



STATE OF OKLAHOMA
OFFICE OF PERSONNEL MANAGEMENT

"Serving Equal Opportunity Employers"

OPM 03-34

DATE: August 18, 2003

TO: All Appointing Authorities

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

A handwritten signature in black ink, appearing to read "Oscar B. Jackson, Jr.", is placed over a light gray rectangular background.

RE: Proposed Emergency Amendments to Reduction-in-Force Rules

I am considering adopting emergency amendments to the Merit Rules on Reduction-in-Force (RIF). The purpose of the proposed amendments is to make the rules consistent with statutory changes made during the 2003 Legislative Session, as well as make some changes suggested by OPM staff and other agencies to clarify and streamline the RIF rules.

I have scheduled a public hearing for comments on these proposed amendments, and hope that you or your representative(s) can attend:

1:30 p.m., Monday, August 25, 2003
Concourse Theater
Sequoyah/Will Rogers Concourse
Oklahoma City

If you would like to make comments on the proposed amendments but are unable to attend the public hearing, I will consider written comments received at the Office of Personnel Management no later 5:00 p.m. on Tuesday, August 26, 2003. Written comments should be sent to Oscar B. Jackson, Jr., Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, ATTENTION: Kimberlee Williams. Written comments may also be faxed to (405) 524-6942 or e-mailed to kimberlee.williams@opm.state.ok.us.

Copies of the proposed emergency amendments are attached.

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

**TITLE 530. ADMINISTRATOR OF THE OFFICE OF PERSONNEL
MANAGEMENT**
CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES
SUBCHAPTER 13. REDUCTION-IN-FORCE
PART 1. GENERAL PROVISIONS FOR REDUCTION-IN-FORCE

530:10-13-1. Purpose

The purpose of the rules in this Subchapter is to implement the provisions of Sections 840-2.27A through 840-2.27C of the Oklahoma Personnel Act which pertain to reductions-in-force. The rules in this Subchapter establish general provisions for reductions-in-force and policies and procedures for recall and priority consideration for reemployment. The rules in ~~Parts 1, 5, and 7~~ of this Subchapter governing reductions-in-force apply to ~~agencies in all branches of state government, except institutions within The Oklahoma State System of Higher Education.~~ The rules in Part 3 of this Subchapter apply to classified employees within the executive branch agencies only. This Subchapter is not a comprehensive listing of state and federal statutory provisions related to reductions-in-force and regulations promulgated thereunder, and is not intended to conflict with either state or federal law and regulations.

530:10-13-2. Definitions [AMENDED 7/15/03]

In addition to terms defined in 530:10-1-2 and 455:10-1-2, the following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Affected job family levels" means those containing affected positions.

"Affected employees" means classified ~~and unclassified~~ employees in affected positions.

"Affected positions" means positions being abolished or positions which are subject to displacement action.

"Agency" *means any office, department, board, commission, or institution of all branches of state government, except institutions within The Oklahoma State System of Higher Education.*

"Displacement limit" *means any area within an agency in which displacement may not occur. These areas may include, but are not limited to, job families, units, and geographic areas within an agency.*

"Displacement opportunity" *means the circumstances under which an occupied or funded vacant position is subject to displacement by an affected employee.*

"Displacement privilege" *means the privilege an affected employee has to utilize a displacement opportunity.*

"Educational institution" *means an institution within The Oklahoma State System of Higher Education, a facility under the management or control of the Oklahoma State Department of Vocational and Technical Education, or a licensed private educational institution in the State of Oklahoma.*

"Eligible classified employee" means a permanent classified employee or a classified employee on probationary status after reinstatement ~~from permanent classified~~

status without a break in service in an affected position who is eligible for displacement opportunities or severance benefits.

~~—"Eligible regular unclassified employee" means a regular unclassified service employee with one (1) year or more continuous service in an affected position who is eligible for severance benefits.~~

~~—"Limited term unclassified employee" means an unclassified affected employee whose employment status is temporary or time limited and whose employment status does not make the employee eligible for participation in a state retirement system.~~

"Personnel transaction" means the record of the separation as a result of a reduction-in-force of a classified affected employee from an agency, or the record of the transfer or demotion of a classified affected employee. [74:840-2.27B]

"Reduction-in-force" means abolition of positions in an agency or part of an agency and the corresponding nondisciplinary removal of affected employees from such positions through separation from employment or through displacement to other positions.

