



**STATE OF OKLAHOMA  
HUMAN CAPITAL MANAGEMENT  
DIVISION OF OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES**

**OPM 12-07**

**DATE:** June 11, 2012

**TO:** All Appointing Authorities

**FROM:** Lucinda Meltabarger, Administrator

A handwritten signature in black ink, appearing to read "Lucinda Meltabarger".

**SUBJECT: Permanent Amendments to Merit Rules and Pay Band Schedule**

Attached for your information are the promulgated permanent amendments to the Merit Rules. The effective date of the amendments is July 1, 2012. This information will also be available July 1, 2012, on the Human Capital Management website at [www.opm.ok.gov](http://www.opm.ok.gov).

If there are questions or if additional information is needed, please feel free to contact me or Kara Smith, HCM General Counsel, at 405-522-1736 or [kara.smith@osf.ok.gov](mailto:kara.smith@osf.ok.gov).

Attachment

**TITLE 530. OFFICE OF PERSONNEL MANGEMENT  
CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES**

**SUBCHAPTER 3. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT  
OPPORTUNITY**

**PART 2. DISCRIMINATION COMPLAINTS INVESTIGATIONS**

**530:10-3-22. Training requirements for discrimination complaints investigators**

(a) Unless otherwise provided by state or federal law, all persons who are designated to investigate complaints of employment discrimination in executive branch agencies shall be subject to the following initial training and initial certification provisions:

(1) completion of four days of initial discrimination complaints investigator training either conducted by the Office of Personnel Management or approved by the Administrator. The initial discrimination complaints investigator training shall provide participants with a current knowledge of:

- (A) ~~Oklahoma and federal~~ equal employment opportunity laws and rules;
- (B) theories of discrimination and burdens of proof;
- (C) planning and conducting complete and impartial investigations;
- (D) techniques for interviewing witnesses;
- (E) collecting relevant evidence;
- (F) documenting the record of investigation; and
- (G) preparing the written report of investigation.

(2) a person who has completed the EEO Training for New Investigators conducted by the U.S. EEOC Training Institute shall not be subject to the initial training requirements of (a)(1) of this section.

~~(2)~~(3) In addition to the requirements referenced in (a)(1) of this Section a minimum of one investigation must be completed under the guidance of a senior EEO investigator, designated by the Administrator. The senior EEO investigator shall advise and support the investigator in developing competency in investigating complaints of discrimination.

~~(3)~~(4) a person who has completed the initial training requirements established in (a)(1) of this Section and who is conducting an investigation under the guidance of a senior EEO investigator required in (a)(2) of this Section shall be considered as conditionally meeting the training requirements of the Administrator and shall be considered to be in compliance of this Part for that investigation.

~~(4)~~(5) the Administrator will certify that a person has completed the training requirements for investigating complaints of discrimination after the Administrator:

- (A) determines the person has completed the initial training requirements established in (a)(1) of this Section, and
- (B) receives recommendation from the senior EEO investigator under whose guidance one or more investigations have been conducted as required in (a)(2) of this Section that the person seeking certification has demonstrated competency in conducting investigations; or the Administrator waives the recommendation requirement.

~~(5)~~(6) the Administrator shall send notice of certification to the person certified and to the certified person's Appointing Authority if the person is a state employee.

(b) All persons who are designated to investigate complaints of employment discrimination in executive branch agencies shall be subject to the following continuing education training requirements:

(1) A minimum of six hours of classroom instruction or 0.6 Continuing Education Units (CEUs) in training related to the subjects listed in (b)(2) of this section each calendar year or other annual training that may be announced by the Administrator. Investigators who complete annual training shall submit proof of completion that is acceptable to the Administrator no later than December 31st of each year.

