforts to support a candidate, party or political faction in an election. These restrictions do not prohibit classified employees from expressing themselves either privately or publicly on issues that may be pending before the legislature.

However, Revised Statute 24:56 provides "No state employee in his official capacity or on behalf of his employer shall lobby for or against any matter intended to have the effect of law pending before the legislature or any committee thereof. Nothing herein

shall prohibit the dissemination of factual information relative to any such matter or the use of public meeting rooms or meeting facilities available to all citizens to lobby for or against any such matter.” The key words in this statute are “in his official capacity or on behalf of his employer.” This prohibition does not apply when you as a state employee are before the legislature in your capacity as a private citizen. However, if you intend to express yourself during your work hours; you must be on approved leave.

Prior to speaking publicly at the Legislature on matters which may affect your employment, be mindful about what, how, and to whom you are speaking. If you choose to address an issue at the legislature, I recommend that you identify yourself as a classified employee, where you are employed, and if at all possible limit your personal interest in the matter. For example, if you choose to speak concerning the proposed closure of a facility, instead of saying “I’m going to lose my job,” you should say, “closure of this facility will result in 100 employees losing their jobs.”

If you have questions regarding this general circular, please contact our General Counsel, Adrienne T. Bordelon at (225) 342-8272.

Sincerely,

s/Shannon S. Templet, Director

Department of State of Civil Service
