



**STATE OF OKLAHOMA
OFFICE OF PERSONNEL MANAGEMENT**

"Working for Oklahoma"

OPM 10-15

DATE: March 12, 2010

TO: All Appointing Authorities

FROM: Oscar B. Jackson, Jr., IPMA-CP, Administrator and
Cabinet Secretary of Human Resources and Administration

A handwritten signature in black ink, appearing to read "Oscar B. Jackson, Jr.", positioned to the right of the "FROM:" field.

**SUBJECT: Emergency Amendments to the Merit Rules
Involuntary Leave Without Pay (Furlough)**

Attached for your information is the text of the emergency amendments to the Merit Rules, effective February 25, 2010. This information is also available on the Office of Personnel Management website at www.opm.ok.gov.

Please advise if there are questions or if additional information is needed.

Attachment

*"We serve the people of Oklahoma by delivering reliable and innovative
human resource services to our partner agencies to achieve their missions."*

TITLE 530. OFFICE OF PERSONNEL MANAGEMENT

CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

SUBCHAPTER 15. TIME AND LEAVE

PART 5. MISCELLANEOUS TYPES OF LEAVE

530:10-15-48. Involuntary leave without pay (furlough)

(a) **Policy.** An Appointing Authority may place classified and unclassified employees on involuntary leave without pay (furlough) for up to a total of **184** hours in any **12** month period in accordance with this Section. An Appointing Authority may only furlough employees when it is necessary to reduce expenditures or when it is required because of a temporary decline or cessation of work activities.

(b) **Required announcement of reasons for furlough.** Before beginning a furlough, an Appointing Authority shall announce in writing the reasons that require it. The Appointing Authority shall post this announcement throughout the agency and send it to the Governor, the Office of Personnel Management, and the Office of State Finance. This announcement is not part of the furlough plan required in (c) of this Section, and it is not subject to the approval of the Administrator.

(c) **Required plan for implementation of furlough.**

(1) Before beginning a furlough, an Appointing Authority shall develop an equitable and systematic plan for the furlough and shall submit the plan to the Office of Personnel Management for review and approval. The Administrator of the Office of Personnel Management shall disapprove any plan that is not in substantial compliance with the Merit Rules.

(2) After approval of the plan by the Administrator, the Appointing Authority shall post the approved plan throughout the agency a minimum of **2** working days before furloughing any employee.

(3) The plan shall apply uniformly to employees regardless of classified or unclassified status [74:840-2.27C]. As far as possible, the Appointing Authority shall furlough all full-time employees, including those on paid leave, the same number of hours and shall prorate the number of hours for part-time employees. The Appointing Authority shall address the application of the furlough to employees who are on other types of leave without pay.

(d) **Non-uniform treatment of employees.** The Appointing Authority may find non-uniform treatment of employees necessary during a furlough. The Appointing Authority must certify the reasons for non-uniform treatment as described in paragraph (1) of this subsection. It is possible that more than one reason may apply in any specific furlough. Paragraph (2) of this subsection describes how the Appointing Authority may limit the effect of a furlough on specified employees. Any certifications issued by an Appointing Authority shall be included in the furlough plan.

(1) **Certification of reasons for non-uniform treatment.**

(A) If the Appointing Authority certifies that uniform treatment of all employees would cause undue hardship on lower paid employees and uniform treatment is not required to meet the reduced revenue levels which made the furlough necessary, the Appointing Authority may limit the applicability of a furlough on lower paid employees.

(B) If the Appointing Authority certifies that uniform treatment of all employees would endanger public health, safety, or property, or continued operations of critical agency functions, the Appointing Authority may limit the applicability of the furlough on specified employees, positions, jobs, or organizational units as needed to avoid the danger.

(C) If the Appointing Authority certifies that a furlough is due to a decline or loss of funding to the agency that supports specific positions, jobs, or organizational units, the Appointing Authority may limit a furlough to specific employees supported by the funding that is lost or reduced.

(D) If the Appointing Authority certifies that a Furlough is due to a budgetary shortfall which results in a decline or loss of funding to the agency, the Appointing Authority may limit the furlough to employees who request to participate in a furlough and certify that they have done so without coercion, undue influence, threat or intimidation of any kind or type.

(2) **Types of non-uniform treatment.** In certifying the reasons for non-uniform treatment of employees, the Appointing Authority may use any of the following types of limits. The Appointing Authority may:

(A) exclude specified employees from the furlough,

(B) place specified employees on a lesser number of hours without pay than other employees,

(C) make the furlough of specified employees subject to early cancellation or periodic call-back,

or

(D) limit the furlough to employees who have certified that they have requested to participate in a furlough without any coercion, undue influence, threat, or intimidation of any kind or type.

(e) **Required notice to employee.** The Appointing Authority shall give employees who are to be furloughed individual written notice of the furlough before its starting date. This written notice shall explain the reasons for the furlough and how the furlough will affect the employee. The notice shall also include the dates and times leave is to begin and end. A copy of this Section shall be enclosed with the written notice to the employee. If an Appointing Authority makes leave for employees subject to early cancellation or periodic call-back, the employee's notice of furlough shall describe the reasons for, and conditions of, the cancellation or call-back.

(f) **Continuation of benefits while on furlough.** While on furlough, employees who would otherwise accrue leave shall continue to accrue annual and sick leave as though the furlough had not occurred. The Appointing Authority shall schedule the furlough so the furlough does not interrupt the agency's payment of the employees' insurance premiums.

(g) **Failure to return as directed cause for discipline.** Failure on the part of an employee to return from such leave to his or her previous work status as directed in writing shall be cause for discipline.

(h) **Appeal rights.** *Furlough, as provided for [?] by rules adopted by the Administrator of the Office of Personnel Management, shall not be appealable under the provisions of the Oklahoma Personnel Act [74:840-2.27C].*