(2) Discrimination complaints investigator annual training shall provide participants with a current knowledge of:

- (A) ~~Oklahoma and federal~~ equal employment opportunity laws and rules; including the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and Section 504 of the Federal Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., and court cases;
- (B) theories of discrimination and burdens of proof;
- (C) planning and conducting complete and impartial investigations;
- (D) techniques for interviewing witnesses;
- (E) collecting relevant evidence;
- (F) documenting the record of investigation; and
- (G) preparing the written report of investigation.
- (H) investigating discrimination complaints;
- (I) personnel practices and procedures;
- (J) alternative dispute resolution; or
- (K) diversity and multi-culturalism.

(3) Discrimination complaints investigators who do not complete the annual training described in (b)(1), or who fail to report such training by January 30<sup>th</sup> of the following year, will be placed on an "inactive" list and shall not conduct discrimination complaints investigations until the training requirement for the previous year has been met and reported.

## **SUBCHAPTER 7. SALARY AND PAYROLL**

### **PART 1. SALARY AND RATE OF PAY**

#### **530:10-7-19. OK Health Incentive Pay [REVOKED]**

~~(a) Agencies may elect to participate in OK Health, the Employees Benefits Council's wellness mentoring program, a program designed to lower employee health care utilization by improving overall health. [74:1383]. Appointing Authorities may pay incentives to employees who participate in OK Health. The pay incentive shall consist of three separate lump sum payments payable to an employee upon completion of specified steps in the program and shall be available for only the first twelve months of an employee's participation in the program.~~

~~(b) A participating Appointing Authority may select one of the three following incentive packages:~~

~~(1) Bronze Plan: \$100.00 total financial incentive payable as follows:~~

- ~~(A) \$25.00 for completing enrollment process;~~
- ~~(B) \$25.00 for completion of twelve week process; and,~~
- ~~(C) \$50.00 for completion of year end follow up evaluation.~~

- ~~(2) Silver Plan: \$300.00 total financial incentive payable as follows:~~
- ~~(A) \$75.00 for completing enrollment process;~~
  - ~~(B) \$100.00 for completion of twelve week process; and,~~
  - ~~(C) \$125.00 for completion of year end follow up evaluation.~~
- ~~(3) Gold Plan: \$500.00 total financial incentive payable as follows:~~
- ~~(A) \$100.00 for completing enrollment process;~~
  - ~~(B) \$175.00 for completion of twelve week process; and,~~
  - ~~(C) \$225.00 for completion of year end follow up evaluation.~~
- ~~(c) The Employees Benefits Council shall certify to the Appointing Authority employee completion of the enrollment process, the twelve week process, or the year end follow up evaluation on a form prescribed by the Council.~~
- ~~(d) Agencies shall select a specific incentive package once per calendar year. Once an Appointing Authority has selected an incentive package, it may not be modified within the same calendar year.~~
- ~~(e) Should an employee begin the OK Health program at one agency and subsequently become employed by a different agency, the employee is entitled to payment pursuant to the incentive plan elected by the current employing agency if the agency is a participating agency.~~

## **SUBCHAPTER 9. RECRUITMENT AND SELECTION**

### **PART 3. WRITTEN AND PERFORMANCE TESTS**

#### **530:10-9-37. Repeating examinations**

- ~~(a) A person may repeat a written test or performance test at intervals that shall be determined and made public by the Administrator. A person with a current and qualifying application may repeat a multiple-choice test 182 days from the original test date. A performance test may be repeated daily for as long as an applicant has a current and qualifying application that requires the performance test.~~
- (b) The repeat interval for a written or performance test shall apply to both entrance and promotional examinations. The most recent, valid score on a written test will be used. An applicant may request to be certified with a score on a performance test other than the most recent one, provided that the score requested on a test is consistent with guidelines issued and made public by the Administrator. Otherwise, the examination is considered void.

#### **530:10-9-38. Reviewing examinations**

Applicants shall be entitled to inspect their own rating and examination papers maintained in the Office of Personnel Management up to 30 days after the date of the examination. Such inspection shall be permitted only during regular business hours at the Office of Personnel Management and shall include only those materials which would not compromise the security of the selection procedure. Any person who reviews an examination may not participate in the same examination for ~~period of time designated by the Administrator consistent with guidelines issued and made public by the Administrator~~ one year from the date of the review.

