

Expenditures made under the authority of **Act 40** of the **2019** Regular Session of the Louisiana Legislature are subject to the provisions of the Preamble of **Act 10** as well as Title 39 of the Louisiana Revised Statutes (LRS).

MID-YEAR ADJUSTMENTS (BA-7s)

Section 3 of Act 40 deals with the addition of federal, fees and self-generated, statutory dedication and interagency transfer funds and [Section 73C of Title 39](#) provides for transfers from one program to another with the approval of the Division of Administration, Office of Planning and Budget (DOA, OPB) and the Joint Legislative Committee on the Budget (JLCB). Any BA-7 request to increase Fees and Self-generated or Statutory Dedications must have the revenues recognized by the Revenue Estimate Conference (REC) according to Act 419 of the 2013 Regular Legislative Session.

The BA-7 form is updated yearly after every legislative session; be advised, you must check the OPB website and use the most recent version. **OPB will not accept a request using any previous BA-7 form, or when the BA-7 form and/or questionnaire is incomplete.** The revised BA-7 form (MS Excel file) and questionnaire (MS Word file) are available on the OPB's website under "[Forms, Guidelines and Memos – Budget Forms and Instructions – Mid-year Adjustment \(BA-7\) Forms.](#)" BA-7 requests requiring JLCB approval must be submitted to OPB (2 Copies plus the original), the Legislative Fiscal Office (1 Copy), and the JLCB (1 Copy) a minimum of sixteen (16) working days prior to consideration by the JLCB (see Preamble Section 17.A. of **Act 10** of the **2019** Regular Session). This Letter of General Appropriation package includes the schedule for submission of BA-7s requiring JLCB approval. The person(s) from your agency most knowledgeable about items on the agenda of the JLCB must be present at these hearings to answer detailed questions.

The Division of Administration takes a firm position on timely submission and full justification of BA-7 requests. The agency deadline noted on the JLCB BA-7 schedule is the last possible day for submission. However, submission of a BA-7 on the deadline date does not guarantee the BA-7 will be on the agenda for the next JLCB meeting. To allow sufficient time for a thorough analysis by OPB, your BA-7 requests should be submitted as early as possible, rather than on the deadline date. As a reminder, the **2020** Regular Legislative Session begins **Monday, March 9, 2020**. The scheduling of a JLCB meeting is difficult at best during a legislative session; therefore, it is recommended that you plan ahead and submit BA-7s prior to that time frame. BA-7s not submitted in accordance with scheduled deadlines will be considered only when extreme circumstances requiring immediate action exist.

REMINDER: OPB will not accept a request using any previous BA-7 form or when the BA-7 form and/or questionnaire is incomplete. If information (financial or performance) on the BA-7 form and questionnaire is insufficient to justify the request, OPB will return the BA-7 request for further information. If a BA-7 is not submitted in time for a thorough financial and performance analysis, it will not—except when the OPB determines that extreme circumstances requiring immediate action exist—be placed on the JLCB agenda.

In no case should actions requiring BA-7 approval be undertaken prior to completion of the approval process. The Division of Administration and the JLCB take a hardline approach to "after the fact" BA-7s. As a result, BA-7s submitted after expenditures are made pursuant to the BA-7 may be summarily denied.

APPROPRIATION ACCOUNTABILITY

It is each agency's responsibility to allocate the Appropriated Program (AP) from the "Budget Development Organization Unit" to the proper Organization Units and Object Codes. Object codes are provided in the [Uniform Chart of Accounts](#). **The deadline for spreading your budget at the object code level is August 9, 2019.**

Be sure your initial budget spread is an accurate reflection of the expenditure category allocations determined during **FY 2019-2020** budget development. Movement among expenditure categories is not allowed for the initial budget spread.

OPB will review and take action on all Appropriation Input (APs), Expenditure Budget transactions (EBs), and Revenue Budget transactions (RBs) in the Advantage Financial System (AFS). All proposed adjustments of APs, EBs, and RBs must be explained in detail (to the object code level) and justified prior to OPB approval. APs, EBs, and RBs must be in agreement. **The forms and instructions are available on OPB's website under ["Forms, Guidelines and Memos – Budget Forms and Instructions – Request for Expenditure Budget Adjustment \(Form EB\)."](#)**

Incomplete or insufficiently justified proposals will be returned without action. Further, any transfer of funding from the Salaries category may effectively result in a subsequent reduction of positions associated with that funding. Failure to spread or realign the budget into the proper object codes and organizations may cause unnecessary budgetary problems—delays in transaction processing in the current year, as well as complications in analysis and development of the ensuing fiscal year budget.

AGENCY COST ALLOCATIONS FOR STATE EMPLOYEES GROUP BENEFITS AND STATE RETIREMENT SYSTEMS

Section 8.D. of **Act 10** of the **2019 Regular Session** contains language regarding the cost assessment allocation proposed by the Office of Group Benefits, and language that may affect the budget unit of each agency regarding the state retirement allocation.

Per Section 8.D. of the Preamble of **Act 10**, "In the event that any cost assessment allocation proposed by the Office of Group Benefits becomes effective during Fiscal Year **2019-2020**, each budget unit contained in this Act shall pay out of its appropriation an amount no less than 75% of total premiums for all active employees and those retirees with Medicare in accordance with R.S. 42:851(D)(1) for the state basic health insurance indemnity program."

Per Section 8.E. of the Preamble of **Act 10**, "In the event that any cost allocation or increase recommended by the Public Retirement Systems' Actuarial Committee through adoption of a valuation submitted to the Joint Legislative Committee on the Budget and the House and Senate committees on retirement becomes effective before or during Fiscal Year **2019-2020**, each budget unit shall pay out of its appropriation funds necessary to satisfy the requirements of such increase."