"Severance benefits" means employee benefits provided by the State Government Reduction-in-Force and Severance Benefits Act to affected employees separated through a reduction-in-force.

"Years of service" means current and prior service which is creditable for the Longevity Pay Plan. An affected employee shall not be required to have been continuously employed for two (2) years to be given credit for either current or prior service pursuant to the State Government Reduction-in-Force and Severance Benefits Act.

530:10-13-3. ~~Reduction-in-force plans~~ Notice of reduction-in-force and time requirements

(a) **Cabinet Secretary approval.** Prior to the posting of any reduction-in-force notice, the notice shall be approved by the cabinet secretary for the agency conducting the reduction-in-force. [74:840-2.27C] If there is no incumbent cabinet secretary for the agency, the approval requirement shall not apply.

(b) **Notice.** Whenever a reduction in force occurs, the Appointing Authority shall provide a plan for such reduction in force to the Administrator of the Office of Personnel Management and the Director of the Office of State Finance at At least 60 days before the scheduled beginning of reduction-in-force separations or as otherwise provided by law, the Appointing Authority shall post a notice in each office affected by the proposed reduction-in-force that a reduction-in-force will be conducted in accordance with the Oklahoma Personnel Act and Merit Rules. Such notice shall be posted for 5 days. The Appointing Authority shall provide a copy of the notice to the Administrator. A reduction-in-force shall not be used as a disciplinary action. [74:840-2.27C(A)] The reduction in force plan of an agency in the executive branch of state government, except for the fiscal components of the plan, is subject to the approval of the Administrator of the Office of Personnel Management. [74:840-2.27C(A)] The Administrator shall reject any plan that is not in substantial compliance with Section 840-2.27C of Title 74 of the **Oklahoma Statutes** and the rules in this Subchapter. [74:840-2.27C(A)]

(b) The Appointing Authority of executive branch agencies shall either:

(1) adopt the rules in Parts 3, 5, and 7 of this Subchapter as the reduction in force

~~plan for the agency and shall post notice of that intent with a copy of the rules (Sections 530:10-13-30 through 530:10-13-73), or~~

~~(2) provide a plan that is in substantial compliance with the Act and the rules in this Subchapter.~~

~~(c) **Implementation plan.** Section 840-2.27C(A) of Title 74 of the Oklahoma Statutes requires the Director of the Office of State Finance to review the fiscal components of reduction-in-force plans of executive branch agencies and reject any plan that does not contain specified information. The reduction-in-force implementation plan and subsequent personnel transactions directly related to the reduction-in-force shall be in compliance with rules adopted by the Administrator. The reduction-in-force implementation plan, including the description of and reasons for displacement limits and protections from displacement actions, and severance benefits that will be offered shall be posted in each office affected by the plan within 5 business days after posting of the reduction-in-force notice. At the discretion of the Appointing Authority, the reduction-in-force implementation plan may be posted concurrently with the reduction-in-force notice. The reduction-in-force implementation plan shall:~~

~~(1) Specify the position or positions to be abolished within specified units, divisions, facilities, agency-wide or any parts thereof, as determined by the Appointing Authority;~~

~~(2) Provide for retention of affected employees based on type of appointment;~~

~~(3) Require separation of probationary classified affected employees in affected job family levels, except those affected employees in probationary status after reinstatement from permanent classified status without a break in service, prior to the separation of any permanent classified affected employee in an affected job family level;~~

~~(4) Provide for the retention of permanent classified affected employees in affected job family levels and those affected employees in probationary status after reinstatement, based on years of service;~~

~~(5) Provide for exercise of displacement opportunities by permanent classified affected employees and those affected employees in probationary status after reinstatement if any displacement opportunities exist; and~~

~~(6) Provide for outplacement assistance and employment counseling from the Oklahoma Employment Security Commission and any other outplacement assistance and employment counseling that may be available. [74:840-2.27C(B)]~~