## PART 5. REGISTERS

### 530:10-9-52. Removal of names from registers

(a) In addition to the reasons set forth in 530:10-9-9, when a written request which states the reason for such action is received from an Appointing Authority or based upon an action of the Office of Personnel Management, the Office of Personnel Management may temporarily or permanently remove an eligible from a register for any of the following reasons:

- (1) Removal requested by eligible applicant.
- (2) Appointment through certification to fill a permanent position in the same job.
- (3) Failure to respond within 7 calendar days exclusive of the date of mailing of a written inquiry by the Appointing Authority relative to availability for appointment. Such inquiry shall include the date and time by which the eligible must contact the Appointing Authority.
- (4) Failure to respond within 72 hours to an ~~e-mail~~ electronic message from the Appointing Authority relative to availability for appointment. Such inquiry shall include the date and time by which the eligible must contact the Appointing Authority and must be sent to the ~~e-mail address~~ contact information provided by the eligible.
- (5) Failure to appear for a scheduled interview.
- (6) Declination of further consideration for selection.
- (7) Declination of appointment.
- (8) Failure to report for duty within the time specified by the Appointing Authority. (See 530:10-9-94.)
- (9) Abolition of register by the Office of Personnel Management.

(b) Any person so affected shall be notified of this action and the reason for it. ~~An eligible may request restoration to the register. If the Office of Personnel Management refuses to restore the eligible's name, such eligible may appeal to the Merit Protection Commission.~~

## PART 9. CLASSIFIED APPOINTMENTS

### 530:10-9-100. Optional Program for Hiring Applicants with Disabilities

(a) Appointing Authorities may employ persons with severe disabilities who are legal residents of Oklahoma through the Optional Program for Hiring Applicants with Disabilities ("Program") [74:840-4.12]. Program participants shall meet all minimum qualifications of education and experience, but shall be exempt from entrance examinations and hiring procedures administered by the Office of Personnel Management [74:840-4.12]. Program participants shall be certified as having disabilities in accordance with the standards and procedures in subsection (b) of this Section [74:840-4.12]. Persons with severe disabilities are not required to participate in this Program, and they may elect to be considered for employment through regular selection procedures [74:840-4.12].

(b) The Department of Rehabilitation Services shall certify an applicant as having disabilities according to the definition for "individual with severe disability" in OAC 612:10-1-2, which the Administrator has established as the standard for disability certification, and shall provide electronic or written verification to the applicant and to the Office of Personnel Management.

(c) The Administrator shall give each Program applicant certified according to (b), a letter of notification of all job family levels for which the applicant has applied and possesses the minimum qualifications of education and experience.

(d) Letters of notification as described in (c) shall be valid for an initial 12-month period. Applicants may renew eligibility every 12 months by ~~notifying~~ reapplying with the Office of Personnel Management.

(e) An applicant for the Program may apply directly to employing agencies. In order to be eligible for appointment to fill a vacant position, an applicant shall be a legal resident of Oklahoma. The applicant shall submit to the Appointing Authority of the employing agency a current letter from the Administrator as described in subsections (c) and (d) indicating the applicant possesses the qualifications of education and experience for the vacancy.

(f) Persons with severe disabilities hired pursuant to this Program shall be subject to the Merit Rules [74:840-4.12].

## PART 11. DIRECT HIRE AUTHORITY

### 530:10-9-111. Definitions

In addition to terms defined in ~~530:10-1-2~~530:10-1-2 the following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

**"Adequate applicant pool"** means 10 or more available qualified eligibles on open competitive announcements maintained by the Office of Personnel Management for the location of a vacancy under the conditions of employment required for the position. However, the presence of one Absolute Preference Veteran on open competitive announcements maintained by the Office of Personnel Management for the location of a vacancy under the conditions of employment required for the position shall also constitute an adequate applicant pool, regardless of the presence or absence of other available qualified eligibles.

**"Conditions for employment"** means requirements for the position established by the agency and approved by the Office of Personnel Management such as willingness to travel, perform shift work, or work in a particular geographic location, or possession of any selective qualifications or special requirements for the position.