The retirement rates for **FY 2019-2020** are:

Louisiana State Employees Retirement System (LASERS),

- Rank and File, **40.7%**
- Judges and Court Officers, **42.4%**
- Legislators, **40.4%**
- Corrections Primary, **37.3%**
- Corrections Secondary, **41.4%**
- Wildlife, **50.0%**
- Peace Officers, **39.7%**
- Alcohol and Tobacco, **34.1%**
- Bridge Police, **40.1%**
- Judges (Act 992 of 2010), **42.0%**
- Hazardous Duty (Act 992 of 2010), **41.7%**

Teachers Retirement System of Louisiana (TRSL),

- Regular Teachers, **26.1%**
- Higher Education, **25.3%**
- Lunch Plan A, **26.1%**
- Lunch Plan B, **26.1%**

Louisiana State Police Retirement System (LSPRS),

- Regular, **47.0%**

Be sure to reflect the costs of these allocations when you spread your budget.

UNEMPLOYMENT COMPENSATION PAY

The state unemployment compensation program is self-insured. The Louisiana Workforce Commission (LWC) processes and pays unemployment insurance liabilities filed by eligible former workers of the state. Your agency is directly responsible for payment to the LWC.

It is vital you pay these claims timely, because the LWC's assessment of interest and penalties on delinquent bills is severe. Under the provisions of [R.S. 23:1543\(A\)](#), the LWC assesses an interest fee of 1% per month, then adds the interest amount to the unpaid balance and charges a 5% penalty on the sum of those two amounts. The penalty is progressive, meaning the amount for month two is 10%; for month three, 15%; and so on, to a maximum of 25% per month. For example, the first month of interest and penalty payment on an unpaid balance of \$745,000 is calculated as follows:

$$\$745,000 \times .01 = \$7,450; (\$745,000 + \$7,450) \times .05 = \$37,623 \text{ or total interest and penalties of } \underline{\$45,073}.$$

Based on the calculations above, the interest and penalties for the second month would be \$87,698 and for the third month, \$134,481.

PERFORMANCE ADJUSTMENTS

In order to ensure adoption of the most accurate expectations of agency performance within the state budget, performance data contained in the adopted budget may, under certain circumstances, be adjusted at the beginning of the fiscal year. Agencies are allowed to take advantage of the opportunities provided under [R.S. 39:87.2C](#) to request appropriate performance adjustments. **To do so, submit complete, signed, original hard copy requests (using the Performance Adjustment Request form) to OPB, JLCB, and the Legislative Fiscal Office, no later than 5:00 PM, Wednesday, August 15, 2019.**

The Performance Adjustment Request form (MS Excel file) and guidelines (MS Word file) are available on the OPB website at <http://www.doa.la.gov/Pages/opb/faf/FY20/FY20.aspx>.

All requested adjustments are subject to review and approval by both OPB and JLCB. The JLCB generally hears performance standard adjustment requests in September. The person(s) from your agency most knowledgeable about performance items on the agenda of the JLCB meeting must attend to answer detailed questions.

POSITION CONTROL

Only employees in the permanent state work force are paid from expenditure codes 2100, 2130, and/or 5200, in accordance with AFS Uniform Chart of Accounts definitions:

2100 Salaries-Classified-Regular: Compensation paid to full-time or part-time classified employees hired on a continuing basis;

2130 Salaries-Unclassified-Regular: Compensation paid to full-time or part-time unclassified employees hired on a continuing basis; and

5200 AUX Programs-Salaries: Salaries related to auxiliary programs.

Payments for salaries from these expenditure codes for employees in the classified and unclassified state service are limited to those employees with permanent or probationary status. Any changes in positions, either number or classification, are subject to the provisions of [Title 39, Section 84](#). Furthermore, all requests for personnel action submitted to State Civil Service should reflect the proper expenditure code for the position affected.

To the extent that position information is in the ISIS HR system, it is imperative the information be maintained with regard to the appropriate salary code, as OPB will use the ISIS HR system to examine your filled positions and vacancies in **FY 2019-2020** and determine the salary recommendations for **FY 2020-2021**.

All positions, other than those paid out of Other Compensation expenditure category, should be placed in the authorized Table of Organization (T.O.) and Authorized Other Charges. Positions in the Other Compensation expenditure category should be placed in non-T.O. FTE (full time equivalent). Authorized Other Charges positions must conform to at least one of the criteria below:

1. The agency does not have the authority to hire and terminate the employee.
2. The position is seasonal but not permanent.
3. The position has legislative authority to be excluded from the authorized T.O.

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All positions for which the department has the authority to employ and terminate the individuals, and the positions are designated for more than one (1) year, should be placed in the authorized T.O. If you have reason to deviate from this policy, please contact your OPB budget analyst.

CONTENTS OF COMPLETE APPROPRIATION LETTER PACKAGE

The following documents are included in the entire Appropriation Letter package. Please ensure the proper personnel acquire all of these documents. These documents can be accessed by email or OPB website.

1. Letter of Ancillary Appropriation
2. Schedule for BA-7s requiring JLCB approval
3. **Act 40** of the **2019 Regular Session** of the Legislature should be reviewed for any special language affecting appropriation and gubernatorial vetoes.
4. AFS Documents – AP, RB, EB
5. Adjustments Report
6. Legislative Tracking Report
7. Performance Standards at Appropriated

If you have any questions regarding your appropriation, or need additional information, please contact your OPB budget analyst.

Sincerely,

Ternisa Hutchinson
Deputy Director

TH:JM

Attachments