~~(d) **Review of fiscal components.** If the reduction in force is conducted pursuant to a reorganization, the fiscal components of the reduction in force plan shall contain reasons for the reorganization, which may include, but not be limited to, increased efficiency, improved service delivery, or enhanced quality of service. [74:840-2.27C(A)] The Director of the Office of State Finance shall, within 5 business days of receipt, review the fiscal components of the reduction-in-force implementation plan and reject any plan that does not meet the requirements of Section 840-2.27C(C) of Title 74 of the Oklahoma Statutes.~~

~~(e) The Appointing Authority shall post a copy of the plan in each office of executive branch agencies affected by the proposed reduction-in-force plan 5 days prior to the submission of the proposed plan to the Administrator and the Director of State Finance. [74:840-2.27C(B)]~~

~~(f) Within 2 business days after approval of a reduction-in-force plan by the Administrator for executive branch agencies or appointing authorities in the legislative and judicial departments, Appointing Authorities shall post the following documents in each office affected by the reduction-in-force plan [74:840-2.27C(B)]:~~

- ~~(1) an approved reduction-in-force plan,~~
- ~~(2) a description of and reasons for any displacement limits established by the Appointing Authority in accordance with Section 840-2.27C(C) of Title 74 of the **Oklahoma Statutes**,~~
- ~~(3) a description of and reasons for any protections from displacement action established by the Appointing Authority in accordance with Section 840-2.27C(C) of Title 74 of the **Oklahoma Statutes**,~~
- ~~(4) a description of severance benefits that will be offered to affected employees pursuant to Section 840-2.27D of Title 74 of the **Oklahoma Statutes**, and~~
- ~~(5) the implementation schedule. [74:840-2.27C(B)]~~

530:10-13-5. Displacement limits [REVOKED]

~~(a) Section 840-2.27C of Title 74 of the **Oklahoma Statutes** establishes standards and procedures for the limitation of displacement and eligibility criteria for the exercise of displacement opportunities.~~

~~(b) An eligible classified employee who exercises a displacement privilege shall be required to sign an agreement, in a form prescribed by the Administrator, acknowledging that the employee had an opportunity to receive severance benefits and affirmatively elected to exercise a displacement privilege and to forego such benefits. The form provides information to the affected employee concerning his or her rights and responsibilities under Section 840-2.27C of Title 74 of the **Oklahoma Statutes**. [74:840-2.27C(C)]~~

530:10-13-8. Required freeze on personnel actions

(a) At least 14 calendar days before the reduction-in-force implementation schedule plan is posted in accordance with Section 840-2.27C of Title 74 of the **Oklahoma Statutes** and 530:10-13-35, all personnel actions within affected job families shall be frozen, except:

- (1) separations unrelated to the reduction-in-force,
- (2) leave,
- (3) disciplinary actions,
- (4) other transactions specifically required by law,
- (5) transactions specifically due to the reduction-in-force, and
- (6) transactions the Appointing Authority certifies will not limit displacement opportunities for affected employees.

(b) This freeze shall remain in effect until the reduction-in-force implementation schedule plan is posted.

530:10-13-11. Options Option in lieu of reduction-in-force

Agencies may provide voluntary out benefits to eligible ~~classified employees and~~ eligible regular unclassified employees in accordance with the provisions of Section 840-2.28 of Title 74 of the **Oklahoma Statutes**.

530:10-13-12. Severance benefits

(a) Agencies shall provide mandatory severance benefits and may provide optional severance benefits in accordance with the provisions of Section 840-2.27D of Title 74 of the **Oklahoma Statutes** to eligible classified employees, eligible classified employees on probationary status after reinstatement from permanent classified status without a break in service, and eligible regular unclassified employees, and eligible employees of the University Hospitals Authority who have been continuously employed in the state service since on or before January 1, 1995 who are separated as a result of the same reasons that a reduction-in-force is conducted for classified employees. Employees who are eligible for Priority Reemployment Consideration in accordance with Section 840-2.27C of Title 74 of the **Oklahoma Statutes** and Part 7 of this Subchapter who are employed by any agency

(1) before the scheduled date of reduction-in-force separations, are not eligible for severance benefits; Employees who are reemployed by the agency from which separated by a reduction-in-force

(2) less than 1 year after receiving severance benefits are required to repay such benefits in accordance with Section 840-2.27E of Title 74 of the **Oklahoma Statutes.**

(b) An agency which is separating only unclassified employees with 1 year or more continuous service for budgetary reasons may provide severance benefits pursuant to Sections 840-2.27D and 840-5.1A of Title 74 of the **Oklahoma Statutes.**