**"Direct hire authority"** means the authorization for an Appointing Authority to certify the qualifications of and appoint an eligible applicant to a position requiring professional practice licensure or to a position which has been identified by the Administrator as hard-to-fill.

**"Hard-to-fill positions"** means a vacant position or positions in a job family for which a state agency has been unable to identify an adequate applicant pool within the past 2 weeks of open competitive announcement.

**"Professional practice licensure positions"** means those positions within a job family for which the Administrator has determined the minimum qualifications for the job require professional licensure with the State of Oklahoma to legally practice in the profession. Such a job shall involve work requiring knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction or study such as a bachelor's degree from an accredited college or university. The Administrator shall maintain a list of jobs requiring professional practice licensure and shall make the list available to all state agencies with positions allocated to these job families.

## PART 13. VETERANS PREFERENCE

### **530:10-9-131. Pass for cause of an absolute preference veteran**

(a) An Appointing Authority who finds it necessary to pass over an Absolute Preference Veteran for cause must receive written approval from the Administrator before taking such action. Any Appointing Authority who, without prior approval, passes an Absolute Preference Veteran for cause on any certificate returned to the Office of Personnel Management shall be required to hire the preferenced applicant, if such pass for cause is subsequently rejected by the Administrator. No offer of initial employment may be made to any applicant ranked below such veterans in the absence of this approval; such offers and any subsequent initial appointments shall be void. [74:840-4.14(A)(3)]

(b) Nothing in this Section prohibits or limits passing an Absolute Preference Veteran to hire another Absolute Preference Veteran within the hiring rule, or hiring any other eligible through means other than an initial appointment.

(c) A request to pass over or disqualify an Absolute Preference Veteran shall include a detailed written explanation and justification provided by the Appointing Authority documenting why the Appointing Authority believes:

(1) the applicant cannot be reasonably expected *to satisfactorily perform at the required level of the position* [74:840-4.14(A)(3)]; or

(2) it is necessary to disqualify the applicant because of 1 or more of the causes for disqualification listed in 530:10-9-9, **Disqualifications**.

(d) Any person who is so disqualified shall be notified in writing by the Administrator of the right to appeal.

## SUBCHAPTER 15. TIME AND LEAVE

### PART 5. MISCELLANEOUS TYPES OF LEAVE

#### **530:10-15-58. Leave for reserve municipal police officers and reserve deputy sheriffs**

(a) Employees who are reserve municipal police officers pursuant to Section 34-401 of Title 11 of the Oklahoma Statutes and employees who are reserve deputy sheriffs pursuant to Section 547 of Title 19 of the Oklahoma Statutes and who miss work in performing their duties in case of emergency shall not have to use any accrued leave or make up any time due to the performance of their reserve duties.

(b) Employees subject to the provisions of subsection (a) may be required, upon the request of the Appointing Authority, to provide appropriate documentation from the applicable law enforcement authority that identifies the nature of the emergency and the period of time of the employees involvement.

## SUBCHAPTER 17. PERFORMANCE EVALUATION AND CAREER ENHANCEMENT PROGRAMS

### PART 7. CARL ALBERT PUBLIC INTERNSHIP PROGRAM

#### **530:10-17-77. Application form and procedure**

(a) **Application form and applicant survey form.**

(1) The Carl Albert Public Internship Program application is available from the Office of Personnel Management. The application form provides information about the

application process and eligibility requirements. It solicits information about applicants and their qualifications for participation in the program.

(2) Applicants may apply at any time.

(3) An applicant may complete a voluntary survey form which solicits information related to demographics, including race or ethnic group, and disabilities. The information shall be used for statistical purposes only.

(b) **Communication with the Office of Personnel Management.** Interested persons may direct communications to the attention of the Carl Albert Public Internship Program in accordance with 530:1-1-12.

(c) **Application procedure.** Applicants for the internship program shall provide the following information to the Office of Personnel Management for review and determination of eligibility:

(1) A completed application form as prescribed by the Administrator;

(2) Transcript(s) of coursework from accredited higher education institutions;

(3) A letter of nomination from a faculty member of the higher education institution where they are enrolled;

(4) A letter of recommendation from the current Appointing Authority, if the applicant is a state employee [74:840-3.4(C)];

(5) A resume;

(6) Three letters of recommendation from persons other than relatives or the nominating faculty member;

(7) Verification of current enrollment.

(d) **Notification.** The Administrator shall notify applicants if the documents they submit are sufficient for eligibility. A notice of eligibility does not mean the applicant will be employed as an intern.

(e) **Length of eligibility.** Applicant information on file at the Office of Personnel Management shall remain active if eligible applicants submit verification of current enrollment and an updated transcript each semester. If applicants fail to provide updated information within 90 days after the end of the previous semester, they will no longer be eligible for employment as an intern and their names will be removed from the list of eligible applicants made available to state agencies.

(f) **Appointment.**

(1) The Administrator shall provide a list of all eligible applicants for the Carl Albert Public Internship Program to state agencies periodically and at an agency's request. An agency may request an eligible applicant list and copies of individual eligible intern files at any time.

(2) An agency may provisionally appoint any eligible applicant pending the review and approval of the Administrator. ~~after the~~ ~~The Administrator has approved~~ must approve a completed Carl Albert Public Internship Agreement Form described in (3) of this subsection within 30 days of the provisional appointment of the eligible applicant. A new form shall be completed if there are any substantive changes to the original agreement.

(3) The Administrator shall provide the internship agreement form to state agencies. The form solicits information about the employing agency, the Executive Fellow, Undergraduate Intern, or the Senior Undergraduate Intern, and the internship faculty member. The form provides information regarding employment, benefits, training, work schedule, duties, compensation, and projected length of internship. Before an eligible applicant enters on duty, the agreement form shall be completed and signed by:

(A) The eligible applicant;

(B) The Appointing Authority or designee of the employing agency, who shall certify that the internship appointment does not contravene any provision of the Oklahoma Personnel Act or the Merit Rules;

(C) The college or university faculty member who shall monitor the internship;  
and

(D) A representative of the Administrator.

(4) All intern appointments are made at the discretion of the Appointing Authority. Executive Fellows will count against an agency's full-time-equivalent employee limit if an agency retains them after the internship time period is completed.

(5) The signature of the faculty member shall not be required when a Carl Albert Executive Fellow who has already completed his or her degree requirements is completing a new agreement form.

(g) **State employees.** State employees may apply to participate in the Carl Albert Public Internship Program. Permanent classified and regular unclassified employees who receive internship appointments may request leave without pay from their permanent or regular employment in accordance with 530:10-15-47, **Leave of absence without pay.** Probationary employees and regular unclassified employees with less than **12** months continuous service shall resign before entry-on-duty as an intern.

**APPENDIX A. PAY BAND SCHEDULE [REVOKED]**

**APPENDIX A. PAY BAND SCHEDULE [NEW]**

<b>Pay Band</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
A*	\$19,090	\$18,859	\$23,574
B*	\$19,090	\$19,108	\$23,884
C*	\$19,090	\$20,215	\$25,268
D*	\$19,090	\$21,793	\$27,241
E*	\$19,090	\$23,973	\$29,967
F	\$19,778	\$26,370	\$32,963
G	\$21,756	\$29,008	\$36,260
H	\$23,931	\$31,908	\$39,885
I	\$26,502	\$35,336	\$44,170
J	\$29,136	\$38,849	\$48,561
K	\$31,848	\$42,464	\$53,080
L	\$35,032	\$46,709	\$58,387
M	\$38,885	\$51,846	\$64,808
N	\$43,163	\$57,550	\$71,938
O	\$48,342	\$64,455	\$80,569
P	\$54,627	\$72,835	\$91,044
Q	\$61,728	\$82,304	\$102,880
R	\$69,753	\$93,004	\$116,255

\*Minimum revised to reflect State employee minimum wage rate.  
(see 74 O.S. 840-2.16)