(c) An eligible employee who accepts severance benefits shall be required to sign an agreement, in a form prescribed by the Administrator, acknowledging that the employee accepts the severance benefits provided by the Appointing Authority pursuant to the provisions of Section 840-2.27D of Title 74 of the **Oklahoma Statutes.** The form provides information to the affected employee concerning his or her rights and responsibilities under Section 840-2.27E of Title 74 of the **Oklahoma Statutes.** [74:840-2.27E]

530:10-13-13. Reduction-in-Force Educational Voucher Fund

There is hereby created in the State Treasury a revolving fund for the Office of Personnel Management to be designated the "Reduction-in-Force Education Voucher Action Fund." The fund is to be used to provide education vouchers to eligible ~~classified and unclassified~~ employees exercising rights to severance benefits or voluntary out benefits in accordance with Sections 840-2.27D and 840-2.28 of Title 74 of the **Oklahoma Statutes.** The vouchers are to be used to make payment to eligible educational institutions. [74:840-2.27F]

530:10-13-31. Abolishing positions and retaining positions

The Appointing Authority shall *determine the specific position or positions to be abolished within specified units, divisions, facilities, agency-wide or any parts thereof* [74:840-2.27C]. The Appointing Authority shall determine which vacant positions will be retained. ~~If an agency has both classified and unclassified positions in affected job family levels, the appointing authority shall not reduce a higher percentage of occupied classified positions than occupied unclassified positions~~ [74:840-2.27C].

530:10-13-32. Order of employee removal

(a) Agency-wide, or within displacement limits, if established, retention of affected employees shall be based on job family level and type of appointment [74:840-2.27C]. Subject to eligible classified employees accepting displacement offers, unclassified employees in a job family level on limited term appointments shall be separated first, followed by employees on project indefinite appointments, followed by employees on probationary appointments with the agency, prior to the separation or voluntary demotion of any permanent classified employee from the same job family level [74:840-2.27C].

(b) Retention of permanent classified employees in affected job family levels and within displacement limits, if any are established, shall be based on years of service [74:840-2.27C].

(c) The Appointing Authority shall calculate retention points for all eligible classified employees, including those on an approved leave of absence, ~~and shall rank affected classified and affected unclassified employees separately.~~ Eligible classified employees with more retention points shall be ranked higher; with the order of removal from a job family level in inverse order of that ranking. If tie scores occur, the ranking of employees who have the same total retention points shall be determined by giving preference for retention according to years of service in the agency. If a tie continues to exist, retention status shall be determined by a method established by the Appointing Authority and described in the reduction-in-force implementation ~~schedule~~ plan.

(d) For purposes of a reduction-in-force, any permanent classified employee on a detail to special duty shall be ranked on the basis of base job family level, not on the basis of the job to which detailed.

530:10-13-33. Calculation of retention points for years of service

(a) Affected employees shall be given credit for all current and prior service which is creditable for the Longevity Pay Plan, Section 840-2.18 of Title 74 of the **Oklahoma Statutes**. An employee shall not be required to have been continuously employed for 2 years to be given credit for either current or prior service.

(b) An employee shall be granted 1 point for each full month of full-time service. Points shall not be granted for any work in excess of full-time. Points will be prorated for each month during which the employee worked less than full-time or less than the full month. In no case shall more than 1 point per month be granted. Appointing Authorities shall make sure that pro rata computations are consistent in application and calculation within the agency.

(c) A break-in-service or leave-without-pay period of more than 30 calendar days shall not be included in the calculation of retention points unless the employee was on military leave or on leave-without-pay in accordance with Section 840-2.21 of Title 74 of the **Oklahoma Statutes**. Periods of leave without pay of 30 calendar days or less shall be counted as full-time service.

(d) The end date for the calculation of years of service shall be uniform within an agency and shall approximate the date the reduction-in-force implementation ~~schedule~~ plan is posted.

530:10-13-34. Displacement opportunities and limits

(a) **Limitations on displacement opportunities.** Except as provided in this Section, Displacement opportunities shall be offered to eligible classified employees and may be offered to eligible regular unclassified employees. Displacement opportunities shall not be offered if the result would be to cause the displacement of a permanent classified employee with higher retention points. A classified employee may not be displaced by an unclassified employee. Likewise, an unclassified employee may not be displaced by a classified employee. Employees who have no displacement opportunities or who choose not to exercise a displacement opportunity, employees who do not respond to an offer in accordance with 530:10-13-37, and employees who refuse an offer shall be separated in accordance with 530:10-13-38. *The appointing authority may protect from displacement action up to twenty percent (20%) of projected post-reduction-in-force employees in affected positions within displacement limits; provided that any fractional number resulting from the final mathematical calculation of the number of those positions shall be rounded to the next higher whole number. The appointing authority must explain why affected employees are being protected.* Employees must have received an overall rating of "meets standards" on the most recent performance evaluation in order to exercise a displacement opportunity. For the purposes of this Section, employees who have not been rated within the past 12 months shall be deemed to have received an overall rating of "meets standards" on the most recent performance evaluation. [74:840-2.27C]

(b) **Offers of displacement opportunities.** Starting with the employee having the highest retention points, displacement opportunities shall be offered to eligible classified employees and to displaced employees. Such offers shall be confined within any displacement limits established by the Appointing Authority. Options available will normally be offered in the order listed below, ~~but an Appointing Authority may provide an alternative order in a reduction in force plan that has been approved by the Administrator.~~ If an opportunity at one level, e.g. (1)(A), does not exist, an opportunity at the next lower level, e.g. (1)(B), shall be offered, if available. *If the affected employee has not held within the last five (5) years a position in the job family level or predecessor class in which the affected employee is otherwise eligible for a displacement opportunity, the appointing authority may determine that the affected employee does not possess the recent relevant experience for the position and deny in writing the displacement opportunity.* [74:840-2.27C]

(1) Transfer within the same job family and level into a retained position which is currently:

- (A) vacant and available for displacement in accordance with 530:10-13-31,
- (B) held by a non-permanent employee (in order of appointment type), or
- (C) held by the employee with the lowest retention points, ~~subject to the restriction regarding regular unclassified employees in (a) of this Section.~~

(2) Lateral transfer to a retained position in another job family previously held in the reverse order in which they were held by the employee on a permanent basis which is currently:

- (A) vacant and available for displacement in accordance with 530:10-13-31,
- (B) held by a non-permanent employee (in order of appointment type), or
- (C) held by the employee with the lowest retention points.

~~(2)~~(3) Voluntary demotion to a retained position in the next available lower level of the same job family which is currently:

- (A) vacant and available for displacement in accordance with 530:10-13-31,
- (B) held by a non-permanent employee (in order of appointment type), or
- (C) held by the employee with the lowest retention points, ~~subject to the restriction regarding regular unclassified employees in (a) of this Section.~~

~~(3)~~(4) Voluntary demotion to a retained lower level position in another job family previously held in the reverse order in which they were held by the employee on a permanent basis ~~while either in the employment of the agency or, if transferred to the agency by statute or executive order, the former agency,~~ which is currently:

- (A) vacant and available for displacement in accordance with 530:10-13-31,
- (B) held by a non-permanent employee (in order of appointment type), or
- (C) held by the employee with the lowest retention points, ~~subject to the restriction regarding regular unclassified employees in (a) of this Section.~~

(c) An eligible employee who exercises a displacement privilege shall be required to sign an agreement, in a form prescribed by the Administrator, acknowledging that the employee had an opportunity to receive severance benefits and affirmatively elected to exercise a displacement privilege and to forego such benefits. The form provides information to the affected employee concerning his or her rights and responsibilities under Section 840-2.27C of Title 74 of the **Oklahoma Statutes**. [74:840-2.27C(C)]

530:10-13-35. Reduction-in-force implementation schedule plan

As provided in Section 840-2.27C of Title 74 of the **Oklahoma Statutes** and OAC 530:10-13-3, Appointing Authorities of executive branch agencies shall post the reduction-in-force implementation schedule plan in all offices of the agency within ~~2~~ **5** business days after approval of the reduction in force plan by the Administrator posting the reduction-in-force notice. Appointing Authorities of executive branch agencies A copy of the implementation plan shall submit the reduction in force implementation schedule, including the lists described in (4) of this Section, be provided to the Office of Personnel Management and the Oklahoma Merit Protection Commission within 2 business days after approval of the reduction in force plan by the Administrator no later than the time it is posted in the agency. The reduction-in-force implementation schedule plan is not subject to the approval of the Administrator or the Commission. The In addition to the information required by 530:10-13-3(b), the reduction-in-force implementation schedule plan shall include:

- (1) a statement of the conditions necessitating the reduction-in-force;
- (2) the estimated time schedule for the reduction-in-force;
- (3) a description of the displacement process, and limits;
- (4) the location in the office where the following lists are available for review, listings of affected positions and employees, to include the following information (or if such lists are not posted, the location of the office where they are available for review):
 - (A) all occupied and vacant positions in affected job families within any displacement limits, indicating those to be abolished and those available for displacement, showing in each case: geographical and administrative location, job family, level, and pay band for the position; the name, job family, level, and

pay band, ~~appointment type, and rate of pay~~ of the incumbent; and, for permanent employees, retention points and other lateral or lower level job families and levels in which the employee previously held permanent status ~~while in the continuous classified service of the agency (and if transferred to the agency by statute or executive order, the former agency)~~, listed in the reverse order in which they were held;

(B) ~~all other positions and employees in affected job families~~ which are subject to displacement, showing the same information;

(C) ~~other occupied and vacant positions and employees in affected job families, showing the same information. The agency may include all other positions in the agency in affected job families or may limit posting to ten percent of positions occupied by employees with the least number of retention points based on longevity dates in affected job families, and~~

~~(D)~~ (D) all retained funded vacant positions anywhere in the agency;

~~(D) all affected job families, and unclassified jobs grouped by series;~~

(5) the schedule and procedure to be followed if an eligible employee chooses to accept ~~any~~ a displacement offer for transfer or voluntary demotion in lieu of separation;

(6) the agency policy on issues related to partial payment of moving expenses for transferred employees in accordance with Section 500.51 of Title 74 of the **Oklahoma Statutes**;

(7) such other information as the Appointing Authority deems appropriate; and

(8) the method established by the Appointing Authority to break ties in retention points.

530:10-13-36. Written notice to employees

Appointing Authorities of executive branch agencies shall provide individual written notice to ~~an affected employee~~ employees in abolished positions within ~~14~~ 5 calendar days after ~~approval of the reduction-in-force plan by the Administrator~~ posting of the implementation plan. Other employees affected through the exercise of a displacement opportunity shall be notified within 4 calendar days after being identified as being displaced. The written notice to employees shall:

(1) provide a description of the employee's retention status, including retention points calculation;

(2) offer an opportunity to notify a specified agency official in writing of any possible errors in the retention points calculation, and to request in writing a meeting with supervisors or agency officials;

(3) include the effective date of separation and, ~~if applicable,~~ instructions for ~~electing transfer or voluntary demotion in lieu of separation in response to a specific offer,~~ exercising a displacement opportunity, if one is available; and

(4) provide notice of appeal rights for classified employees in accordance with 530:10-13-10.

530:10-13-37. Exercise of displacement privileges

To exercise a displacement privilege in lieu of separation, eligible employees shall follow the schedule and procedure included in the reduction-in-force

implementation ~~schedule plan~~. Such procedure shall provide employees no less than 24 hours to respond following their receipt of a specific offer. An Appointing Authority may require employees to submit specific requests for transfer or voluntary demotion in writing, either by mail or in individual or group meetings.

PART 5. RECALL RIGHTS

530:10-13-50. Eligibility for recall

(a) ~~Eligible~~ Consistent with any displacement limits adopted pursuant to Section 840-2.27C of Title 74 of the Oklahoma Statutes, eligible ~~classified~~ employees who are removed from a job family level as a result of a reduction-in-force in an agency shall be eligible for recall by that agency to the job family level from which removed for 18 months after the effective date of separation or demotion [74:840-2.27C]. ~~Regular unclassified employees who are removed from a position as a result of a reduction-in-force in an agency shall normally be eligible for recall by that agency to the position from which removed for 18 months after the effective date of separation or demotion; however, an Appointing Authority may alternatively exclude unclassified employees from recall provisions in a reduction-in-force plan approved by the Administrator.~~

(b) If there are persons eligible for recall to a job family level, an Appointing Authority may not appoint or reclassify persons to the job family level from the employment register, by internal action, such as promotion or reinstatement, or from Priority Reemployment Consideration Rosters [840-2.27C]. However, an Appointing Authority may reclassify an employee by involuntary demotion for cause to a job family level for which there is a recall list. The salary of a recalled ~~permanent classified~~ employee shall be set in accordance with 530:10-7-8.

(c) Affected employees who accept severance benefits:

(1) are eligible for recall in accordance with the provisions of Section 840-2.27C of Title 74 of the **Oklahoma Statutes**,

(2) who are ~~employed~~ reemployed by any the agency from which separated as a result of a reduction-in-force less than 1 year after receiving severance benefits are required to repay such benefits in accordance with Section 840-2.27E of Title 74 of the Oklahoma Statutes.

(d) Employees who accept voluntary out benefits in accordance with Section 840-2.28 of Title 74 of the **Oklahoma Statutes** shall not be eligible for recall.

530:10-13-51. Order of recall

Individuals who are eligible for recall shall be ranked in order of their retention points at the time the reduction-in-force implementation ~~schedule plan~~ is posted, from high to low. [74:840-2.27C(E)] Offers of recall as described in 530:10-13-50 for ~~classified positions shall be made first to the eligible individual, who was formerly a permanent classified employee, having the highest retention points, regardless of whether the individual was separated or voluntarily demoted was removed from the job family level by voluntary demotion or lateral transfer to another job family level. If an Appointing Authority grants recall rights to unclassified employees in accordance with Section 840-2.27C(E) of Title 74 of the Oklahoma Statutes and 530:10-13-50, an eligible individual, who was removed as an unclassified employee, shall have recall~~

~~rights only to unclassified positions. Likewise, an eligible individual, who was removed as a classified employee, shall have recall rights only to classified positions.~~

PART 7. PRIORITY CONSIDERATION FOR REEMPLOYMENT

530:10-13-70. Eligibility for priority reemployment consideration

(a) Permanent classified employees, ~~regular unclassified full-time employees with one (1) year or more continuous service,~~ and employees on probationary status after reinstatement from permanent classified status without a break in service, who have been separated as a result of an officially conducted reduction-in-force or the abolition of all or part of a state agency, are eligible for priority reemployment consideration [74:840-2.27C] for jobs in the classified service. In addition, affected employees shall be eligible for Priority Reemployment Consideration beginning with the date the implementation ~~schedule~~ plan is posted, for a period not to exceed **12** months before the scheduled date of separation, if the agency:

(1) has posted a reduction-in-force ~~plan~~ notice and implementation ~~schedule~~ plan and the employees are in positions covered by the plan and within the displacement limits established by the Appointing Authority; or

(2) is scheduled to be closed or abolished by law or court order. [74:840-2.27C]

(b) To be placed on the Priority Reemployment Consideration Roster for a job family level, a person shall apply to the Office of Personnel Management and meet all requirements for the job [74:840-2.27C]. The job family level need not be announced for recruitment. The names of the persons on Rosters shall be ranked in order of their individual final earned ratings [74:840-2.27C].

(c) Employees who accept severance benefits:

(1) are eligible for Priority Reemployment Consideration in accordance with the provisions of Section 840-2.27C of Title 74 of the **Oklahoma Statutes**,

(2) who are ~~employed~~ reemployed by any agency less than 1 year after receiving severance benefits by the agency from which they separated are required to repay such benefits in accordance with Section 840-2.27E of Title 74 of the **Oklahoma Statutes**.

(d) Employees who accept voluntary out benefits in accordance with Section 840-2.28 of Title 74 of the Oklahoma Statutes shall not be eligible for Priority Reemployment Consideration.

530:10-13-72. Conditions of employment and entrance salary

Persons who are appointed from a Priority Reemployment Consideration Roster shall be employed in accordance with 530:10-9-102, if they are eligible for reinstatement as provided in that Section. The entrance salary of such persons shall be fixed in accordance with 530:10-7-4. ~~Persons appointed from a Priority Reemployment Consideration Roster, who were in the unclassified or exempt service at the time of separation and ineligible for reinstatement as provided in 530:10-9-102, shall be employed in accordance with 530:10-11, Part 3. The entrance salary of such persons shall be at the hiring rate established by the agency for the job to which appointed.~~